

THE SOUTH DAKOTA FREEDOM INDEX



“The members ... of the State governments ... will have an essential agency in giving effect to the federal Constitution.” [James Madison, *Federalist No. 44*]

How your state legislators voted on the "top ten" issues affecting your freedom.
Our second look at the voting records of the South Dakota state Legislators who began their two-year terms in January of 2011. Subjects include "concealed-carry" permits, state-level "ObamaCare," illegal immigration, abortion, and wealth redistribution.

South Dakota House Vote Scores (by district)

Dist.	Name/ (Party)	2012 Session	Vote Number										2011-12 Score	Dist.	Name/ (Party)	2012 Session	Vote Number										2011-12 Score		
			11	12	13	14	15	16	17	18	19	20					11	12	13	14	15	16	17	18	19	20			
1	Wismer (D)	11%	+	-	-	-	-	-	-	-	-	-	-	?	16%	18	Hunhoff, B. (D)	11%	+	-	-	-	-	-	?	-	-	-	21%
1	Sigdestad (D)	50%	-	+	+	+	+	-	-	-	-	+	-	-	40%	19	Van Gerpen (R)	89%	-	+	+	+	+	+	+	?	+	+	79%
2	Elliott (D)	44%	+	+	+	-	-	?	-	-	-	+	-	-	31%	19	Kloucek (D)	80%	+	+	+	+	+	+	+	-	+	-	60%
2	Dennert (D)	10%	-	-	-	-	+	-	-	-	-	-	-	-	20%	20	Rozuk (R)	30%	-	+	-	-	-	+	+	-	-	-	35%
3	Novstrup, D. (R)	50%	-	+	+	-	+	+	+	-	-	-	-	-	45%	20	Carson (R)	50%	-	+	+	-	+	-	+	-	-	+	45%
3	Feickert (D)	20%	-	-	-	-	+	-	+	-	-	-	-	-	30%	21	Schaefer (R)	60%	-	+	+	+	+	+	+	-	-	-	55%
4	Street (D)	11%	-	-	?	-	+	-	-	-	-	-	-	-	26%	21	Scott (R)*	50%	-	+	+	+	+	-	+	-	-	-	50%
4	Rausch (R)	60%	-	+	+	-	+	+	+	-	-	-	+	-	50%	22	White (R)	30%	-	-	+	-	+	-	+	-	-	-	35%
5	Solum (R)	40%	-	+	-	-	+	+	+	-	-	-	-	-	35%	22	Gibson (D)	0%	-	?	-	-	?	-	-	-	-	-	22%
5	Magstadt (R)	50%	-	+	+	-	+	+	+	-	-	-	-	-	55%	23	Hoffman (R)	50%	-	+	+	-	+	+	+	-	-	-	50%
6	Tulson (R)	50%	-	+	+	-	+	+	+	-	-	-	-	-	50%	23	Cronin (R)	60%	-	+	+	-	+	+	+	-	-	+	53%
6	Greenfield (R)	90%	-	+	+	+	+	+	+	+	+	+	+	+	85%	24	Venner (R)	80%	-	+	+	-	+	+	+	+	+	+	75%
7	Munsterman (R)	67%	-	+	+	?	+	+	+	-	-	-	+	-	56%	24	Perry (R)	20%	-	+	-	-	-	-	+	-	-	-	21%
