

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

148B0652

HOUSE JOINT RESOLUTION NO. 1004

Introduced by: Representative Johnson (David) and Senator Greenfield (Brock)

1 A JOINT RESOLUTION, Rescinding House Joint Resolutions calling for a constitutional
2 convention, or convention of the states, for the purpose of amending the Constitution of the
3 United States.

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

6 WHEREAS, the Legislature of the State of South Dakota, in 1907, adopted House Joint
7 Resolution 2; in 1909, adopted House Joint Resolutions 5 and 7; and in 1971, adopted House
8 Joint Resolution 503, making formal application to Congress to call an Article V constitutional
9 convention for the purpose of altering the Constitution of the United States of America; and

10 WHEREAS, Article V of the Constitution of the United States reserves exclusively to
11 Congress the federal authority to call a constitutional convention; and

12 WHEREAS, Article V of the Constitution of the United States declares the "Mode of
13 Ratification" of amendments arising from a constitutional convention shall be determined not
14 by the states or by the delegates, but by Congress; and

15 WHEREAS, the States have no constitutional authority to establish, or to predetermine, the



1 rules of order or operational aspects of a constitutional convention called by Congress under
2 Article V of the Constitution of the United States; and

3 WHEREAS, nothing in Article V of the Constitution of the United States limits the
4 constitutional convention to any specific topic or to any specific list of topics; and

5 WHEREAS, nothing in Article V of the Constitution of the United States guarantees, nor
6 can any state application guarantee, state legislatures the right to a ratification vote on
7 amendments arising from a constitutional convention:

8 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the
9 Ninety-Fourth Legislature of the State of South Dakota, the Senate concurring therein, that
10 House Joint Resolution 2, adopted in 1907; House Joint Resolutions 5 and 7, adopted in 1909;
11 and House Joint Resolution 503, adopted in 1971, of the Legislature of the State of South
12 Dakota, be rescinded; and

13 BE IT FURTHER RESOLVED, that the secretary of state transmit copies of this resolution
14 to the President of the United States, the Speaker and Clerk of the United States House of
15 Representatives, the President and Secretary of the United States Senate, the members of the
16 South Dakota congressional delegation, and the Governor of the State of South Dakota, attesting
17 the adoption of this resolution by the Legislature of the State of South Dakota.