

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

673T0743

HOUSE JOINT RESOLUTION NO. 1009

Introduced by: Representatives Wick, Bolin, Brunner, Cronin, Deelstra, Haggar, Hansen (Jon), Hickey, Hoffman, Hunt, Jensen, Kirkeby, Kopp, Lust, Miller, Moser, Munsterman, Nelson (Stace), Novstrup (David), Rausch, Romkema, Russell, Scott, Sly, Steele, Stricherz, Tulson, Turbiville, Van Gerpen, Venner, Verchio, White, and Willadsen and Senators Novstrup (Al), Brown, Gray, Haverly, Holien, Johnston, Juhnke, Kraus, Maher, Olson (Russell), Peters, Putnam, Rhoden, and Tieszen

1 A JOINT RESOLUTION, Requesting appropriate action by the Congress, either acting by
2 consent of two-thirds of both houses thereof or, upon the application of the legislatures of
3 two-thirds of the several states, calling a constitutional convention therefor to propose an
4 amendment to the Constitution of the United States to require, with certain exceptions, that
5 the total of all federal appropriations may not exceed the total of all estimated federal
6 revenues in any fiscal year.

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

9 WHEREAS, with each passing year this nation becomes more deeply in debt as its annual
10 expenditures frequently exceed annual available revenues, so that the public debt also steadily
11 increases to a size of inordinate proportions; and

12 WHEREAS, unified budgets do not necessarily reflect actual spending because of the



1 exclusion of special spending outlays which are not included in the budget nor are subject to the
2 statutory legal public debt limit; and

3 WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the
4 budget reflect all federal spending and be in balance; and

5 WHEREAS, we believe that fiscal irresponsibility at the federal level, with the inflation
6 which results primarily from this policy, is the greatest threat which faces our nation, and that
7 constitutional restraint is necessary to bring the fiscal discipline needed to restore financial
8 responsibility; and

9 WHEREAS, under Article V of the Constitution of the United States, amendments to the
10 Federal Constitution may be proposed by Congress whenever two-thirds of both houses deem
11 it necessary, or on the application of the legislatures of two-thirds of the several states the
12 Congress shall call a constitutional convention for the purpose of proposing such amendments:

13 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
14 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the
15 Legislature does hereby make application to the Congress of the United States that procedures
16 be instituted in the Congress to add a new article to the Constitution of the United States, and
17 that the Legislature of the State of South Dakota hereby requests the Congress to prepare and
18 submit to the several states an amendment to the Constitution of the United States, requiring the
19 absence of a national emergency, as defined by law, that the total of all federal appropriations
20 made by the Congress for any fiscal year may not exceed the total of all estimated federal
21 revenues for that fiscal year; and

22 BE IT FURTHER RESOLVED, that alternatively, this Legislature hereby makes application
23 under said Article V of the Constitution of the United States and with the same force and effect
24 as if this Resolution consisted of this portion alone and requests that the Congress of the United

1 States call a constitutional convention for the specific and exclusive purpose of proposing an
2 amendment to the Constitution of the United States requiring in the absence of a national
3 emergency, as defined by law, that the total of all federal appropriations made by the Congress
4 for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year;
5 and

6 BE IT FURTHER RESOLVED, that this application and request be deemed null and void,
7 rescinded, and of no effect in the event that such convention not be limited to such specific and
8 exclusive purpose; and

9 BE IT FURTHER RESOLVED, that this application by this Legislature constitutes a
10 continuing application in accordance with Article V of the Constitution of the United States
11 until at least two-thirds of the legislatures of the several states have made applications for
12 similar relief pursuant to Article V, but, if Congress proposes an amendment to the Constitution
13 identical in subject matter to that contained in this Joint Resolution then this petition for a
14 Constitutional Convention shall no longer be of any force or effect; and

15 BE IT FURTHER RESOLVED, that this Legislature also proposes that the legislatures of
16 each of the several states comprising the United States apply to the Congress requesting the
17 enactment of an appropriate amendment to the Federal Constitution, or requiring the Congress
18 to call a constitutional convention for proposing such an amendment to the Federal Constitution;
19 and

20 BE IT FURTHER RESOLVED, that copies of the Joint Resolution be sent by secretary of
21 state to each member of the South Dakota Congressional Delegation; and

22 BE IT FURTHER RESOLVED, that the secretary of state is directed to send copies of this
23 Joint Resolution to the presiding officers of both Houses of the Legislature of each of the other
24 states in the Union, the clerk of the United States House of Representatives, Washington, D.C.,

1 and the secretary of the United States Senate, Washington, D.C.