

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

709B0724

## HOUSE BILL NO. 1198

Introduced by: Representative Gabriel and Senator Halverson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to earnings subject to  
2 garnishment.

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

4 Section 1. That § 21-18-51 be amended to read as follows:

5 21-18-51. The maximum part of the aggregate disposable earnings of an individual for any  
6 workweek which is subject to garnishment may not exceed the lesser of:

7 (1) Twenty percent of disposable earnings for that week;

8 (2) The amount by which disposable earnings for that week exceed forty times the federal  
9 minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act  
10 of 1938, as amended and in effect on ~~January 1, 1997~~, September 1, 1997, Pub. L. 95-151;  
11 91 Stat. 1245; 29 U.S.C. 206, or any equivalent multiple thereof prescribed by  
12 regulation by the secretary of labor in case of earnings for any pay period other than  
13 a week, in effect at the time the earnings are payable less twenty-five dollars per week  
14 for each dependent family member residing with the garnishment debtor other than  
15 the garnishment debtor himself or herself.

16 The restrictions of subdivisions (1) and (2) do not apply in the case of any order of any court

- 1 for the support of any person or any order of any court of bankruptcy under Title 11 of the
- 2 United States Code.