

AN ACT

ENTITLED, An Act to establish venue for certain actions arising out of real property lease agreements.

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

Section 1. That chapter 15-5 be amended by adding a NEW SECTION to read:

Any breach of contract action between a lessor and a lessee that arises out of a real property lease agreement shall be tried in the county in which any portion of the real property subject to the lease agreement is located.

Section 2. That § 15-5-6 be amended to read:

15-5-6. In all other cases, except as provided in § 15-5-7, 15-5-8, or in section 1 of this Act, the action shall be tried in the county in which the defendant or defendants, or any of them, shall reside at the commencement of the action. However, if none of the defendants reside in the state, the action may be tried in any county which the plaintiff shall designate in his complaint, subject, however, to the power of the court to change the place of trial in the cases provided by statute. In the second event, the jurors' fees and mileage payments shall be paid by the parties in such proportions as the court may order. If the parties stipulate to a venue which is not specified in §§ 15-5-1 to 15-5-5, inclusive, the first sentence of this section, § 15-5-7, 15-5-8, or in section 1 of this Act, the stipulation must be approved by a court order which also provides for the payment of jurors' fees and mileage payments by the parties.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1135

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1135
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State