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HAND DELIVERED

March 12, 2019

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

RE: **Attorney General's Statement for Constitutional Amendment
(allowing people to buy, sell, or rent any property or service)**

Dear Secretary Barnett,

This Office received a proposed initiated constitutional amendment that the sponsor will seek to place on the November 2020 ballot. It is a revised version of one that the sponsor submitted last year, for which this Office previously filed a title and explanation. Enclosed is a copy of the revised initiated constitutional amendment, in final form, that the sponsor submitted. In accordance with SDCL 12-13-25.1, I hereby file the enclosed Attorney General's Statement with respect to this amendment.

By copy of this letter, I am providing a copy of the Attorney General's Statement to the sponsor of the proposed amendment.

Very truly yours,

Jason R. Ravensborg
ATTORNEY GENERAL

JRR/PA/lde
Enc.

cc/enc.: Levi Breyfogle

Filed this 12th day of

March 2019

SECRETARY OF STATE

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Freedom to Buy, Sell, and Use

§ 30. Any person eighteen years of age or older may freely buy, sell, or rent any property or service owned by the person to any other willing person eighteen years of age or older. Any person eighteen years of age or older may freely possess, use, destroy, or modify any property owned by the person.

No public funds of this state, or any political subdivision of this state, may be expended for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation regulating any case that is in violation of this amendment.

No personnel or property of this state, or any political subdivision of this state, may be utilized for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that is in violation of this amendment.

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CONSTITUTIONAL AMENDMENT

ATTORNEY GENERAL'S STATEMENT

Title: An amendment to the South Dakota Constitution allowing people to buy, sell, or rent any property or service.

Explanation:

Under this constitutional amendment, people who are at least 18 years old may buy, sell, or rent any of their property or services to any willing person who is at least 18 years of age. In addition, any person who is 18 or older may possess, use, destroy, or modify any property the person owns.

The amendment prohibits the use of state and local funds, personnel, or property to implement or enforce any federal law, executive order, rule, or regulation that violates this amendment.

The full scope and effect of this amendment are unclear and will likely require judicial clarification. Among other things, a court may determine the amendment decriminalizes the possession, sale, or rental of property or services that are currently illegal under state and local laws.