

FIRST REGULAR SESSION

# HOUSE BILL NO. 316

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRATT.

Read 1st time January 10, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1189L.011

### 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.

*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Section A. Section 477.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 477.650, to read as follows: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 so distributed shall be used by legal services organizations in this state solely to provide legal services to eligible low-income persons as such persons are defined by the Federal Legal

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.

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.

24 3. The Missouri supreme court, or a person or organization designated by the court, is  
25 the administrator and shall administer the fund in such manner as determined by the Missouri  
26 supreme court, including in accordance with any rules and policies adopted by the Missouri  
27 supreme court for such purpose. Moneys from the fund shall be used to pay for the collection  
28 of the fee and the implementation and administration of the fund.

29 4. Each recipient of funds from the basic civil legal services fund shall maintain  
30 appropriate records accounting for the receipt and expenditure of all funds distributed and  
31 received pursuant to this section. These records must be maintained for a period of five years  
32 from the close of the fiscal year in which such funds are distributed or received or until audited,  
33 whichever is sooner. All funds distributed or received pursuant to this section are subject to  
34 audit by the Missouri supreme court or the state auditor.

35 5. The Missouri supreme court, or a person or organization designated by the court, shall,  
36 by January thirty-first of each year, report to the general assembly on the moneys collected and  
37 disbursed pursuant to this section and section 488.031, RSMo, by judicial circuit.

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