7	Hawley (D)	10%	-	-	-	-	+	-	-	-	-	-	-	-	20%	25	Nelson, S. (R)	89%	-	?	+	+	+	+	+	+	+	+	89%
8	Stricherz (R)	75%	-	+	?	?	+	+	+	-	+	+	+	+	67%	25	Hansen, J. (R)	90%	+	+	+	+	+	+	+	+	-	+	84%
8	Fargen (D)	10%	+	-	-	-	-	-	-	-	-	-	-	-	20%	26	Lucas (D)	20%	+	-	-	-	-	-	-	-	+	-	15%
9	Hickey (R)	90%	-	+	+	+	+	+	+	+	+	+	+	+	80%	26	Vanneman (R)	29%	-	+	+	-	?	?	?	-	-	-	38%
9	Deelstra (R)	44%	-	+	+	-	+	+	?	-	-	-	-	-	41%	27	Killer (D)	40%	+	+	-	+	-	-	-	-	+	-	39%
10	Hunt (R)	50%	-	+	+	-	+	+	+	-	-	-	-	-	45%	27	Iron Cloud III (D)	44%	+	+	-	-	-	-	+	-	+	?	53%
10	Abdallah (R)	50%	-	+	+	-	+	+	+	-	-	-	-	-	39%	28	Schremp (D)	78%	+	+	+	+	+	?	+	-	+	-	67%
11	Willadsen (R)	40%	-	-	+	-	+	+	+	-	-	-	-	-	45%	28	Olson, B. (R)	90%	-	+	+	+	+	+	+	+	+	+	90%
11	Hubbel (R)	90%	-	+	+	+	+	+	+	+	+	+	+	+	85%	29	Wink (R)	60%	-	+	+	+	+	-	+	-	-	+	55%
12	Wick (R)	60%	-	+	+	-	+	+	+	-	-	-	+	-	55%	29	Brunner (R)	70%	-	+	+	+	+	+	+	-	-	+	65%
12	Steele (R)	88%	-	+	+	+	+	+	?	+	+	?	+	?	83%	30	Verchio (R)	90%	+	+	+	-	+	+	+	+	+	+	85%
13	Liss (R)	80%	-	+	-	-	+	+	+	+	+	+	+	+	80%	30	Russell (R)	90%	-	+	+	+	+	+	+	+	+	+	85%
13	Blake (D)	20%	+	-	-	-	-	-	-	-	-	-	-	-	25%	31	Turbiville (R)	20%	-	-	-	-	-	+	+	-	-	-	30%
14	Tornow (R)	100%	+	+	+	+	+	+	+	+	+	+	+	+	90%	31	Romkema (R)	50%	-	+	+	-	+	+	+	-	-	-	32%
14	Feinstein (D)	0%	?	-	-	-	-	-	?	-	-	-	-	-	11%	32	Gosch (R)	60%	-	+	+	-	+	+	+	-	-	+	60%
15	Kirschman (D)	40%	+	-	-	-	+	-	+	-	+	-	-	-	40%	32	Conzet (R)	60%	-	+	+	-	+	+	+	-	-	+	60%
15	Haggar (Ind.)	80%	-	+	+	-	+	+	+	+	+	+	+	+	80%	33	Sly (R)	40%	-	-	+	-	+	+	+	-	-	-	45%
16	Miller (R)	67%	-	+	+	?	+	+	+	+	+	-	-	-	74%	33	Jensen (R)	80%	-	+	+	-	+	+	+	+	+	+	80%
16	Bolin (R)	50%	-	-	+	+	+	+	+	-	-	-	-	-	55%	34	Lust (R)	70%	+	+	+	-	+	+	+	-	-	+	65%
17	Jones (D)	40%	+	-	+	-	+	-	-	-	-	+	-	-	35%	34	Dryden (R)	30%	-	-	+	-	-	+	+	-	-	-	30%
17	Boomgarden (R)	63%	-	+	?	+	+	?	+	-	-	+	-	-	59%	35	Kirkeby (R)	60%	-	+	+	-	+	+	+	-	-	+	55%
18	Moser (R)	56%	?	+	+	-	+	+	+	-	-	-	-	-	56%	35	Kopp (R)	80%	-	+	+	+	+	+	+	+	+	-	75%

