

RESOLUTION 6-H.F.No. 762

A resolution memorializing Congress of ratification of a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

WHEREAS, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both houses, by a constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several states, as (an Amendment) to the Constitution of the United States, which (Article), when ratified by three fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

"(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth Article of the original Constitution.

"ARTICLE

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States Constitution by the legislature of the State of Minnesota; and

WHEREAS, the proposed amendment to the Constitution of the United States has already been ratified by the legislatures of twenty-seven states: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; Wyoming on March 3, 1978; Maine on April 27, 1983; Colorado on April 18, 1984; South Dakota on February 21, 1985; New Hampshire on March 7, 1985; Arizona on April 3, 1985; Tennessee on May 23, 1985; Oklahoma on July 10, 1985; New Mexico on February 13, 1986; Indiana on February 19, 1986; Utah on February 25, 1986; Arkansas on March 5, 1987; Montana on March 11, 1987; Connecticut on May 13, 1987; Wisconsin on June 30, 1987; Georgia on February 2, 1988; West Virginia on March 10, 1988; Louisiana on July 6, 1988; Iowa on February 7, 1989; and Idaho on March 28, 1989; and

WHEREAS, Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

WHEREAS, the United States Supreme Court has ruled in *Coleman v. Miller*, 307 U.S. 433 (1939), that an amendment to the United States Constitution may be ratified by states at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the states, the time arrives for the promulgation of the adoption of the amendment; and

WHEREAS, Section 9 of Article IV of the Constitution of the State of Minnesota provides that "No increase of compensation shall take effect during the period for which the members of the existing House of Representatives may have been elected."; and

WHEREAS, the Legislature of the State of Minnesota finds that the proposed amendment is still meaningful and needed as part of the United States Constitution; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that the foregoing proposed amendment to the Constitution of the United States is ratified by the Legislature of the State of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of State of Minnesota shall transmit certified copies of this memorial to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and the Archivist of the United States, National Archives and Records Administration.

Presented to the governor May 26, 1989

Filed May 26, 1989