

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

606T0482

SENATE LOCAL GOVERNMENT ENGROSSED NO. **HB 1096** - 2/24/2012

Introduced by: Representatives Hunt, Abdallah, Deelstra, Feinstein, Kirkeby, Novstrup
(David), Perry, and Solum and Senators Cutler, Buhl, Frerichs, and Peters

1 FOR AN ACT ENTITLED, An Act to specify the venue for certain appeals involving home-rule
2 municipalities.

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

4 Section 1. That subdivision (1) of § 1-26-1 be amended to read as follows:

5 (1) "Agency," each association, authority, board, commission, committee, council,
6 department, division, office, officer, task force, or other agent of the state vested with
7 the authority to exercise any portion of the state's sovereignty. The term includes a
8 home-rule municipality that has adopted its own administrative appeals process,
9 whose final decisions, rulings, or actions rendered by that process are subject to
10 judicial review pursuant to this chapter. The term does not include the Legislature,
11 the Unified Judicial System, any unit of local government, or any agency under the
12 jurisdiction of such exempt departments and units unless the department, unit, or
13 agency is specifically made subject to this chapter by statute;

14 Section 2. That § 1-26-31.1 be amended to read as follows:



1 1-26-31.1. The venue of the appeal is as follows:

2 (1) If the appellant is a resident of this state, to the circuit court for the county of the
3 appellant's residence or to the circuit court for Hughes County, as the appellant may
4 elect;

5 (2) If the appellant is a nonresident or a foreign corporation, to the circuit court for the
6 county of appellant's principal place of business in South Dakota or to the circuit
7 court for Hughes County as the appellant may elect; ~~or~~

8 (3) The parties may stipulate for venue in any county in the state, and the circuit court
9 for such county shall thereupon hear the appeal;

10 (4) An appeal from a final decision, ruling, or action rendered by an administrative
11 appeals process adopted by a home-rule municipality shall be appealed to the circuit
12 court in which the home-rule municipality is located.

13 Appeals from a single administrative action may not proceed in more than one county. If
14 multiple appeals of a single action are filed in more than one county, the appeals shall be
15 consolidated and heard in the county in which the appeal is first filed. If more than one appeal
16 is first filed on the same date and a stipulation among the parties as to venue cannot be reached,
17 the venue of the appeal is in the circuit court for Hughes County.