

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

644V0524

## HOUSE JUDICIARY ENGROSSED NO. **HB 1125** 02/07/2014

Introduced by: Representatives Johns, Carson, Heinemann (Leslie), Mickelson, Olson (Betty), Stalzer, Stevens, and Verchio and Senators Maher, Bradford, Lederman, Soholt, 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1 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding  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 That § 21-1-11 be repealed.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 That § 21-1-13 be repealed.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 That § 21-10-21 be repealed.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 That § 21-10-22 be repealed.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 § 21-25-3 be repealed.

16 ~~21-25-3. Judgment shall be entered as in other cases but without costs for any proceeding  
17 prior to trial.~~

18 Section 10. That § 21-25-4 be repealed.

19 ~~21-25-4. The judgment may be enforced in the same manner as if it had been rendered in  
20 an action, and shall be subject to appeal in like manner.~~