SD House scores are derived by dividing the number of freedom-friendly votes (plusses) by the total number of plusses and minuses and multiplying by 100. A "?" means that the legislator did not vote. (If a legislator cast fewer than five votes in this Index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 2 and 3. An asterisk (*) by the name indicates appointment by the Governor to fill the term of a vacated seat.

To find your state legislators, visit
<http://legis.state.sd.us/who/index.aspx> or
 call (605)-773-3251

SD House Vote Descriptions

11 Tax Refunds for Big Wind Farms HB 1228, introduced by Rep. Moser, would have provided tax refunds for wind energy projects exceeding \$50 million in cost, with a power generation capacity of 300 megawatts or greater, and with a construction date no earlier than January 1st, 2013. The House passed the final version of the bill 52-16 on March 1, 2012 (H.J. 710) after the Senate passed it by a vote of 18-15 on Feb. 28, 2012 (S.J. 611) but the Governor vetoed it. We have assigned plusses to the "nays" because the bill abandons free-market capitalist principles by picking winners and losers in the marketplace rather than allowing taxpayers to choose for themselves which ones they will support with their hard-earned money.

12 "Driver's License" Constitutional Carry Rep. Betty Olson introduced HB 1248, a modified version of a traditional "Constitutional Carry" proposal. Had Olson's bill been enacted, SD residents 18 or over who have a current drivers' license would have been exempted from penalties for carrying a concealed firearm without a South Dakota Concealed Pistol Permit. Olson's bill provided a way to verify a person's place of residence through his or her SD Driver's License. It passed the House 50-18 on Feb. 13, 2012 (H.J. 443) and passed the Senate by a vote of 22-11 on Feb. 28 (S.J. 601) but was ultimately vetoed by the Governor. We have assigned plusses to the "yeas" because, although this bill was not a pure "constitutional carry" proposal, it would have significantly moved state policy toward recognizing and fully protecting the right to keep and bear arms. This right is a logical corollary to the "natural" right of defending one's own life and property, even with lethal force if necessary. Government's proper role in this regard is to secure the means of exercising that right.

13 Illegal Immigration Resolution HCR 1015, introduced by Rep. Stace Nelson, states the position of

the SD Legislature which "urges Congress and the President of the United States to immediately provide for the security of our nation by controlling and securing our national borders," "to enforce all immigration laws," and supports "other states who have enacted state laws" to combat illegal immigration and its ill effects. It passed the House 49-18 on Feb. 24, 2012 (H.J. 602), and passed the Senate 32-0 on Feb. 28 (S.J. 594). We have assigned plusses to the "yeas" because the consequences of illegal immigration should be a concern to all states. Supporting those who have responsibility to protect America from those problems is a good start to adequately addressing the situation.

14 Limit Conservation Easements to 30 years HB 1087, introduced by Rep. Betty Olson, would have eliminated the practice of placing "conservation easements" on property that are binding "in perpetuity" and limit them to 30 years. A conservation easement is an agreement between the land owner and a government entity to waive certain usage rights (such as development or productive activity) on the property in exchange for tax incentives. Perpetual easements bind any future owners of the property to the limits placed on the use of the land when the easement was signed. The House rejected this bill 22-45 on Feb. 8, 2012. We have assigned plusses to the "yeas" because the effect of perpetual easements is to infringe upon the private property rights of future owners of land by dictating to them how it will be used without their consent.

15 Academic Study of Bible in Public Schools Rep. Hickey introduced HCR 1004. This resolution states that the SD Legislature "support[s] and encourage[s] ... all school districts in the state to implement a course of study or to include in the literature or social studies curriculum courses or lessons that help students become familiar with the content, characters, and narratives of *The Bible* and to include in such courses an awareness of the role

The Bible has played in the development of literature, art, music, culture, and public discourse." It passed the House Jan. 25, 2012 by a vote of 55-13 (H.J. 193) and passed the Senate 25-10 on Jan. 30. We have assigned plusses to the "yeas" because *The Bible* is a foundational text of Western civilization; its teachings provide a framework upon which the most free and prosperous society in the history of the world has been built.

16 Require Legislature's Approval for SD Health Care Exchange HB 1190, introduced by Rep. Hubbel, would have prohibited the creation or implementation of a health care exchange "without the express approval of the Legislature." A health care exchange is a government-created and controlled market for health care insurance. The push for these "exchanges" came from the 2010 federal health care reform law, often called "ObamaCare." This bill passed the House 45-21 on Jan. 31, 2012 (H.J. 302) but later died in the Senate HHS Committee by a 4-1 vote. We have assigned plusses to the "yeas" because requiring approval by state legislators, the members of state government most directly accountable to the people, would increase the likelihood of implementing such an arrangement affecting every resident of the state only after serious thought and debate.

