

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

880S0340

HOUSE BILL NO. 1088

Introduced by: Representatives Steele, Brunner, Greenfield, Haggar, Hansen (Jon), Hickey, Hoffman, Hubbel, Jensen, Kopp, Liss, Magstadt, Miller, Munsterman, Nelson (Stace), Novstrup (David), Olson (Betty), Russell, Sly, Stricherz, Tulson, Venner, Verchio, Wick, and Willadsen and Senators Begalka, Holien, Lederman, Maher, Novstrup (Al), and Rampelberg

1 FOR AN ACT ENTITLED, An Act to make certain legislative findings concerning the
2 constitutionality of certain federal health care laws.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Legislature finds that no authority exists in the United States Constitution to
5 justify the enactment of any federal statute which interferes with the right of any person or entity
6 to choose their personal physician, private health care system, or private health care coverage,
7 or which imposes any penalty, tax, fee, or fine, of any type, for declining to purchase health care
8 coverage or participate in any particular health care system or plan. The Legislature further finds
9 that in the absence of such specific authority, and in conjunction with the unenumerated and
10 reserved powers retained by the people and the states pursuant to the ninth and tenth
11 amendments, all such federal legislation is inherently unconstitutional and null and void ab
12 initio.

