

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 256
96TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 27, 2011, with recommendation that the Senate Committee Substitute do pass.

0592S.02C

TERRY L. SPIELER, Secretary.

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Section A. Section 477.650, RSMo, is repealed and one new section
2 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
2 Legal Services Fund", to be administered by, or under the direction of, the
3 Missouri supreme court. All moneys collected under section 488.031 shall be
4 credited to the fund. In addition to the court filing surcharges, funds from other
5 public or private sources also may be deposited into the fund and all earnings of
6 the fund shall be credited to the fund. The purpose of this section is to increase
7 the funding available for basic civil legal services to eligible low-income persons
8 as such persons are defined by the Federal Legal Services Corporation's Income
9 Eligibility Guidelines.

10 2. Funds in the basic civil legal services fund shall be allocated annually
11 and expended to provide legal representation to eligible low-income persons in the
12 state in civil matters. Moneys, funds, or payments paid to the credit of the basic
13 civil legal services fund shall, at least as often as annually, be distributed to the
14 legal services organizations in this state which qualify for Federal Legal Services
15 Corporation funding. The funds so distributed shall be used by legal services
16 organizations in this state solely to provide legal services to eligible low-income
17 persons as such persons are defined by the Federal Legal Services Corporation's
18 Income Eligibility Guidelines. Fund money shall be subject to all restrictions

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 imposed on such legal services organizations by law. Funds shall be allocated to
20 the programs according to the funding formula employed by the Federal Legal
21 Services Corporation for the distribution of funds to this state. Notwithstanding
22 the provisions of section 33.080, any balance remaining in the basic civil legal
23 services fund at the end of any year shall not be transferred to the state's general
24 revenue fund. Moneys in the basic civil legal services fund shall not be used to
25 pay any portion of a refund mandated by article X, section 15 of the Missouri
26 Constitution. State legal services programs shall represent individuals to secure
27 lawful state benefits, but shall not sue the state, its agencies, or its officials, with
28 any state funds.

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

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

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

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

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

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