17 Reproductive Rights Awareness Week Rep. Gibson's HCR 1001 aimed to designate Jan. 22-28, 2012 as Reproductive Rights Awareness Week. It failed in the House by a vote of 12-53 on Jan 23, 2012 (H.J. 136). The part of the resolution stating, "matters related to women's reproductive rights, including ... abortion, are personal issues" was particularly worrisome to some members. Jan 22nd, 2012 marked the 39th anniversary of the US Supreme Court's Roe v. Wade decision, which led to the nationwide legalization of abortion and the effective abolishment of state laws prohibiting abortion. We have assigned plusses to the "nays" because this resolution, had it passed,

would have placed the Legislature officially on record as supporting a cultural and moral revolution that has had untold negative effects on the American family and society.

18 Repeal State "Obama-Care" Law if Federal Law Ruled Unconstitutional IN PART

As an amendment to HB 1220 [see Senate vote #11], Rep. Russell proposed that certain state-implemented government health care regulations that were spurred by the 2010 federal health care reform law under review by the US Supreme Court be repealed if the Court were to rule that PART (rather than all) of the federal law violated the US Constitution. The Russell amendment failed in the House 16-53 on Feb. 14, 2012. We have assigned plusses to the "yeas" because the amendment clearly separates those who are willing to implement unconstitutional federal legislation at the state level from those who are not. [see vote # 2 from the 2011 Index]

19 Repeal Drivers' License Documentation Requirements

Rep. Russell introduced HB 1169, which would have repealed certain documentation requirements for applicants requesting a South Dakota drivers' license which were implemented to comply with the federal REAL ID Act of 2005. Though it failed in committee, a sufficient number, according to House rules, voted to bring the bill before the full House. Then, a vote was taken to strike the "not" in the committee's "do not pass" recommendation for this bill. This motion failed 26-44 on Feb. 4, 2012 (H.J. 457), so the bill failed. We have assigned plusses to the "yeas." Not only is a national ID card a hallmark of a police state, but trying to implement one through the back door through state drivers' licenses is clearly outside the proper authority of the federal government.

20 Veto Override--"Drivers' License" Constitutional Carry

After the House and Senate passed HB 1248, a modified version of a "Constitutional Carry" bill, which was

designed to address concerns expressed by the Governor, he vetoed the bill anyway. The House's attempt to override the veto failed 27-40 on March 19, 2012 (H.J. 739). We have assigned plusses to the "yeas." [See House vote #12 for details]

SD Senate Vote Descriptions

11 Conditional Repeal of State-level "ObamaCare"

Rep. Gosch proposed HB 1220 to repeal a law from the South Dakota 2011 legislative session which implemented portions of the federal health care reform act (often called "ObamaCare") [see vote #2 in the 2011 SD Freedom Index] if the US Supreme Court were to rule ALL of the federal law unconstitutional (which did not occur). HB 1220 passed the Senate by a vote of 29-4 on Feb 28 (S.J. 609). We have assigned plusses to the "yeas" because, although this bill indicates a willingness of the Legislature to implement even the most egregious usurpations of federal power, it at least opens the door for the rollback of state law put in place to implement thoroughly unconstitutional federal law.

12 "Driver's License" Constitutional Carry

(See House vote #12 for details) Plusses to the "yeas."

13 Illegal Immigration Resolution

(See House vote #13 for details) Plusses to the "yeas."

14 Prohibit Hiring of Illegal Aliens

Sen. Tieszen's SB 155 was proposed to prohibit anyone in South Dakota from "knowingly and intentionally" employing anyone who "does not have the legal right or authorization under federal law to work in the United States." Such hiring practices would be considered a misdemeanor, but penalties would increase for repeat offenders. The Senate failed to pass the bill by a vote of 10-19 (S.J. 374). We have assigned plusses to the "yeas" because illegal immigration's threats to health, economic stability, safety, and freedom place it well within the proper

role and duty of state government to penalize those who provide economic incentives for such unlawful behavior.

