



2021 South Dakota Legislature

House Joint Resolution 5001

Introduced by: **Representative** Deutsch

1 **A JOINT RESOLUTION, To apply for a convention of states under Article V of the**
 2 **Constitution of the United States to impose fiscal restraints on the federal**
 3 **government, to limit the power and jurisdiction of the federal government,**
 4 **and to limit the terms of office for federal officials and members of Congress.**

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

7 **Section 1.** WHEREAS, the founders of the Constitution empowered state legislators to be
 8 guardians of liberty against the future abuses of power by the federal government; and

9 **Section 2.** WHEREAS, the federal government has created a crushing national debt through
 10 improper and imprudent spending; and

11 **Section 3.** WHEREAS, the federal government has invaded the legitimate roles of the state
 12 through the manipulative process of federal mandates, most of which are unfunded to a great
 13 extent; and

14 **Section 4.** WHEREAS, the federal government has ceased to live under a proper
 15 interpretation of the Constitution of the United States; and

16 **Section 5.** WHEREAS, it is the solemn duty of the states to protect the liberty of our people,
 17 particularly for the generations to come, by proposing amendments to the Constitution of the
 18 United States through a convention of the states under Article V for the purpose of restraining
 19 these and related abuses of power;

20 **Section 6.** NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the
 21 Ninety-Sixth Legislature of the State of South Dakota, the Senate concurring therein, that
 22 the Legislature of the State of South Dakota hereby applies to Congress, under the provisions
 23 of Article V of the Constitution of the United States, for the calling of a convention of the
 24 states limited to proposing amendments to the Constitution of the United States that impose

1 fiscal restraints on the federal government, limit the power and jurisdiction of the federal
2 government, and limit the terms of office for federal officials and for members of Congress;
3 and

4 **Section 7.** BE IT FURTHER RESOLVED, that the secretary of state is hereby directed to
5 transmit copies of this application to the President and Secretary of the United States Senate
6 and to the Speaker and Clerk of the United States House of Representatives; and copies to
7 the members of the United States Senate and House of Representatives from this state; and
8 also to transmit copies to the presiding officers of each of the legislative houses in the several
9 states, requesting their cooperation; and

10 **Section 8.** BE IT FURTHER RESOLVED, that this application constitutes a continuing
11 application in accordance with Article V of the Constitution of the United States until the
12 legislatures of at least two-thirds of the several states have made applications on the same
13 subject; and

14 **Section 9.** BE IT FURTHER RESOLVED, that the Legislature adopts this application expressly
15 subject to the following reservations, understandings, and declarations:

16 (1) An application to the Congress of the United States to call an amendment
17 convention of the states pursuant to Article V of the United States Constitution
18 confers no power to Congress other than the power to call the convention. The
19 power of Congress to exercise this ministerial duty consists solely of the authority
20 to name a reasonable time and place for the initial meeting of a convention;

21 (2) Congress shall perform its ministerial duty of calling a convention of the states only
22 upon the receipt of applications for a convention for the substantially same purpose
23 as this application from two-thirds of the legislatures of the several states;

24 (3) Congress does not have the power or authority to determine any rules for the
25 governing of a convention for proposing amendments called pursuant to Article V
26 of the United States Constitution. Congress does not have the power to set the
27 number of delegates to be sent by any state to the convention, nor does it have
28 the power to name delegates to the convention. The power to name delegates
29 remains exclusively within the authority of the legislatures of the several states;

30 (4) By definition, an amendment convention of the states means that states shall vote
31 on the basis of one state, one vote;

32 (5) A convention for proposing amendments convened pursuant to this application
33 must be limited to consideration of the topics specified herein and no other. This

1 application is made with the express understanding that an amendment that in any
2 way seeks to amend, modify, or repeal any provision of the Bill of Rights is not
3 authorized for consideration at any stage. This application is void ab initio if ever
4 used at any stage to consider any change to any provision of the Bill of Rights;
5 (6) Pursuant to Article V of the United States Constitution, Congress may determine
6 whether proposed amendments must be ratified by the legislatures of the several
7 states or by special state ratification conventions. The Legislature recommends
8 Congress select ratification by the legislatures of the several states; and
9 (7) The Legislature may provide further instructions to the state's delegates and may
10 recall its delegates at any time for a breach of a duty or a violation of the
11 instructions provided.