

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

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HOUSE CONCURRENT RESOLUTION NO. 1028

Introduced by: Representative Nelson and Senators Begalka and Maher

1 A CONCURRENT RESOLUTION, Urging Congress to repeal and defund Obamacare.

2 WHEREAS, on March 23, 2010, the Patient Protection and Affordable Care Act of 2010,
3 also known as Obamacare, amended by the Health Care and Education Reconciliation Act of
4 2010, passed by the unsavory political maneuvering of reconciliation, was enacted by
5 completely partisan votes, i.e. not one Republican vote, in both the U.S. Senate and the U.S.
6 House of Representatives; and

7 WHEREAS, since 2010, many South Dakota politicians have campaigned claiming to be
8 opposed to Obamacare and to be dedicated to preventing the enactment and implementation of
9 Obamacare; and

10 WHEREAS, on February 23, 2010, SB 137, an Act to nullify Obamacare, was defeated; and

11 WHEREAS, on March 23, 2010, the South Dakota attorney general joined Florida and
12 twelve other states in a lawsuit contesting that Obamacare was unconstitutional; and

13 WHEREAS, between July 15 - September 29, 2010, South Dakota state governmental
14 agencies received six Obamacare grants to enact and implement Obamacare provisions, which
15 they previously applied for, totaling \$2,860,314.00; and



1 WHEREAS, in December 2010, SB 38 and SB 43 were prefiled and subsequently passed
2 during the 2011 South Dakota Legislative Session, which enacted changes to South Dakota
3 Codified Law to facilitate enactment and implementation of Obamacare; and

4 WHEREAS, on February 9, 2011, HB 1165 to prohibit the enforcement of Obamacare in
5 South Dakota, was defeated; and

6 WHEREAS, between August 11 - September 24, 2011, South Dakota state governmental
7 agencies received five Obamacare grants to enact and implement Obamacare provisions, which
8 they previously applied for, totaling \$3,774,653.00; and

9 WHEREAS, on September 28, 2011, the South Dakota attorney general joined other states
10 in challenging the constitutionality of Obamacare to the Supreme Court of the United States of
11 America; and

12 WHEREAS, on February 7, 2012, HB 1191, an Act to provide for an interstate compact on
13 public health care, to establish an interstate advisory health care commission, to specify the
14 relationship between the member states and the federal government, and to assert the right to
15 federal funding in lieu of certain federally funded incentives, was defeated; and

16 WHEREAS, on February 13, 2012, HB 1165, a repeal of 2011's SB 43, was defeated; and

17 WHEREAS, on February 13, 2012, HB 1167, a repeal of 2011's SB 38, was defeated; and

18 WHEREAS, on February 15, 2012, HB 1190, an Act to require Legislative approval before
19 a health insurance exchange is created or implemented, was defeated; and

20 WHEREAS, on July 1, 2012, HB 1185 became law when it was passed to prohibit all
21 qualified health plans offered through Obamacare health care exchanges in South Dakota,
22 including abortion coverage; and

23 WHEREAS, on July 1, 2012, HB 1220 became law when it was passed to conditionally
24 repeal certain provisions enacting and implementing Obamacare provisions into SDCL via 2011

1 legislation in the event Obamacare was found to be unconstitutional; and

2 WHEREAS, between May 16 - September 25, 2012, South Dakota state governmental
3 agencies received five Obamacare grants to enact and implement Obamacare provisions, which
4 they previously applied for, totaling \$7,363,460.00; and

5 WHEREAS, on June 28, 2012, the Supreme Court of the United States of America ruled
6 that Obamacare was a tax and therefore constitutionally enacted; and

7 WHEREAS, on February 4, 2013, HB 1244, an Act to prohibit the expansion of Medicaid
8 eligibility under Obamacare, was defeated; and

9 WHEREAS, on July 1, 2013, SB 139 became law when it was passed to regulate certain
10 market activity in an enacted Obamacare health exchange in South Dakota; and

11 WHEREAS, on July 1, 2013, HB 1103 became law when it was passed to exempt credit
12 health insurers from certain provisions related to preexisting conditions; and

13 WHEREAS, between June 25 - September 20, 2013, South Dakota state governmental
14 agencies received five Obamacare grants to enact and implement Obamacare provisions, which
15 they previously applied for, totaling \$3,686,723.00; and

16 WHEREAS, all reliable public opinion polls continue to show that less than half of the
17 population supports the unpopular Obamacare, and support continues to decline as more and
18 more details of the costly law take effect and Americans lose their current health care coverage;
19 and

20 WHEREAS, health care costs are already rising and are projected to rise more by the
21 nonpartisan Congressional Budget Office estimates for this program, and the data is showing
22 that the care and cost for those with health insurance will rise to compensate for those not being
23 presently covered; and

24 WHEREAS, employers, especially those employing over fifty employees, are finding it

1 impractical to employ more full-time employees due to these onerous costs, because it is
2 impractical, expensive, and harms the businesses; and

3 WHEREAS, the Obama Administration recently delayed the employer mandate, but unfairly
4 is still forcing individuals and families to pay to implement an individual mandate; and

5 WHEREAS, both public and private unions have petitioned for waivers to be released from
6 the mandates of Obamacare, and recently, having discovered the details of the plan, are calling
7 for repeal or fixes to the law; and

8 WHEREAS, health care should remain in the hands of citizens, not bureaucrats; and

9 WHEREAS, Obamacare will result in the IRS alone hiring more than 12,000 new agents to
10 ensure compliance, while more and more regular Americans lose full-time work by the day; and

11 WHEREAS, the implementation of Obamacare has already prompted large corporations like
12 UPS, Home Depot, Walmart and others to dramatically revamp or eliminate their employee
13 health care plans, and reduce workers to part-time status to avoid Obamacare's draconian
14 mandates, causing great suffering for middle-class American families; and

15 WHEREAS, the average family of four will spend an additional \$4,000 annually in health
16 care costs by 2016 if Obamacare continues to be implemented; and

17 WHEREAS, government will collect more than \$1.3 TRILLION in new taxes over the next
18 decade on everything from prescription drugs and private insurance plans to medical device
19 manufacturers; and

20 WHEREAS, Obamacare forces free people, under the cover of a convoluted Supreme Court
21 decision, to buy a product from a private company, which is fundamentally un-American,
22 unconstitutional, and anathema to a country that was built on free market principles; and

23 WHEREAS, the United States Office of Personnel Management has recently exempted
24 Congress and its staff from Obamacare while forcing American taxpayers they are supposed to

1 serve, into compliance with it; and

2 WHEREAS, Congress has the power to stop Obamacare from being forced upon the people
3 of the United States by introducing and securing passage of bills to repeal Obamacare as well
4 as appropriations bills that exclude funding for Obamacare:

5 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
6 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the South
7 Dakota Legislature urges South Dakota's Congressional delegation to support every effort by
8 their Congressional colleagues to repeal and defund Obamacare; and

9 BE IT FURTHER RESOLVED, that the Legislature urges Congress and President Obama
10 to support such efforts as the will of the people.