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June 3, 2019

Mr. Paul Thronson and Mr. Nick Zachariasen
South Dakota Community Action
7301 S. Valencia Drive
Sioux Falls, SD 57108

RECEIVED
JUN 03 2019
S.D. SEC. OF STATE

Dear Mr. Thronson and Mr. Zachariasen:

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 to assist 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 regarding an increase in the minimum wage with our suggested changes. The title has been removed since the attorney general will provide the title as required by SDCL 12-13-25.1. The catch lines to the sections have been removed since they are not part of the code. We have also added the repeal of SDCL 60-11-4.1 regarding the opportunity wage. This section is no longer necessary with your proposed change in SDCL 60-11-3. Also, the last section has been removed, as it appears to create an effective date prior to when 2020 initiated measures go into effect on July 1, 2021, under the provisions of SDCL 2-1-12, which may create confusion. If you have any questions regarding our suggested 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 initiated measure as submitted in final form to the Attorney General, so we can develop any fiscal note required by SDCL 2-9-30.

This letter constitutes neither an endorsement of your initiated measure nor a guarantee of its 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 endorses or approves your proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock".

Jason Hancock
Director

JH:DO:ct

Enclosure

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