

By: Gallego

H.B. No. 462

A BILL TO BE ENTITLED

AN ACT

relating to the collection of a fee from certain nonresident attorneys requesting permission to participate in proceedings in a Texas court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Government Code, is amended by amending Subsections (c) and (d) and adding Subsection (f) to read as follows:

(c) In addition, the clerk of the supreme court shall collect:

(1) a fee of \$5 for administering an oath and giving a sealed certificate of the oath;

(2) a minimum fee of \$5, or 50 cents per page if more than 10 pages, for making copies of any papers of record in offices, including certificate and seal; ~~and~~

(3) a fee of \$250 from a person who resides in and is licensed to practice law in another state but who is not a member of the State Bar of Texas on the filing of a motion by the person requesting permission to participate in proceedings in a court in this state; and

(4) a reasonable fee fixed by the order or rule of the supreme court for any official service performed by the clerk for which a fee is not otherwise provided by this section.

(d) The clerk shall collect and pay into the state treasury

1 the fees and costs received under this section by the clerk under
2 rules prescribed by the comptroller of public accounts, approved by
3 the justices of the supreme court, and recorded in the minutes of
4 the court. Except as provided by Subsection (f), the ~~[The]~~
5 comptroller shall deposit the fees and costs in the judicial fund.

6 (f) The comptroller shall deposit the fees collected under
7 Subsection (c)(3) to the credit of the basic civil legal services
8 account of the judicial fund.

9 SECTION 2. Section 51.207, Government Code, is amended by
10 amending Subsections (c) and (g) and adding Subsection (h) to read
11 as follows:

12 (c) In addition, the clerk of a court of appeals shall
13 collect:

14 (1) a fee of \$5 for administering an oath and giving a
15 sealed certificate of the oath;

16 (2) a fee of \$5, or \$1 per page if more than five pages,
17 for a certified copy of any papers of record in the court offices,
18 including certificate and seal;

19 (3) a fee of \$5, or \$1 per page if more than five pages,
20 for comparing any document with the original filed in the offices of
21 the court for purposes of certification; ~~and~~

22 (4) a fee of \$250 from a person who resides in and is
23 licensed to practice law in another state but who is not a member of
24 the State Bar of Texas on the filing of a motion by the person
25 requesting permission to participate in proceedings in a court in
26 this state; and

27 (5) a reasonable fee fixed by the order or rule of the

1 supreme court for any official service performed by the clerk for
2 which a fee is not otherwise provided by this section.

3 (g) Except as provided by Subsection (h), one-half
4 [One-half] of the fees collected under this section shall be
5 deposited to the credit of the judicial fund.

6 (h) The comptroller shall deposit the fees collected under
7 Subsection (c)(4) to the credit of the basic civil legal services
8 account of the judicial fund.

9 SECTION 3. Subchapter G, Chapter 51, Government Code, is
10 amended by adding Section 51.607 to read as follows:

11 Sec. 51.607. NONRESIDENT ATTORNEY FEE. (a) In addition to
12 other fees authorized or required by law, the clerk of each district
13 court, statutory county court, county court, justice court, and
14 municipal court shall collect a fee of \$250 from a person who
15 resides in and is licensed to practice law in another state but who
16 is not a member of the State Bar of Texas on the filing of a motion
17 by the person requesting permission to participate in proceedings
18 in a court in this state.

19 (b) Court fees under this section shall be collected in the
20 same manner as other fees, fines, or costs in the case. The officer
21 collecting the fees shall keep separate records of the money
22 collected under this section and shall deposit the money in the
23 county or municipal treasury, as appropriate.

24 (c) The custodian of the county or municipal treasury, as
25 appropriate, shall keep a record of the amount of money on deposit
26 collected under this section and shall send 50 percent of the fees
27 collected under this section to the comptroller at least as

1 frequently as monthly. The comptroller shall deposit the fees
2 received to the credit of the basic civil legal services account of
3 the judicial fund.

4 (d) The custodian of the county or municipal treasury, as
5 appropriate, shall deposit 50 percent of the fees collected under
6 this section in the general fund of the county or municipality for
7 the purpose of:

8 (1) providing legal representation and other defense
9 services to indigent defendants in the county or municipality; or

10 (2) improving the efficiency of the administration of
11 justice in the county or municipality.

12 SECTION 4. The change in law made by this Act applies only
13 to a motion requesting permission to participate in proceedings in
14 a Texas court filed on or after the effective date of this Act. A
15 motion filed before the effective date of this Act is covered by the
16 law in effect when the motion was filed, and the former law is
17 continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2003.