

## 2021 South Dakota Legislature

**House Bill 1069****AMENDMENT 1069A FOR THE INTRODUCED BILL**

1 **An Act to modify the expenditures that are recoverable as disbursements by a**  
2 **prevailing party in a civil action or a special proceeding.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 15-17-37 be AMENDED.

5 **15-17-37. Prevailing party recovery--Taxation.**

6 The prevailing party in a civil action or special proceeding may recover  
7 expenditures necessarily incurred in gathering and procuring evidence or bringing the  
8 matter to trial. Such expenditures include costs of telephonic hearings, costs of telephoto  
9 or fax charges, fees of witnesses, ~~interpreters, translators,~~ interpreter or translator  
10 expenditures not otherwise covered pursuant to § 15-17-37.1, officers, printers, service  
11 of process, filing, expenses from telephone calls, copying, costs of original and copies of  
12 transcripts and reporter's attendance fees, and court appointed experts, ~~and other similar~~  
13 ~~expenses and charges.~~ These expenditures are termed "disbursements" and are taxed  
14 pursuant to § 15-6-54(d).

15 **Section 2.** That a NEW SECTION be added:

16 **15-17-37.1. Interpreter or translator services--Payment.**

17 When a witness or party needs a language interpreter or translator in a civil action  
18 or special proceeding, the court shall procure and appoint a disinterested interpreter or  
19 translator. The interpreter or translator shall be compensated for services provided in the  
20 court proceeding that the court certifies to be reasonable and just. The payment for the  
21 services of the interpreter or translator shall be made from funds appropriated for the  
22 operation of the courts. A civil action for purposes of this section does not include abuse  
23 and neglect, juvenile, involuntary commitment, mental illness, or protection order  
24 proceedings.