15 Academic Study of Bible in Public Schools

(See House vote #20 for details) Plusses to the "yeas."

16 Tax Refunds for Big Wind Farms

(See House vote #11 for details) Plusses to the "yeas."

17 Government-funded Charity

HB 1206, introduced by Rep. Blake, stipulated that certain moneys in the state general fund in excess of what had been previously appropriated be given to the SD Dept. of Social Services to issue grants for emergency food assistance. The bill passed the Senate 24-9 on Feb. 27, 2012 (S.J. 585). We have assigned plusses to the "nays" because, while state officials may be well-intentioned, this proposal falls outside the proper role of government as defined in The Declaration of Independence, which is simply to "secure" our God-given rights.

18 Clarifying Pro-Life Bill

HB 1254, introduced by Rep. Hunt, was a "cleanup" bill to amend and clarify a pro-life bill from last year. That bill required women seeking an abortion in SD to wait 72 hours, during which they would receive counseling and visit with the doctor who was to perform the procedure. The doctor was required to inform the woman of "risk factors" related to an abortion. HB 1254 specifies the particular "risk factors" while requiring that any counselor a woman visits to be licensed. The overall intent of the original bill remains the same while the intent of the legislature is clarified. The bill passed the Senate 26-7 on Feb. 23, 2012 (S.J. 547). We have assigned plusses to the "yeas" because the bill improves upon a law that would likely protect the right to life by reducing the number of abortions performed in South Dakota.

19 Battery of Infants and Unborn Children

Senator

Rave's SB 148 adds new verbiage to SD law stating that infants and unborn children have similar protections under law. The bill provides that if a pregnant mother is assaulted by another person and the unborn child is born alive, the perpetrator is guilty of either criminal battery (a class 1 misdemeanor) or aggravated criminal battery (a class 3 felony), depending on how serious the child's injuries may be. If the harmed child is age 0-3 years, the offense is aggravated battery of an infant (a felony).

The measure passed the Senate 34-0 on Feb. 13, 2012 (S.J. 389). We have assigned pluses to the "yeas" because the bill provides legal protections to some of the most vulnerable among us.

20 Prohibit Abortion Coverage in Health Care Exchange Pursuant to the federal health care reform law of 2010 (AKA "ObamaCare"), some states, including SD, have begun to set up government-sanctioned health insurance markets

called "exchanges." HB 1185, introduced by Rep. Jon Hansen, would have prohibited such "exchanges" from offering abortion coverage. The proposal passed the Senate 26-6 on Feb. 28, 2012 (S.J. 602). We have assigned pluses to the "yeas" because forcing businesses to sell specific services, especially those which many would find morally repugnant, is immoral, not to mention an unconstitutional overreach.

South Dakota Senate Vote Scores (by district)

Dist.	Name / (Party)	2012 Session	Vote Number										2011-12 Score
			11	12	13	14	15	16	17	18	19	20	
1	Frerichs (D)	50%	-	+	+	-	-	-	-	+	+	+	50%
2	Hundstad (D)	?	?	?	?	-	?	?	?	+	?	42%	
3	Novstrup, A. (R)	80%	+	+	+	-	+	-	+	+	+	65%	
4	Begalka (R)	70%	+	+	+	-	+	-	-	+	+	70%	
5	Holien (R)	70%	+	-	+	-	+	-	+	+	+	65%	
6	Fryslie (R)	80%	+	+	+	-	+	-	+	+	+	70%	
7	Tidemann (R)	60%	+	+	+	-	-	+	-	-	+	50%	
8	Olson, R. (R)	89%	+	+	+	+	+	+	?	+	+	84%	
9	Peters (R)	67%	+	-	+	-	+	-	+	+	?	58%	
10	Krebs (R)	67%	+	+	+	-	+	-	-	+	?	63%	
11	Schlekeway (R)	89%	+	+	+	?	+	+	-	+	+	74%	
12	Johnston (R)	70%	+	-	+	+	+	-	-	+	+	60%	
13	Heineman (R)	90%	+	+	+	-	+	+	+	+	+	80%	
14	Cutler (R)	50%	+	+	+	?	-	-	-	?	+	47%	
15	Buhl (D)	30%	-	-	+	-	-	+	-	-	+	39%	
16	Lederman (R)	78%	+	+	+	?	+	-	-	+	+	68%	
17	Nygaard (R)	?	?	?	?	+	?	-	-	+	?	33%	

