

Initiated Measures & Constitutional Amendments Received by LRC

Public School Bathrooms and Locker Rooms

An initiated measure that would limit bathroom and locker room access to members of the same biological sex was submitted on 9/21/16 by Jack Heyd of Box Elder, SD. The draft was one page long and included three sections. LRC provided style and form edits on 10/7/16. A revised draft was re-submitted on 1/19/17. This draft was one page and included five sections. LRC provided style and form edits on 2/3/17.

Euthanasia

An initiated measure to legalize and regulate the prescription of life-ending drugs to the terminally ill was submitted on 10/5/16 by Angela Albonico of Spearfish, SD. The draft was 13 pages long and included 26 sections. LRC provided style and form edits on 10/20/16. A revised draft was re-submitted for review on 10/26/16. This draft was 11 pages long and included 26 sections. LRC provided further style and form edits on 11/2/16.

Medical Marijuana

An initiated measure that would decriminalize and regulate medical marijuana under state law was submitted on 11/15/16 by Melissa Mentele of Emery, SD. The draft was 22 pages long and includes 95 sections. LRC provided style and form edits on 11/30/16.

Recreational Marijuana #1

An initiated measure that would decriminalize and regulate small amounts of recreational marijuana under state law was submitted on 11/15/16 by Melissa Mentele of Emery, SD. LRC returned the draft to the sponsor without review, since it was simply a copy of Colorado's Amendment 64, which was written to amend Colorado law. LRC requested that the sponsor re-write the language to amend South Dakota law, and re-submit. LRC accepted a revised draft on 12/22/16. This draft was 12 pages long and included 26 sections. LRC provided style and form edits on 1/6/17, which included increased the number of sections to 37.

Initiated Measures and Constitutional Amendments #1

An initiated amendment to the state constitution was submitted on 2/2/17 by Douglas Kronaizl. The draft was two pages long, included four sections, and would:

- 1.) Prohibit the Legislature from repealing, impairing, or modifying any initiated measure within three years of passage;
- 2.) Allow an initiated measure or constitutional amendment to define its own effective date within the 1/1-7/1 range, with a default of 1/1;
- 3.) Resolve conflicts between initiated measures or between constitutional amendments by deferring to the one receiving the most votes;
- 4.) Change the signature threshold for constitutional amendments from "at least" 10% of total votes cast for Governor at the last election to "not more than" 10%;

- 5.) Change the signature threshold for initiated measures and referenda from no more than 5% of the “qualified electors” to no more than 5% of the votes cast for Governor in the last election;
- 6.) Allow referral of bills with emergency clauses, which would remain in effect until voted on by the people; and
- 7.) Prohibit referral of the “annual budget.”

The sponsor withdrew the submission on 2/9/17.

Recreational Marijuana #2

An initiated measure that would decriminalize and regulate small amounts of recreational marijuana under state law was submitted on 2/17/17 by John Dale of Spearfish, SD. The draft was seven pages long and included five sections in ALL-CAPS, with many subsections. LRC provided style and form edits on 3/3/17. A revised draft was submitted on 3/16/17. This draft was six pages long and included 19 sections. LRC provided style and form edits on 3/29/17.

IM22 Replacements

Four initiated constitutional amendments that would place many IM22-type concepts into the state constitution were submitted on 4/5/17 by Jim Leach, an attorney from Rapid City, SD. They are much longer and more complicated than what is usually found in most constitutional amendments, and include what would be the first examples of specific classes of misdemeanor and felony crimes to be put into the constitution. A highly condensed description of their contents follows:

Drafts #1 & #2

These drafts deal with the issues of bribery, campaign fundraising and limits, regulation of gifts, nullification of the legislatively-created State Government Accountability Board, and creation of a new State Government Accountability Board, with extensive powers. They also provide that initiated measures take effect 60 days after approval, and all legislation that repeals, amends, or frustrates an initiated measure, or makes changes to the initiative and referendum process or requirements, is automatically referred, and cannot go into effect unless approved by the people.

Drafts #3 & #4

These drafts include the same issues as the first sentence of #1 and #2, above.

LRC is currently working on style and form edits for these drafts, which it must have completed by 4/20/17.

Initiated Measures and Constitutional Amendments #2

Three initiated constitutional amendments were submitted on 4/7/17 by Roxanne Weber of Pierre, SD, and Nicholas Rasmussen of Sioux Falls, SD. These three drafts include the following provisions:

Draft #1

- 1.) Allows laws enacted with an emergency clause to be referred within 90 days of the laws going into effect. Such legislation would remain in effect until voted on by the people.
- 2.) Legislature may only repeal or amend an initiated measure by a two-thirds vote.

- 3.) Legislature may only use an emergency clause to repeal or amend an initiated measure by a three-fourths vote.

Draft #2

- 1.) Allows laws enacted with an emergency clause to be referred within 90 days of the laws going into effect. Such legislation would remain in effect until voted on by the people.
- 2.) Legislature may only repeal or amend an initiated measure by a two-thirds vote.
- 3.) Initiated measures and referred laws take effect 30 days after election.
- 4.) If conflicting measures are approved by the people, the measure receiving the most votes prevails.

Draft #3

- 1.) Allows laws enacted with an emergency clause to be referred within 90 days of the laws going into effect. Such legislation would remain in effect until voted on by the people.
- 2.) Legislature may only repeal or amend an initiated measure by a two-thirds vote.
- 3.) Any law changing the number of electors needed or time available to submit initiated measures, referred laws, or constitutional amendments, to change the number of electors needed for passage, or to change the effective date, must be referred to the people. No such law may take effect until approved by the people.
- 4.) Changes number of qualified voters needed to propose constitutional amendments from “at least” 10% to “not more than” 10%.

LRC is currently working on style and form edits for these drafts, which it must have completed by 4/22/17.