

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

465U0743

## HOUSE JOINT RESOLUTION NO. 1003

Introduced by: The Committee on Taxation

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

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

5 WHEREAS, this nation has become deeply in debt as its expenditures have exceeded  
6 available revenues so that the total federal public debt now exceeds sixteen trillion dollars and  
7 continues to increase, and is of such great proportion that responsibility for its payment, with  
8 interest, will be passed to future, unborn generations of Americans to assume without their  
9 consent; and

10 WHEREAS, attempts to curtail federal spending, confine expenditures to available  
11 revenues, and reduce the annual deficit have not been successful; and

12 WHEREAS, in recent years Congress has mandated the implementation of government  
13 programs by the states without providing funding for all such programs, and could continue to  
14 encroach on state budgets as a means of balancing the federal budget; and

15 WHEREAS, the Constitution of the State of South Dakota provides for a balanced budget,



1 and this provision has reinforced the inherent fiscal common sense of spending only funds  
2 available and has contributed to the state's outstanding reputation for sound fiscal management  
3 and policy; and

4 WHEREAS, efforts in Congress to amend the Constitution of the United States to add a  
5 balanced budget requirement have not been successful; and

6 WHEREAS, Article V of the Constitution of the United States grants to the states the right  
7 to initiate a process of amending the constitution through application by the Legislatures of two-  
8 thirds of the several states to the Congress, calling for an amendment convention; and

9 WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of  
10 the Constitution and the calling of a convention for the purpose of proposing amendments that  
11 "We may safely rely on the disposition of the state legislatures to erect barriers against the  
12 encroachments of the national authority"; and

13 WHEREAS, the Congress is required by Article V to call such a convention upon receipt  
14 of such applications from two-thirds of the states:

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

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

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

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