

By: Otto

H.B. No. 3654

A BILL TO BE ENTITLED

AN ACT

relating to the review of certain documents by the attorney general; imposing certain fees.

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

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

(e) The attorney general may charge a reasonable fee for the electronic filing of a document.

SECTION 2. The heading to Section 402.0212, Government Code, is amended to read as follows:

Sec. 402.0212. PROVISION OF LEGAL SERVICES--OUTSIDE COUNSEL; FEES.

SECTION 3. Section 402.0212, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(b) At the request of a party to a contract described by Subsection (a), the attorney general shall review an invoice submitted to a state agency under the contract to determine whether the invoice is eligible for payment. The attorney general may charge the party requesting the review a reasonable fee for the review.

(c) The attorney general may, at the attorney general's discretion, review an invoice submitted to a state agency under a contract described by Subsection (a).

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

4        (e) Subsections (a) and (d) do ~~[(c) This section shall]~~  
5 not apply to the Texas Turnpike Authority division of the Texas  
6 Department of Transportation.

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

9        SECTION 4. Section 371.051, Transportation Code, is amended  
10 to read as follows:

11        Sec. 371.051. ATTORNEY GENERAL REVIEW AND FEE. (a) A toll  
12 project entity may not enter into a comprehensive development  
13 agreement unless the attorney general reviews the proposed  
14 agreement and determines that it is legally sufficient.

15        (b) The attorney general may charge a toll project entity a  
16 reasonable fee for the review described in Subsection (a).

17        (c) If the toll project entity submits multiple proposed  
18 comprehensive development agreements relating to the same toll  
19 project for review, the entity shall pay the fee under Subsection  
20 (b) for each proposed comprehensive development agreement.

21        (d) The toll project entity may collect or seek  
22 reimbursement of the fee under Subsection (b) from the private  
23 participant under the proposed comprehensive development  
24 agreement.

25        (e) The attorney general may adopt rules necessary to  
26 implement and administer this section.

27        SECTION 5. The fee prescribed by Section 402.006,

1 Government Code, as amended by this Act, applies only to a document  
2 electronically submitted to the office of the attorney general on  
3 or after the effective date of this Act.

4 SECTION 6. The fee prescribed by Section 402.0212,  
5 Government Code, as amended by this Act, applies only to invoices  
6 for legal services submitted to the office of the attorney general  
7 for review on or after the effective date of this Act.

8 SECTION 7. The fee prescribed by Section 371.051,  
9 Transportation Code, as amended by this Act, applies only to a  
10 comprehensive development agreement submitted to the office of the  
11 attorney general on or after the effective date of this Act.

12 SECTION 8. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2011.