



2021 South Dakota Legislature

Senate Joint Resolution 502

Introduced by: **Senator Curd**

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 SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE OF
6 REPRESENTATIVES CONCURRING THEREIN:

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

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

11 WHEREAS, the federal government has ceased to live under a proper interpretation of the
12 Constitution of the United States; and

13 WHEREAS, the federal government has invaded the legitimate roles of the state through
14 the manipulative process of federal mandates, most of which are unfunded to a great extent;
15 and

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

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

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

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

12 BE IT FURTHER RESOLVED, that the Legislature adopts this application expressly subject
13 to the following reservations, understandings, and declarations:

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

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

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

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

30 (5) A convention for proposing amendments convened pursuant to this application
31 must be limited to consideration of the topics specified herein and no other. This
32 application is made with the express understanding that an amendment that in any
33 way seeks to amend, modify, or repeal any provision of the Bill of Rights is not

1 authorized for consideration at any stage. This application is void ab initio if ever
2 used at any stage to consider any change to any provision of the Bill of Rights;
3 (6) Pursuant to Article V of the United States Constitution, Congress may determine
4 whether proposed amendments must be ratified by the legislatures of the several
5 states or by special state ratification conventions. The Legislature recommends
6 Congress select ratification by the legislatures of the several states; and
7 (7) The Legislature may provide further instructions to the state's delegates and may
8 recall its delegates at any time for a breach of a duty or a violation of the
9 instructions provided.