

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

436P0360

## HOUSE BILL NO. 1129

Introduced by: Representatives Cutler, Deadrick, Engels, Feinstein, Gillespie, Hunt, and Lust  
and Senators Heidepriem, Knudson, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to establish the Commission on Equal Access to Our Courts  
2 and to impose a fee to fund legal services for eligible persons.

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

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

6 In addition to the fees pursuant to § 16-2-29 and the entry fee pursuant to § 15-39-52, the  
7 clerk of courts shall collect an indigent legal services fee when any person, except the state or  
8 its political subdivisions, initially files a small claims action. The indigent legal services fee is  
9 six dollars for any action less than four thousand dollars and eight dollars for any action of four  
10 thousand dollars or more.

11 Section 2. That chapter 16-2 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The indigent legal services fee is a cost that may be allowed to the prevailing party under  
14 chapter 15-17.

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



1 follows:

2 On the first day of each month, the clerk of courts shall remit to the state treasurer the  
3 indigent legal services fees that have been collected. The state treasurer shall disburse the fees  
4 at such times and in such amounts as directed by the Commission on Equal Access to Our  
5 Courts as established in section 4 of this Act.

6 Section 4. There is hereby created the Commission on Equal Access to Our Courts. The  
7 commission shall consist of seven members appointed as follows:

8 (1) Three members by the Governor, one initially appointed for a term of one year, one  
9 initially appointed for a term of two years, and one for a term of three years, as  
10 designated by the Governor. The Governor shall appoint members who are not  
11 lawyers;

12 (2) Two members appointed by the Chief Justice of the Supreme Court, one initially  
13 appointed for a term of two years and one for a term of three years, as designated by  
14 the Chief Justice. The Chief Justice shall appoint members who are judges or  
15 lawyers;

16 (3) Two members appointed by the president of the State Bar of South Dakota, one  
17 initially appointed for a term of one year and one for a term of three years, as  
18 designated by the president. The president shall appoint members who are lawyers.

19 Thereafter, each appointment shall be for a term of three years, beginning on the first day  
20 of July.

21 Section 5. The Commission on Equal Access to Our Courts shall provide grants to nonprofit  
22 entities that are funded, or nonprofit entities contracting with nonprofit entities that are funded,  
23 by the Legal Services Corporation and deliver legal services to persons meeting income  
24 eligibility guidelines.