

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 163
94TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary, May 10, 2007 with recommendation that House Committee Substitute No. 2 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.04C

AN ACT

To repeal sections 477.650, 485.077, and 488.2250, RSMo, and to enact in lieu thereof three new sections 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Section A. Sections 477.650, 485.077, and 488.2250, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 477.650, 485.077, and 488.2250, to read as follows: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

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.

13 for [federal legal services corporation] **Federal Legal Services Corporation** funding. The funds
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.**

485.077. 1. No judge of any court in this state shall appoint an official court reporter
2 who is not a court reporter certified by the board of certified court reporter examiners, as

provided in Supreme Court Rule 14. In the absence of an official court reporter due to illness, physical incapacity, death, dismissal or resignation, a judge may appoint a temporary court reporter, but such temporary court reporter shall not serve more than six months without obtaining a certificate pursuant to the provisions of Supreme Court Rule 14.

2. No testimony taken in this state by deposition shall be given in any court in this state, and no record on appeal from an administrative agency of this state shall include testimony taken in this state by deposition, unless the deposition is prepared and certified by a certified court reporter, except as provided in Supreme Court Rule 57.03(c).

3. Deposition testimony taken outside the state shall be deemed to be in conformity with this section if the testimony was prepared and certified by a court reporter authorized to prepare and certify deposition testimony in the jurisdiction in which the testimony was taken.

4. This section shall not apply to depositions taken in this state in connection with cases not pending in a Missouri state court or administrative agency at the time the deposition was taken.

5. A deposition prepared by a person who is not a certified court reporter may be used to give testimony in any court in this state under the following circumstances:

(1) All parties must consent in writing to using an uncertified court reporter prior to the deposition;

(2) All parties involved in any cause of action wherein the deposition is to be used certify by their signatures or by the signatures of their attorneys that such deposition is a true and correct copy of the testimony given;

(3) The uncertified court reporter shall state on the record that he or she is an uncertified court reporter appearing by consent of the parties;

(4) The uncertified court reporter shall keep a voice recording of the deposition for two years. Upon written request by a party, a copy of the voice recording shall be provided to the requesting party within fourteen days;

(5) The uncertified court reporter shall have made application for the certified court reporter examination and shall have paid all required application fees;

(6) The notice of deposition shall contain a statement that an uncertified court reporter will be used; and

(7) An uncertified court reporter granted privileges under this subsection shall be deemed operating under a temporary certificate.

6. The provisions of subsection 5 of this section shall expire on December 31, 2012.

488.2250. For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of [one dollar and fifty cents] **two dollars** per twenty-five line page for the original of the transcript, and the sum of thirty-five cents per twenty-five line

4 page for each carbon copy thereof; the page to be approximately eight and one-half inches by
5 eleven inches in size, with left-hand margin of approximately one and one-half inches and the
6 right-hand margin of approximately one-half inch; answer to follow question on same line when
7 feasible; such page to be designated as a legal page. Any judge, in his **or her** discretion, may
8 order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's
9 fees for making the same shall be paid by the state upon a voucher approved by the court, and
10 taxed against the state. In criminal cases where an appeal is taken by the defendant, and it
11 appears to the satisfaction of the court that the defendant is unable to pay the costs of the
12 transcript for the purpose of perfecting the appeal, the court shall order the court reporter to
13 furnish three transcripts in duplication of the notes of the evidence, for the original of which [he]
14 **the court reporter** shall receive [one dollar and fifty cents] **two dollars** per legal page and for
15 the copies twenty cents per page. The payment of court reporter's fees provided in this section
16 shall be made by the state upon a voucher approved by the court.

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