

FIRST REGULAR SESSION

SENATE BILL NO. 163

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Pre-filed December 11, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0605S.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Section A. Section 477.650, RSMo, is repealed and one new section
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 [pursuant to] **under** section
4 488.031, RSMo, shall be credited to the fund. In addition to the court filing
5 surcharges, funds from other public or private sources also may be deposited into
6 the fund and all earnings of the fund shall be credited to the fund. The purpose
7 of this section is to increase the funding available for basic civil legal services to
8 eligible low-income persons as such persons are defined by the Federal Legal
9 [Services' Corporation] **Services Corporation's** Income 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] **Federal Legal Services Corporation** funding. The funds so
16 distributed shall be used by legal services organizations in this state solely to
17 provide legal services to eligible low-income persons as such persons are defined
18 by the Federal Legal [Services' Corporation] **Services Corporation's** Income
19 Eligibility Guidelines. Fund money shall be subject to all restrictions imposed

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

20 on such legal services organizations by law. Funds shall be allocated to the
21 programs according to the funding formula employed by the [legal services
22 corporation] **Federal Legal Services Corporation** for the distribution of funds
23 to this state. Notwithstanding the provisions of section 33.080, RSMo, any
24 balance remaining in the basic civil legal services fund at the end of any year
25 shall not be transferred to the state's general revenue fund. Moneys in the basic
26 civil legal services fund shall not be used to pay any portion of a refund mandated
27 by article X, section 15 of the Missouri Constitution.

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

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

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

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