HOUSE JOINT RESOLUTION NO.  1004

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

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

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

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

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

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

WHEREAS, the States have no constitutional authority to establish, or to predetermine, the
rules of order or operational aspects of a constitutional convention called by Congress under
Article V of the Constitution of the United States; and

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

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

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Dakota, be rescinded; and

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