

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2719

AN ACT

To repeal sections 477.650 and 620.467, RSMo, and to enact in lieu thereof two new sections relating to funds created in the state treasury.

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

Section A. Sections 477.650 and 620.467, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 477.650 and 620.467, to read as follows: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. Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal services fund at the end of any year shall not be transferred to the state's general revenue fund. Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund mandated by Article X, Section 15 of the Missouri Constitution. State legal services programs shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies, or its officials, with any state funds.

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

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

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

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

[7. The provisions of this section shall expire on December 31, 2025.]

620.467. 1. [The state treasurer shall annually deposit an amount prescribed in this section out of the general revenue fund pursuant to section 144.700, in a fund] There is hereby created in the state treasury, a special fund to be known as the "Division of Tourism Supplemental Revenue Fund", that shall consist of all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, or bequests received from federal, private, or other sources. The state treasurer shall administer the fund, and the moneys in such fund[, except the appropriate percentage of any refund made of taxes collected under the provisions of chapter 144,] shall be used solely by the division of tourism of the department of economic development to carry out the duties and functions of the division as prescribed by law. [Moneys deposited in the division of tourism supplemental revenue fund shall be in addition to a budget base in each fiscal

year. For fiscal year 1994, such budget base shall be six million two hundred thousand dollars, and in each succeeding fiscal year the budget base shall be the prior fiscal year's general revenue base plus any additional appropriations made to the division of tourism, including one hundred percent of the prior fiscal year's deposits made to the division of tourism supplemental revenue fund pursuant to this section. The general revenue base shall decrease by ten percent in each fiscal year following fiscal year 1994.]

Notwithstanding the provisions of section 33.080 to the contrary, moneys in the division of tourism supplemental revenue fund at the end of any biennium shall not be deposited to the credit of the general revenue fund.

2. [In fiscal years 1995 to 2020, a portion of general revenue determined pursuant to this subsection shall be deposited to the credit of the division of tourism supplemental revenue fund pursuant to subsection 1 of this section. The director of revenue shall determine the amount deposited to the credit of the division of tourism supplemental revenue fund in each fiscal year by computing the previous year's total appropriation into the division of tourism supplemental revenue fund and adding to such appropriation amount the total amount derived from the retail sale of tourist-oriented goods and services collected pursuant to the following sales taxes: state sales taxes; sales taxes collected pursuant to sections 144.010 to 144.430 that are designated as local tax revenue to be deposited in the school district trust fund pursuant to section 144.701; sales taxes collected pursuant to Section 43(a) of Article IV of the Missouri Constitution; and sales taxes collected pursuant to Section 47(a) of Article IV of the Missouri Constitution. If the increase in such sales taxes derived from the retail sale of tourist-oriented goods

and services in the fiscal year three years prior to the fiscal year in which each deposit shall be made is at least three percent over such sales taxes derived from the retail sale of tourist-oriented goods and services generated in the fiscal year four years prior to the fiscal year in which each deposit shall be made, an amount equal to one-half of such sales taxes generated above a three percent increase shall be calculated by the director of revenue and the amount calculated shall be deposited by the state treasurer to the credit of the division of tourism supplemental revenue fund.

3. Total deposits in the supplemental revenue fund in any fiscal year pursuant to subsections 1 and 2 of this section shall not exceed the amount deposited into the division of tourism supplemental revenue fund in the fiscal year immediately preceding the current fiscal year by more than three million dollars.

4. As used in this section, "sales of tourism-oriented goods and services" are those sales by businesses registered with the department of revenue under the following SIC Codes:

- (1) SIC Code 5811;
- (2) SIC Code 5812;
- (3) SIC Code 5813;
- (4) SIC Code 7010;
- (5) SIC Code 7020;
- (6) SIC Code 7030;
- (7) SIC Code 7033;
- (8) SIC Code 7041;
- (9) SIC Code 7920;
- (10) SIC Code 7940;
- (11) SIC Code 7990;
- (12) SIC Code 7991;
- (13) SIC Code 7992;

(14) SIC Code 7996;

(15) SIC Code 7998;

(16) SIC Code 7999; and

(17) SIC Code 8420.

5.] Prior to each appropriation from the division of tourism supplemental revenue fund, the division of tourism shall present to the [committee on tourism, recreational and cultural affairs of the house of representatives and to the transportation and tourism committee of the senate, or their successors] house of representatives and senate committees responsible for tourism matters, a promotional marketing strategy including, but not limited to, targeted markets, duration of market plans, ensuing market strategies, and the actual and estimated investment return, if any, resulting therefrom.

[6. This section shall become effective July 1, 1994. This section shall expire June 30, 2020.]