



OFFICE OF ATTORNEY GENERAL

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JUN 26 2019

S.D. SEC. OF STATE

JASON R. RAVNSBORG  
ATTORNEY GENERAL

CHARLES D. McGUIGAN  
CHIEF DEPUTY ATTORNEY GENERAL

HAND DELIVERED

June 26, 2019

Hon. Steve Barnett  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

Re: **Attorney General's Statement for initiated measure (expanded hours for sale, service, and consumption of alcoholic beverages in Deadwood)**

Dear Secretary Barnett,

This Office received a proposed initiated measure that the sponsor will seek to place on the November 2020 ballot. Enclosed is a copy of the measure, in final form, that the sponsor submitted pursuant to SDCL 12-13-25.1. In accordance with that statute, I hereby file the Attorney General's Statement with respect to this measure. By copy of this letter, I am providing a copy of the Attorney General's Statement to the sponsor.

Very truly yours,

JASON R. RAVNSBORG  
Attorney General

JRR/PA/lde

Enc.  
cc/enc.: Roger Tellinghuisen

Filed this 26<sup>th</sup> day of  
June 2019  
  
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INITIATED MEASURE

ATTORNEY GENERAL'S STATEMENT

Title: An initiated measure expanding the time when alcoholic beverages may be sold, served, and consumed in municipalities where gaming is regulated.

Explanation:

Currently, state law allows alcoholic beverages to be sold, served, and consumed on the premises of on-sale licensees only between the hours of 7 a.m. and 2 a.m. Under this measure, the City of Deadwood is authorized to allow at any time of day the sale, service, and consumption of alcoholic beverages on the premises of certain on-sale licensees.

State law also currently gives counties and municipalities the authority to prohibit or restrict alcoholic beverages from being sold, served, or consumed on Sundays, Christmas Day, and Memorial Day. The measure directly prohibits the Christmas Day sale, service, or consumption of alcoholic beverages on the premises of the Deadwood on-sale licensees covered by the measure.

If any other municipality obtains authority to have gaming under South Dakota law, the provisions of this measure would apply to that municipality as well. The measure does not affect state laws regulating the sale of alcoholic beverages by off-sale licensees.

Filed this 26<sup>th</sup> day of

June 2019

*Steve Barnett*

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35-4-81.2. Times when beverage sales, service, and consumption prohibited--  
Violation as misdemeanor. No on-sale or off-sale licensee may sell, serve, or allow to  
be consumed on the premises covered by the license, any alcoholic beverages  
between the hours of two a.m. and seven a.m. However, a municipality in which  
gaming is regulated under chapter 42-7B may authorize an on-sale licensee, licensed  
under subdivision 35-4-2(4), or (13), to sell, serve, or allow to be consumed on the  
premises covered by the license, alcoholic beverages at any time except on  
Christmas day. A violation of this section is a Class 2 misdemeanor.