Dist.	Name / (Party)	2012 Session	Vote Number										2011-12 Score
			11	12	13	14	15	16	17	18	19	20	
18	Hunhoff, J. (R)	60%	+	+	+	-	-	-	-	+	+	+	55%
19	Putnam (R)	90%	+	+	+	+	+	+	+	-	+	+	75%
20	Vehle (R)	60%	+	-	+	+	-	-	+	+	+	-	55%
21	Juhnke (R)*	80%	+	+	+	-	+	-	+	+	+	+	60%
22	Hansen, T. (R)	70%	+	+	+	-	-	-	+	+	+	+	60%
23	Brown (R)	90%	+	+	+	+	+	+	+	-	+	+	85%
24	Gray (R)	56%	+	-	?	-	+	-	-	+	+	+	59%
25	Rave (R)	80%	+	+	+	-	+	-	+	+	+	+	70%
26	Sutton (D)	60%	-	-	+	-	+	+	-	+	+	+	55%
27	Bradford (D)	40%	-	-	+	-	+	+	-	-	+	-	42%
28	Maher (R)	78%	+	+	+	?	+	-	-	+	+	+	79%
29	Rhoden (R)	80%	+	+	+	-	+	-	+	+	+	+	70%
30	Rampelberg (R)	90%	+	+	+	-	+	+	+	+	+	+	75%
31	Nelson, T. (R)	40%	+	-	+	+	-	-	-	-	+	-	40%
32	Adelstein (R)	50%	+	-	+	+	+	-	-	-	+	-	50%
33	Kraus (R)	100%	+	+	+	+	+	+	+	+	+	+	80%
34	Tieszen (R)	50%	+	-	+	+	-	-	-	-	+	+	53%
35	Haverly (R)	90%	+	+	+	+	+	+	+	-	+	+	74%

The Senate scores are derived by dividing the number of freedom-friendly votes (plusses) by the total number of plusses and minuses and multiplying by 100. A "?" means that the Senator did not vote. (If he or she cast fewer than five votes in this Index, a score is not assigned.) Match numbers at the top of the chart to Senate vote descriptions on pages 3 and 4. An asterisk (*) by the name indicates appointment by the Governor to fill out the term of a vacated seat. Senator Juhnke's percentage score for votes 1-20 is a combination of his votes in the House in 2011 and the Senate in 2012.

About This Index

To find your state legislators, visit <http://legis.state.sd.us/who/index.aspx> or call (605)-773-3251

The South Dakota Freedom Index is a project of the South Dakota Freedom Coalition, an ad-hoc committee of patriots from various organizations under the leadership of The John Birch Society in South Dakota. It rates all South Dakota Legislators based on their adherence to constitutional principles of limited government, fiscal responsibility, federalism, and protection of life, liberty, property, and pursuit of happiness. To learn how any legislator voted, find him or her in the appropriate vote chart. The average House score for this Index (votes 11-20) is 53%. The average Senate score is 70%. Rep. Shawn Tornow was the only House member to score 100%. Senator Kraus of Rapid City topped the Senate scores at 100%. The highest scores for votes 1-20 were earned by Representatives Olson and Tornow (90%) and Nelson (89%) and Senators Corey Brown (85%) and Russell Olson (84%). We encourage readers to examine how their own legislators voted on each measure listed as well as overall. We also encourage readers to commend legislators for their freedom-friendly votes and to urge improvement where needed. This is our second (and final) annual report for legislators who began their 2-year terms in January of 2011. Our next report will cover the 2013 session. Questions or comments may be directed to sdfcoalition@gmail.com □