

By: Lucio III

H.B. No. 3569

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the review of certain documents by the attorney  
3 general; imposing certain fees.

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

5 SECTION 1. Section 402.006, Government Code, is amended by  
6 adding Subsection (d) to read as follows:

7 (d) The attorney general may charge and collect a  
8 nonrefundable administrative convenience fee for the electronic  
9 submission of a document. The fee authorized by this section is in  
10 addition to any other fee the attorney general may assess. The  
11 attorney general may adopt rules necessary to administer this  
12 subsection.

13 SECTION 2. Section 402.0212, Government Code, is amended to  
14 read as follows:

15 Sec. 402.0212. PROVISION OF LEGAL SERVICES--OUTSIDE  
16 COUNSEL; FEES. (a) Except as authorized by other law, a contract  
17 for legal services between an attorney, other than a full-time  
18 employee of the agency, and a state agency in the executive  
19 department, other than an agency established by the Texas  
20 Constitution, must be approved by the attorney general to be valid.  
21 The attorney general shall provide legal services for a state  
22 agency for which the attorney general determines those legal  
23 services are appropriate and for which the attorney general denies  
24 approval for a contract for those services under this subsection.

1           (b) An invoice submitted to a state agency under a contract  
2 for legal services as described by Subsection (a) must be reviewed  
3 by the attorney general to determine whether the invoice is  
4 eligible for payment.

5           (c) An attorney or law firm must pay an administrative fee  
6 to the attorney general for the review described in Subsection (b)  
7 when entering into a contract to provide legal services to a state  
8 agency.

9           (d) For purposes of this section, the functions of a hearing  
10 examiner, administrative law judge, or other quasi-judicial  
11 officer are not considered legal services.

12           (e) [~~(e)~~] This section shall not apply to the Texas Turnpike  
13 Authority division of the Texas Department of Transportation.

14           (f) The attorney general may adopt rules as necessary to  
15 implement and administer this section.

16           SECTION 3. Section 371.051, Transportation Code, is amended  
17 to read as follows:

18           Sec. 371.051. ATTORNEY GENERAL REVIEW AND EXAMINATION FEE.

19 (a) A toll project entity may not enter into a comprehensive  
20 development agreement unless the attorney general reviews the  
21 proposed agreement and determines that it is legally sufficient.

22           (b) A toll project entity shall pay a nonrefundable  
23 examination fee to the attorney general on submitting a proposed  
24 comprehensive development agreement for review in an amount equal  
25 to the greater of:

26           (1) one-seventeenth of one percent of any governmental  
27 funds payable to the private participant under the proposed

1 comprehensive development agreement; or

2 (2) \$9,500.

3 (c) If the toll project entity submits multiple proposed  
4 comprehensive development agreements relating to the same toll  
5 project for review, the entity shall pay the examination fee under  
6 Subsection (b) for each proposed comprehensive development  
7 agreement.

8 (d) The toll project entity may collect or seek  
9 reimbursement of the examination fee under Subsection (b) from the  
10 private participant under the proposed comprehensive development  
11 agreement.

12 (e) The attorney general may adopt rules necessary to  
13 implement this section.

14 SECTION 4. The fee prescribed by Section 402.006,  
15 Government Code, as amended by this Act, applies only to a document  
16 electronically submitted to the office of the attorney general on  
17 or after the effective date of this Act.

18 SECTION 5. The fee prescribed by Section 402.0212,  
19 Government Code, as amended by this Act, applies only to invoices  
20 for legal services submitted to the office of the attorney general  
21 for review on or after the effective date of this Act.

22 SECTION 6. The fee prescribed by Section 371.051,  
23 Transportation Code, as amended by this Act, applies only to a  
24 comprehensive development agreement submitted to the office of the  
25 attorney general on or after the effective date of this Act.

26 SECTION 7. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 3569

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2011.