



2025 South Dakota Legislature

Senate Joint Resolution 502

Introduced by: **Senator Mehlhaff**

1 **A JOINT RESOLUTION, Applying to the United States Congress for a convention of**
 2 **the states to propose amendments to the United States Constitution**
 3 **regarding the imposition of fiscal restraints on the federal government,**
 4 **further limiting the power and jurisdiction of the federal government, and**
 5 **limiting the terms of office for members of Congress and other federal**
 6 **officials.**

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

10 **Section 2.** WHEREAS, the federal government, through improper and imprudent spending,
 11 has created a crushing national debt that now exceeds the national gross domestic product;
 12 and

13 **Section 3.** WHEREAS, the federal government has overstepped the limits imposed by the
 14 Constitution of the United States and has invaded the legitimate roles of each state through
 15 the manipulative process of federal mandates, many of which are unfunded; and

16 **Section 4.** WHEREAS, the federal government has ceased to operate under a proper
 17 interpretation of the Constitution of the United States; and

18 **Section 5.** WHEREAS, it is the solemn duty of the states to protect the liberty of the people
 19 by proposing amendments to the Constitution of the United States through a convention of
 20 the states for the purpose of restraining these and related abuses of power;

21 **Section 6.** NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One Hundredth
 22 Legislature of the State of South Dakota, the House of Representatives concurring therein,
 23 that the South Dakota Legislature submits this application, as provided for by the U.S. Const.,
 24 Art. V, to the Congress of the United States, seeking a convention of the several states for

1 the purpose of proposing amendments to the United States Constitution to impose fiscal
2 restraints on the federal government, further limit the power and jurisdiction of the federal
3 government, and limit the terms of office for members of Congress and other federal officials;
4 and

5 **Section 7.** BE IT FURTHER RESOLVED, that the secretary of state shall forward copies of this
6 application to the president and secretary of the United States Senate; the speaker and clerk
7 of the United States House of Representatives; the members of the United States Senate and
8 House of Representatives from this state; the chairmen of the Judiciary Committee of the
9 United States House of Representatives and the Judiciary Committee of the United States
10 Senate; and the presiding officers of each of the legislative houses in the several states to
11 request their cooperation; and

12 **Section 8.** BE IT FURTHER RESOLVED, that this application constitutes a continuing
13 application in accordance with U.S. Const., Art., V, until the legislatures of two-thirds of the
14 several states have made applications to Congress seeking a convention for the purpose of
15 proposing amendments to the United States Constitution on the same subjects; and

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

18 (1) Upon reception of this application, Congress exercises only the ministerial duty of
19 calling the convention and setting a reasonable time and place for the initial
20 meeting of the convention and only perform this ministerial duty upon the receipt
21 of applications for a convention for the substantially same purpose as this
22 application from two-thirds of the legislatures of the several states;

23 (2) Congress does not determine any rules for the governing of a convention for
24 proposing amendments called pursuant to U.S., Const., Art. V;

25 (3) Congress does not set the number of delegates to be sent by any state to the
26 convention, nor name delegates to the convention;

27 (4) Any convention of the states called for the purpose of proposing amendments to
28 the Constitution of the United States pursuant to Article V must require states to
29 vote on the basis of one state, one vote;

30 (5) Any convention for the purpose of proposing amendments convened pursuant to
31 this application must be limited to consideration of the topics specified herein and
32 no other; and

1 (6) Congress submits any amendments to the constitution, proposed by the
2 convention, to the legislatures of the several states for ratification.

3 The Legislature reserves the right to provide instructions to the state's delegates
4 and may recall its delegates from the convention at any time for a breach of a duty or a
5 violation of the instructions provided.

6 **Section 10.** BE IT FURTHER RESOLVED, this application is made with the express
7 understanding that an amendment that in any way seeks to amend, modify, or repeal any
8 provision of the Bill of Rights is not authorized for consideration at this convention and is void
9 if ever used to consider any change to any provision of the Bill of Rights.