

AN ACT

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

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

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

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

- (1) Grant applications that will help provide legal representation of veterans, the disabled, and senior citizens who do not exceed 200% of federal poverty guidelines;
- (2) Grant applications that will help provide legal representation to victims of domestic violence who do not exceed 150% of applicable federal poverty guidelines;
- (3) Grant applications for entities that will provide legal assistance in general legal matters, to clients who do not exceed 125% of applicable federal poverty guidelines;
- (4) Grant applications that will supplement eligible nonprofit entities which have expended applicable legal services corporation grant moneys for private attorney involvement;
- (5) Grant applications that facilitate systemic efficiencies and promote statewide cooperation among eligible grant recipients;
- (6) Demonstrated financial need of entities applying for grants;
- (7) Grant applications that promote statewide coverage for eligible clients;
- (8) Grants that are consistent with serving more eligible clients within the limited available resources; and
- (9) Grant applications that seek to address unmet legal needs of the poor or which promote innovative approaches to improve access to justice for all citizens of the state.

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

For the answer or initial responsive pleading to any petition or motion to modify final orders for

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

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

For the answer or initial responsive pleading in circuit court proceedings not subject to section 2 of this Act, the clerk of courts shall collect the sum of twenty-five dollars as a commission on equal access to our courts surcharge. The surcharge shall be collected by the clerk in the manner in which other fees are collected. No responsive surcharge may be collected in any civil action or proceeding wherein the responding party is the state, county, a municipality, or a school district, or if the responding party is receiving assistance benefits under title 28. The responsive surcharge may be waived pursuant to the provisions of §§ 16-2-29.2 and 16-2-29.3.

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

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

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I certify that the attached Act originated in the

HOUSE as Bill No. 1083

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1083
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State