



**RECEIVED**

**APR 26 2019**

**S.D. SEC. OF STATE**

April 26, 2019

Ms. Melissa Mentele  
New Approach SD  
241 N. 7<sup>th</sup> Street  
Emery, SD 57332

Dear Ms. Mentele:

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.

If the voters were to adopt this initiated measure, federal law would still apply to conduct related to marijuana use, possession, production, sale, or transportation. Passage of this initiated measure would place South Dakota law in conflict with federal law.

Upon our review we have the following comments:

- (1) The first sentence of Section 17 is unnecessary. Any contract that is not a contravention of the law of this state is enforceable; and
- (2) Section 80 is unnecessary and should be removed. Penalty provisions should be placed in the section in which the required or prohibited action is described. You have done that. We added a sentence to section 72 to cover a violation of an administrative rule. A catch-all penalty section is not needed and is not good drafting form. In our suggested changes, we have removed that section and renumbered the sections that follow.

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.