

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

178A0774

HOUSE BILL NO. 1281

Introduced by: Representatives Monroe, de Hueck, DeMersseman, Gabriel, Hagg, and Koetzle
and Senators Hunhoff and Munson (David)

1 FOR AN ACT ENTITLED, An Act to provide for an increase in filing fees for estates and
2 guardianships and to dedicate the proceeds for purchase guardianship services for persons
3 who are developmentally disabled.

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

5 Section 1. There us hereby created in the state treasury a special fund known as the South
6 Dakota guardianship program fund.

7 Section 2. In each probate and guardianship proceeding, the clerk of courts shall collect the
8 sum of ten dollars as a guardianship surcharge. The surcharge shall be collected from the person
9 instituting the proceeding at the time of filing the first paper. The surcharge shall be collected by
10 the clerk in the manner in which other fees are collected.

11 Section 3. That § 16-2-42 be amended to read as follows:

12 16-2-42. The ~~surcharge~~ surcharges provided for in § 16-2-39 and section 2 of this bill may
13 be waived in the manner provided for in §§ 16-2-29.2 to 16-2-29.4, inclusive. If a fine is
14 suspended in whole or in part, the surcharge provided for in § 16-2-41 may not be reduced.
15 However, the judge may waive all or any part of the payment of the surcharge which would

1 work a hardship on the person convicted or on his immediate family.

2 Section 4. The clerk of courts shall collect all amounts due under section 2 of this Act and
3 transmit such amounts monthly to the state treasurer who shall place such amounts received into
4 the South Dakota guardianship program fund.

5 Section 5. Any money in the South Dakota guardianship program fund shall be paid to the
6 Department of Human Services for purchasing guardian/conservator services for persons with
7 developmental disabilities.