

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

672V0474

## HOUSE JOINT RESOLUTION NO. 1004

Introduced by: Representatives Wick, Campbell, Cronin, Ecklund, Gosch, Haggar (Don), Haggar (Jenna), Heinemann (Leslie), Hunhoff (Bernie), Kopp, Lust, Magstadt, Mickelson, Munsterman, Olson (Betty), Qualm, Stalzer, Steele, Verchio, and Westra and Senators Rhoden, Brown, Heineman (Phyllis), Holien, Jensen, Jones (Chuck), Lederman, Maher, Novstrup (Al), Omdahl, Otten (Ernie), Rampelberg, Rave, and Tieszen

1 A JOINT RESOLUTION, Making formal application to Congress to call a limited  
2 constitutional convention for the sole purpose of proposing a federal balanced budget  
3 amendment.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH  
5 DAKOTA, THE SENATE CONCURRING THEREIN:

6 WHEREAS, the Legislature of the State of South Dakota hereby applies to Congress, under  
7 the provisions of Article V of the Constitution of the United States, for the calling of a  
8 convention of the states limited to proposing an amendment to the Constitution of the United  
9 States requiring that in the absence of a national emergency, the total of all Federal  
10 appropriations made by the Congress for any fiscal year may not exceed the total of all estimated  
11 Federal revenues for that fiscal year, together with any related and appropriate fiscal restraints;  
12 and

13 WHEREAS, the secretary of state is hereby directed to transmit copies of this application



1 to the President and Secretary of the Senate and to the Speaker and Clerk of the House of  
2 Representatives of Congress, and copies to the members of the Senate and House of  
3 Representatives from this State. The secretary of state shall also transmit copies hereof to the  
4 presiding officers of each of the legislative houses in the several states, requesting their  
5 cooperation; and

6 WHEREAS, this application is to be considered as covering the balanced budget amendment  
7 language of the presently outstanding balanced budget applications from other states, including  
8 previously-adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida,  
9 Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire,  
10 New Mexico, North Carolina, Ohio, Pennsylvania, and Texas. This application shall be  
11 aggregated with same for the purpose of attaining the two-thirds of states necessary to require  
12 the calling of a convention for proposing a balanced budget amendment but may not be  
13 aggregated with any applications on any other subject; and

14 WHEREAS, this application constitutes a continuing application in accordance with  
15 Article V of the Constitution of the United States until the legislatures of at least two-thirds of  
16 the several states have made applications on the same subject. It supersedes all previous  
17 applications by this Legislature on the same subject:

18 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
19 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the State of  
20 South Dakota does hereby apply to the Congress of the United States to call an amendment  
21 convention pursuant to Article V of the United States Constitution for the purpose of proposing  
22 an amendment to the United States Constitution to require a balanced federal budget, except in  
23 the event of war, economic calamity, or national catastrophe, and any terms or conditions  
24 necessary for implementation of the amendment; and

1 BE IT FURTHER RESOLVED, that the other states be encouraged to make similar  
2 applications for an amendment convention pursuant to Article V of the Constitution of the  
3 United States; and

4 BE IT FURTHER RESOLVED, that this application constitutes a continuing application  
5 for such amendment convention pursuant to Article V of the Constitution of the United States  
6 until the Legislatures of two-thirds of the states have made such applications and such  
7 convention has been called by the Congress of the United States; and

8 BE IT FURTHER RESOLVED, that the secretary of state transmit copies of this resolution  
9 to the President of the United States, the Speaker and the Clerk of the United States House of  
10 Representatives, the President and the Clerk of the United States Senate, the members of the  
11 South Dakota congressional delegation, and the Legislatures of each of the several states,  
12 attesting the adoption of this resolution by the Legislature of the State of South Dakota.