

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

693Y0093

HOUSE BILL NO. 1083

Introduced by: Representatives Stevens, Bordeaux, Johns, Lust, Mickelson, Reed, Rozum, Tieszen, and Turbiville and Senators Rusch, Langer, and Sohlt

1 FOR AN ACT ENTITLED, An Act to establish certain provisions for awarding grants and
2 collecting surcharges related to the equal access to our courts fund.

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

4 Section 1. That chapter 16-2 be amended by adding a NEW SECTION to read:

5 In awarding grants pursuant to § 16-2-56, the commission may consider:

- 6 (1) Grant applications that will help provide legal representation of veterans, the
7 disabled, and senior citizens who do not exceed 200% of federal poverty guidelines;
- 8 (2) Grant applications that will help provide legal representation to victims of domestic
9 violence who do not exceed 150% of applicable federal poverty guidelines;
- 10 (3) Grant applications for entities that will provide legal assistance in general legal
11 matters, to clients who do not exceed 125% of applicable federal poverty guidelines;
- 12 (4) Grant applications that will supplement eligible nonprofit entities which have
13 expended applicable legal services corporation grant moneys for private attorney
14 involvement;
- 15 (5) Grant applications that facilitate systemic efficiencies and promote statewide



- 1 cooperation among eligible grant recipients;
- 2 (6) Demonstrated financial need of entities applying for grants;
- 3 (7) Grant applications that promote statewide coverage for eligible clients;
- 4 (8) Grants that are consistent with serving more eligible clients within the limited
5 available resources; and
- 6 (9) Grant applications that seek to address unmet legal needs of the poor or which
7 promote innovative approaches to improve access to justice for all citizens of the
8 state.

9 Section 2. That chapter 16-2 be amended by adding a NEW SECTION to read:

10 For the answer or initial responsive pleading to any petition or motion to modify final orders
11 for child support, child custody, child visitation, or spousal support, the clerk of courts shall
12 collect the sum of twenty-five dollars as a commission on equal access to our courts surcharge.
13 The surcharge shall be collected from the person filing the answer or responsive pleading at the
14 time of filing. The surcharge shall be collected by the clerk in the manner in which other fees
15 are collected. No responsive surcharge may be collected in any civil action or proceeding
16 commenced by the state, county, a municipality, or a school district, or if the responding party
17 is receiving assistance benefits under title 28. The surcharge may be waived pursuant to the
18 provisions of §§ 16-2-29.2 and 16-2-29.3.

19 Section 3. That chapter 16-2 be amended by adding a NEW SECTION to read:

20 For the answer or initial responsive pleading in circuit court proceedings not subject to
21 section 2 of this Act, the clerk of courts shall collect the sum of twenty-five dollars as a
22 commission on equal access to our courts surcharge. The surcharge shall be collected by the
23 clerk in the manner in which other fees are collected. No responsive surcharge may be collected
24 in any civil action or proceeding wherein the responding party is the state, county, a

1 municipality, or a school district, or if the responding party is receiving assistance benefits under
2 title 28. The responsive surcharge may be waived pursuant to the provisions of §§ 16-2-29.2 and
3 16-2-29.3.

4 Section 4. That § 16-2-59 be amended to read:

5 16-2-59. The clerk of courts shall collect all amounts due under § 16-2-58 and sections 2 and
6 3 of this Act and transmit ~~such~~ the amounts monthly to the state treasurer who shall place ~~such~~
7 the amounts received into the equal access to our courts fund.