

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

644V0524

### HOUSE BILL NO. 1125

Introduced by: Representatives Johns, Carson, Heinemann (Leslie), Mickelson, Olson (Betty), Stalzer, Stevens, and Verchio and Senators Maher, Bradford, Lederman, Sohlt, and Tieszen

1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding  
2 judicial remedies.

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

4 Section 1. That § 21-1-11 be repealed.

5 ~~—21-1-11. Every person who is entitled to recover damages certain, or capable of being made~~  
6 ~~certain by calculation, and the right to recover which is vested in him upon a particular day, is~~  
7 ~~entitled also to recover interest thereon from that day, except during such time as the debtor is~~  
8 ~~prevented by law, or by the act of the creditor, from paying the debt.~~

9 Section 2. That § 21-1-13 be repealed.

10 ~~—21-1-13. In an action for the breach of an obligation not arising from contract, and in every~~  
11 ~~case of oppression, fraud, or malice, interest may be given, in the discretion of the jury.~~

12 Section 3. That § 21-10-21 be repealed.

13 ~~—21-10-21. Whenever a permanent injunction issues against any person for maintaining a~~  
14 ~~nuisance as defined in § 21-10-10, or against any owner or agent of the building kept or used~~



1 ~~for the purposes prohibited by said section, the court shall order assessed against said building~~  
2 ~~and the ground upon which the same is located, and against the person or persons maintaining~~  
3 ~~said nuisance, and the owner or agent of said premises, a tax of three hundred dollars. The~~  
4 ~~assessment of said tax shall be made by the director of equalization of the county in which the~~  
5 ~~nuisance exists, or his deputies and shall be made within three months from the date of the~~  
6 ~~granting of the permanent injunction. In case the director shall fail or neglect to make said~~  
7 ~~assessment, the same shall be made by the sheriff of the county and a return of said assessment~~  
8 ~~shall be made to the county treasurer.~~

9 Section 4. That § 21-10-22 be repealed.

10 ~~—21-10-22. The tax provided by § 21-10-21 shall be a perpetual lien upon all property, both~~  
11 ~~personal and real, used for the purpose of maintaining said nuisance and the payment of said tax~~  
12 ~~shall not relieve the person or building from any other penalties provided by law, nor from the~~  
13 ~~effect of the provisions of the judgment other than the penalty and tax.~~

14 Section 5. That § 21-10-23 be repealed.

15 ~~—21-10-23. The provisions of the law relating to the collection of taxes against the person and~~  
16 ~~property of residents of this state shall govern in the collection and distribution of the tax~~  
17 ~~prescribed in § 21-10-21, so far as the same are applicable, and not in conflict with the~~  
18 ~~provisions of this chapter, but the provisions of law relating to the collection and distribution~~  
19 ~~of taxes shall not be exclusive of other provisions of law for the enforcement of judgments and~~  
20 ~~decrees of court, and the court may in its discretion make such orders as it may deem necessary~~  
21 ~~for the purpose of enforcing the collection of any such tax or any of the provisions of §§ 21-10-~~  
22 ~~10 to 21-10-24, inclusive.~~

23 Section 6. That § 21-10-24 be repealed.

24 ~~—21-10-24. Whenever any tax provided by § 21-10-21 has been collected, the same shall be~~

1 paid to the county treasurer of the county in which such proceeding is pending, and shall by him  
2 be apportioned to the general fund of such county.

3 Section 7. That § 21-25-1 be repealed.

4 ~~— 21-25-1. Parties to a question in difference, which might be the subject of a civil action,~~  
5 ~~may, without action, agree upon a case containing the facts upon which the controversy depends,~~  
6 ~~and present a stipulation of submission of the same to any court which would have jurisdiction~~  
7 ~~if an action had been brought. It must appear by affidavit that the controversy is real, and the~~  
8 ~~proceedings in good faith, to determine the rights of the parties. The court shall thereupon hear~~  
9 ~~and determine the case and render judgment thereon as if an action were pending.~~

10 Section 8. That § 21-25-2 be repealed.

11 ~~— 21-25-2. If the stipulation submitted by the parties does not state facts sufficient to authorize~~  
12 ~~the granting of any relief, the court shall notify the parties and afford them an opportunity to~~  
13 ~~amend the stipulation and thereafter the court may render judgment for such relief as may be~~  
14 ~~warranted by the stipulation and amendment thereof.~~

15 Section 9. That § 21-25-4 be repealed.

16 ~~— 21-25-4. The judgment may be enforced in the same manner as if it had been rendered in~~  
17 ~~an action, and shall be subject to appeal in like manner.~~