

REPRESENTATIVE STEVEN G. HAUGAARD, CHAIR | SENATOR BROCK L. GREENFIELD, VICE CHAIR  
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

500 EAST CAPITOL AVENUE, PIERRE, SD 57501 | 605-773-3251 | SDLEGISLATURE.GOV



April 18, 2019

Mr. Roger A. Tellinghuisen  
PO Box 1820  
Rapid City, SD 57709

RECEIVED  
APR 24 2019  
S.D. SEC. OF STATE

Dear Mr. Tellinghuisen:

This office is required to review each initiated measure to determine whether it is written in a clear and coherent manner in the style and form of other legislation and worded so that the effect of the measure is not misleading or likely to cause confusion among voters in accordance with SDCL 12-13-24. Further, in accordance with SDCL 12-13-25, this office is required to provide written comments for the purpose of assisting the measure's sponsor in complying with SDCL 12-13-24, including assistance regarding the substantive content of the measure in order to minimize any conflict with existing law and ensure the measure's effective administration. You are under no obligation to accept any of the suggestions contained in this letter. But please keep in mind the legal standards established in SDCL 12-13-24 and 12-13-25.

Attached is a copy of your proposed initiated measure with all our suggested style and form changes.

If you have any questions regarding our comments or with any of our suggested style and form changes, please feel free to contact us.

It has been determined during this review that this proposed initiated measure may have an impact on revenues, expenditures, or fiscal liability of the state and its agencies and political subdivisions. Please provide the Legislative Research Council a copy of the amendment as submitted in final form to the Attorney General, so we can develop any fiscal note as required by SDCL 2-9-30.

This letter constitutes neither an endorsement of your initiated measure nor a guarantee of its statutory sufficiency. It does constitute fulfillment of your responsibility pursuant to SDCL 12-13-25 to submit your draft to this office for review and comment. If you proceed with your initiated measure, please take care to ensure that your statements or advertising do not imply that this office endorsed or approves your proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock". The signature is fluid and cursive.

Jason Hancock  
Director

JH/DO/ct  
Enclosure

CC: The Honorable Steve Barnett, Secretary of State  
The Honorable Jason Ravensborg, Attorney General

35-4-81.2. 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. ~~except any~~ However, a municipality that is authorized by chapter 42-7B to allow legal games of chance may allow 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 such the license, alcoholic beverages at any time except on Christmas day subject to any reasonable conditions the municipality may impose. A violation of this section is a Class 2 misdemeanor.

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. except any municipality that is authorized by chapter 42-7B to allow legal games of chance may allow 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 such license, alcoholic beverages at any time except on Christmas Day subject to any reasonable conditions the municipality may impose. A violation of this section is a Class 2 misdemeanor.

**Source:** SL 1987, ch 261, § 33; SL 2008, ch 182, § 4; SL 2010, ch 183, § 3; SL 2011, ch 172, § 5; SL 2018, ch 213, § 91.