



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
<http://atg.sd.gov>

RECEIVED

OCT 24 2022

SD Secretary of State

MARK A. VARGO
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

October 24, 2022

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

RE: Attorney General's Statement (Initiated Measure: Sales Tax on Eating and Drinking)

Dear Secretary Barnett,

Enclosed is a copy of a proposed initiated measure, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purposes of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the sponsor.

Very truly yours,

Mark A. Vargo
ATTORNEY GENERAL

MAV/dd
Enc.

Filed this 24th day of
October, 2022
Steve Barnett
SECRETARY OF STATE

Cc/encl: Richard P. Weiland
Reed Holwegner – Legislative Research Council

RECEIVED

OCT 24 2022

INITIATED MEASURE

SD Secretary of State

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Initiated Measure Prohibiting Taxes on Anything Sold for Eating or Drinking.

Explanation:

Currently, the state collects tax on the sale or use of certain foods or drinks. Many municipalities also collect tax on the sale or use of foods or drinks.

This initiated measure prohibits the state, or municipalities, from collecting sales or use tax on anything sold for eating or drinking by humans. The measure eliminates these sources of revenue.

The measure does not prohibit the collection of sales or use tax on alcoholic beverages or prepared food. Prepared food is defined by law to include food that is sold heated or with utensils.

Judicial or legislative clarification of the measure may be necessary.

Filed this 24th day of
OCTOBER 2022
Steve Barnett
SECRETARY OF STATE

RECEIVED

OCT 24 2022

SD Secretary of State

August 26, 2022

Mark.Vargo@state.sd.us
Attorney General Mark Vargo
1302 E. Hwy. 14, #1
Pierre, SD 57501

Reed.Holwegner@sdlegislature.gov
Director Reed Holwegner
Legislative Research Council
500 E. Capitol Ave.
Pierre, SD 57501

Steve.Barnett@state.sd.us
Secretary of State Steve Barnett
Capitol Building
500 E. Capitol Ave. Ste 204
Pierre, SD 57501

Gentlemen:

In accordance with SDCL 12-13-25.1, I submit the following proposed initiated measure in final form:

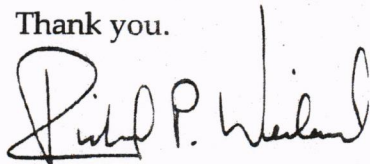
BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

That Title 10 be amended by adding a NEW SECTION to read:

Notwithstanding any other provision of law, the state may not tax the sale of anything sold for eating or drinking by humans, except alcoholic beverages and prepared food.

I ask that the Attorney General prepare the necessary title and explanation for this initiated measure. Per SDCL 2-9-30, I ask that the Director of the Legislative Research Council prepare the necessary fiscal note for this initiated measure.

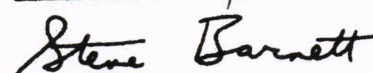
Thank you.



Richard P. Weiland
Dakotans for Health
P.O. Box 2063
Sioux Falls, SD 57101

Filed this 24th day of

October, 2022



SECRETARY OF STATE