

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 163
94TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary April 17, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0605L.03C

AN ACT

To repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund, with an expiration date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 477.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 477.650, to read as follows:

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal Services Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys collected [pursuant to] **under** section 488.031, RSMo, shall be credited to the fund. In addition to the court filing surcharges, funds from other public or private sources also may be deposited into the fund and all earnings of the fund shall be credited to the fund. The purpose of this section is to increase the funding available for basic civil legal services to eligible low-income persons as such persons are defined by the Federal Legal [Services' Corporation] **Services Corporation's** Income Eligibility Guidelines.

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for [federal legal services corporation] **Federal Legal Services Corporation** funding. The funds

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 so distributed shall be used by legal services organizations in this state solely to provide legal
15 services to eligible low-income persons as such persons are defined by the Federal Legal
16 [Services' Corporation] **Services Corporation's** Income Eligibility Guidelines. Fund money
17 shall be subject to all restrictions imposed on such legal services organizations by law. Funds
18 shall be allocated to the programs according to the funding formula employed by the [legal
19 services corporation] **Federal Legal Services Corporation** for the distribution of funds to this
20 state. Notwithstanding the provisions of section 33.080, RSMo, any balance remaining in the
21 basic civil legal services fund at the end of any year shall not be transferred to the state's general
22 revenue fund. Moneys in the basic civil legal services fund shall not be used to pay any portion
23 of a refund mandated by article X, section 15 of the Missouri Constitution. **State legal services**
24 **programs shall represent individuals to secure lawful state benefits, but shall not sue the**
25 **state, its agencies, or its officials, with any state funds.**

26 **3. Contracts for services with state legal services programs shall provide eligible**
27 **low-income Missouri citizens with equal access to the civil justice system, with a high**
28 **priority on families and children, domestic violence, the elderly, and qualification for**
29 **benefits under the Social Security Act. State legal services programs shall abide by all**
30 **restrictions, requirements, and regulations of the Legal Services Corporation regarding**
31 **their cases.**

32 [3.] **4.** The Missouri supreme court, or a person or organization designated by the court,
33 is the administrator and shall administer the fund in such manner as determined by the Missouri
34 supreme court, including in accordance with any rules and policies adopted by the Missouri
35 supreme court for such purpose. Moneys from the fund shall be used to pay for the collection
36 of the fee and the implementation and administration of the fund.

37 [4.] **5.** Each recipient of funds from the basic civil legal services fund shall maintain
38 appropriate records accounting for the receipt and expenditure of all funds distributed and
39 received pursuant to this section. These records must be maintained for a period of five years
40 from the close of the fiscal year in which such funds are distributed or received or until audited,
41 whichever is sooner. All funds distributed or received pursuant to this section are subject to
42 audit by the Missouri supreme court or the state auditor.

43 [5.] **6.** The Missouri supreme court, or a person or organization designated by the court,
44 shall, by January thirty-first of each year, report to the general assembly on the moneys collected
45 and disbursed pursuant to this section and section 488.031, RSMo, by judicial circuit.

46 **7. The provisions of this section shall expire on December 31, 2012.**

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