

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

463E0613

HOUSE BILL NO. 1225

Introduced by: Representatives Sebert, Derby, Michels, and Solum and Senators Albers
and Vitter

1 FOR AN ACT ENTITLED, An Act to clarify the courts in which garnishment proceedings may
2 be pursued.

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

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

5 21-18-1. In any action or small claims proceeding to recover damages founded upon
6 contract, express or implied, or ~~upon~~ pursuant to judgment or decree, any creditor ~~shall be~~ is
7 entitled to proceed by garnishment in any court having jurisdiction of the subject of the action,
8 against any person, including the state, any limited liability company, and any municipal or public
9 corporation, and including any corporation or limited liability company organized or authorized
10 to be organized by or under the laws of any state or of the United States, which has the power
11 to sue or be sued who shall be indebted to or have any property, real or personal, in ~~his~~ its
12 possession or under ~~his~~ its control belonging to such creditor's debtor, in the cases, upon the
13 conditions, and in the manner prescribed in this chapter.