

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

880A0283

## HOUSE BILL NO. 1011

Introduced by: The Committee on State Affairs at the request of the State Auditor

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, ~~1989~~ 1997, Pub. L. 95-151; 91 Stat.  
11 1245; 29 U.S.C. 206, or any equivalent multiple thereof prescribed by regulation by  
12 the secretary of labor in case of earnings for any pay period other than a week, in  
13 effect at the time the earnings are payable less twenty-five dollars per week for each  
14 dependent family member residing with the garnishment debtor other than the  
15 garnishment debtor himself or herself.

1       The restrictions of subdivisions (1) and (2) do not apply in the case of any order of any court  
2   for the support of any person or any order of any court of bankruptcy under Title 11 of the  
3   United States Code.