

1-1 By: Gallego (Senate Sponsor - Ellis) H.B. No. 462
1-2 (In the Senate - Received from the House April 7, 2003;
1-3 April 9, 2003, read first time and referred to Committee on
1-4 Jurisprudence; April 15, 2003, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 15, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the collection of a fee from certain nonresident
1-9 attorneys requesting permission to participate in proceedings in a
1-10 Texas court.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 82, Government Code, is
1-13 amended by adding Section 82.0361 to read as follows:

1-14 Sec. 82.0361. NONRESIDENT ATTORNEY FEE. (a) In this
1-15 section, "nonresident attorney" means a person who resides in and
1-16 is licensed to practice law in another state but who is not a member
1-17 of the State Bar of Texas.

1-18 (b) Except as provided by Subsection (e), a nonresident
1-19 attorney requesting permission to participate in proceedings in a
1-20 court in this state shall pay a fee of \$250 for each case in which
1-21 the attorney is requesting to participate. The attorney shall pay
1-22 the fee to the Board of Law Examiners before filing with the
1-23 applicable court a motion requesting permission to participate in
1-24 proceedings in that court as provided by rules adopted by the
1-25 supreme court.

1-26 (c) Fees under this section shall be collected in the same
1-27 manner as other fees collected by the Board of Law Examiners. The
1-28 board shall remit the fees collected under this section to the
1-29 comptroller not later than the 10th day after the end of each
1-30 calendar quarter.

1-31 (d) The comptroller shall deposit the fees received under
1-32 this section to the credit of the basic civil legal services account
1-33 of the judicial fund for use in programs approved by the supreme
1-34 court that provide basic civil legal services to the indigent.

1-35 (e) The supreme court may adopt rules to waive or reduce the
1-36 fee required by this section for a nonresident attorney who seeks to
1-37 represent an indigent person in proceedings in a court in this
1-38 state.

1-39 (f) A nonresident attorney who files a motion requesting
1-40 permission to participate in proceedings in a court in this state
1-41 shall provide to that court proof of payment of the fee required by
1-42 this section. The supreme court by rule shall prescribe the method
1-43 of proof.

1-44 SECTION 2. The change in law made by this Act applies only
1-45 to a nonresident attorney who files a motion to participate in a
1-46 proceeding in a Texas court on or after the effective date of this
1-47 Act. A nonresident attorney who filed a motion to participate in a
1-48 proceeding before the effective date of this Act is governed by the
1-49 law in effect on the date the motion was filed, and the former law is
1-50 continued in effect for that purpose.

1-51 SECTION 3. This Act takes effect September 1, 2003.

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