

1 **SENATE FLOOR VERSION**

2 April 7, 2011

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 1415

By: Blackwell of the House

and

Laster and Ivester of the
Senate

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9 **[civil procedure - Legal Services Revolving Fund -**
10 **authorizing fees - effective date]**

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 12 O.S. 2001, Section 921.1, is
15 amended to read as follows:

16 Section 921.1 A. The ~~Supreme Court~~ Attorney General shall
17 allocate funds from the Legal Services Revolving Fund to provide
18 legal representation to indigent persons in this state in civil
19 legal matters to the extent that funds are available from the Legal
20 Services Revolving Fund. The ~~Administrative Director of the Courts~~
21 Attorney General shall be responsible for allocating these funds
22 pursuant to contract with eligible regional or statewide
23 organizations which ordinarily render legal services to indigent
24 persons. The Attorney General may charge an administrative fee for

1 administering the contracts. The funds shall be allocated for the
2 benefit of indigent clients in all seventy-seven (77) counties of
3 ~~Oklahoma~~ the state on a pro rata basis, utilizing an allocation
4 formula that distributes funds according to the number of residents
5 whose incomes are less than the official United States federal
6 poverty guidelines, based on the United States census data, as a
7 percentage of the total number of these residents in this state and
8 which reserves funds for services for specialized areas of law.

9 B. As used in this section, "eligible organization" means an
10 entity that:

11 1. Is organized as a not-for-profit corporation that is tax
12 exempt pursuant to the provisions of paragraph (3) of subsection (c)
13 of Section 501 of the United States Internal Revenue Code of 1986,
14 as amended;

15 2. Has as its primary purpose the furnishing of legal
16 assistance to eligible clients;

17 3. Has a board of directors or other governing body the
18 majority of which is comprised of attorneys who are admitted to
19 practice in this state and who are approved to serve on such body by
20 the governing bodies of the state or county bar associations and has
21 at least one-third of the membership who, when selected, are
22 eligible clients; and

23 4. Is incorporated pursuant to any applicable laws of this
24 state.

1 C. As a condition of the contract, the organization shall be
2 required to determine the eligibility of any person seeking legal
3 services pursuant to this section.

4 D. The ~~Administrative Director of the Courts~~ Attorney General
5 shall prepare annually and distribute to the Judiciary committees of
6 the Senate and the House of Representatives, and the Legal Services
7 Committee of the Oklahoma Bar Association, ~~and the Supreme Court~~ a
8 report detailing expenditures of funds for representation to
9 indigent persons in civil legal matters.

10 E. Each organization that contracts to provide legal services
11 pursuant to subsection A of this section shall maintain books and
12 records in accordance with generally accepted accounting principles.
13 The books and records shall account for the receipt and expenditure
14 of all funds paid pursuant to contract. Books and records shall be
15 maintained for a period of five (5) years from the close of the
16 fiscal year of the contract period. The State Auditor and Inspector
17 shall audit each organization annually. The necessary expense of
18 each audit, including, but not limited to, the cost of typing,
19 printing, and binding, shall be paid from funds of the organization.
20 In lieu of the audit by the State Auditor and Inspector, the
21 organization may submit an audit prepared by an independent auditing
22 firm for compliance with federal auditing requirements. A copy of
23 the audit prepared by or submitted to the State Auditor and
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1 Inspector shall be submitted to the ~~Administrative Director of the~~
2 ~~Courts~~ Attorney General.

3 F. Funds for representation of indigent persons in civil legal
4 matters shall be limited to family law legal services with priority
5 given to cases involving domestic and family violence and abuse. In
6 no event shall such funds ever be used for any of the following
7 activities:

8 1. Provision of legal services in a fee-generating case unless
9 appropriate private representation is not available;

10 2. Provision of legal services in any criminal proceeding;

11 3. Provision of legal services collaterally attacking the
12 validity of a criminal conviction;

13 4. Provision of legal services which seek to procure an
14 abortion;

15 5. Provision of legal representation relating to the
16 desegregation of any school or school system;

17 6. Provision of legal services involving any proceeding derived
18 from the Military Selective Service Act;

19 7. Provision of legal services to advocate for or oppose any
20 altering of a legislative, judicial, or elective district at any
21 level of government; and

22 8. Provision of legal services to challenge a census of the
23 United States of America.

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1 G. There is hereby created in the State Treasury a revolving
2 fund for the ~~Oklahoma Supreme Court~~ Office of the Attorney General
3 to be designated the "Legal Services Revolving Fund". The fund
4 shall be a continuing fund, not subject to fiscal year limitations,
5 and shall consist of all monies received by the ~~Oklahoma Supreme~~
6 ~~Court~~ Office of the Attorney General for indigent legal services
7 from funds appropriated to the fund, federal funds, gifts,
8 donations, and grants. All monies accruing to the credit of said
9 fund are hereby appropriated and may be budgeted and expended by the
10 ~~Administrative Director of the Courts~~ Attorney General for the
11 purpose of providing legal services to indigent clients pursuant to
12 the provisions of this section. Expenditures from said fund shall
13 be made upon warrants issued by the State Treasurer against claims
14 filed as prescribed by law with the Director of State Finance for
15 approval and payment.

16 SECTION 2. This act shall become effective November 1, 2011.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-11 - DO
18 PASS, As Amended and Coauthored.

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