

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 256

96TH GENERAL ASSEMBLY

0592S.02T

2011

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Section A. Section 477.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 477.650, to read as follows: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 under section 488.031 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'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 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 Services Corporation's Income Eligibility Guidelines. Fund money shall be subject to all restrictions imposed on such legal services organizations by law. Funds shall be allocated to the programs according to the funding formula employed by the Federal Legal Services Corporation for the distribution of funds to this state.

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.

18 Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal
19 services fund at the end of any year shall not be transferred to the state's general revenue fund.
20 Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund
21 mandated by article X, section 15 of the Missouri Constitution. State legal services programs
22 shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies,
23 or its officials, with any state funds.

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

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

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

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

43 7. The provisions of this section shall expire on December 31, [2012] **2018**.

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