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HOUSE JOINT RESOLUTION 4212

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives P. Johnson, Phillips, Beck, Tate, Holland, Padden, Ferguson, Sheldon, Bowman, Fuhrman, Dorn, Neher, Hochstatter, Riley, Chandler, Casada, Ballard, Vance, Fraser, Brough, Edmondson, Betrozoff, Horn, Ludwig, Franklin, Moyer, Morton, Van Luven, Forner, Roland, Basich, Prentice, Leonard, Heavey, H. Sommers, Zellinsky, Bray, Ogden, Rasmussen, Mielke, Hargrove, R. Meyers, R. Johnson, Wilson, Inslee, D. Sommers, Orr, McLean, Paris, Miller, Mitchell, R. Fisher, Pruitt, Wood, Schmidt, Silver, Broback, Morris, Wynne, May, Rayburn, Jacobsen, Kremen, Scott, Winsley, Cooper and Brumsickle.

Read first time January 30, 1991. Referred to Committee on State Government.

1            BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3            SECTION 1. That the Legislature of the State of Washington,  
4 pursuant to Article V of the United States Constitution, hereby  
5 ratifies an amendment to the Constitution of the United States proposed  
6 by resolution of the First Congress of the United States in New York,  
7 New York, on September 25, 1789, which reads as follows:

8            "RESOLVED by the Senate and House of Representatives of the United  
9 States of America in Congress assembled, two thirds of both Houses  
10 concurring, that the following [Article] be proposed to the  
11 Legislatures of the several States,...which [Article], when ratified by  
12 three fourths of the said Legislatures, to be valid to all intents and  
13 purposes, as part of the said Constitution, viz.:

14            "[An ARTICLE] in addition to, and Amendment of the Constitution of  
15 the United States of America, proposed by Congress, and ratified by the

1 Legislatures of the several States, pursuant to the fifth Article of  
2 the original Constitution.

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

6 SECTION 2. That the Legislature of the State of Washington  
7 acknowledges that the above-quoted article of amendment to the United  
8 States Constitution has already been ratified by the legislatures of  
9 the following states on the dates indicated: Maryland on December 19,  
10 1789; North Carolina on December 22, 1789; South Carolina on January  
11 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791;  
12 Virginia on December 15, 1791; Ohio on May 6, 1873 [70 OHIO LAWS  
13 409-10]; Wyoming on March 3, 1978 [124 CONG. REC. 7910, 8265-66; 133  
14 CONG. REC. S12949]; Maine on April 27, 1983 [130 CONG. REC. H9097,  
15 S11017]; Colorado on April 18, 1984 [131 CONG. REC. S17687; 132 CONG.  
16 REC. H6446]; South Dakota on February 21, 1985 [131 CONG. REC. H971,  
17 S3306]; New Hampshire on March 7, 1985 [131 CONG. REC. H1378, S3597];  
18 Arizona on April 3, 1985 [131 CONG. REC. H2060, S4750]; Tennessee on  
19 May 23, 1985 [131 CONG. REC. H6672, S10797, S13504]; Oklahoma on July  
20 10, 1985 [131 CONG. REC. H7263, S13504]; New Mexico on February 13,  
21 1986 [132 CONG. REC. H827, S2207-8, S2300]; Indiana on February 19,  
22 1986 [132 CONG. REC. H1634, S4663]; Utah on February 25, 1986 [132  
23 CONG. REC. S6750, 7578; 133 CONG. REC. H9866]; Arkansas on March 5,  
24 1987 [134 CONG. REC. H3721, S7518]; Montana on March 11, 1987 [133  
25 CONG. REC. H1715, S6155]; Connecticut on May 13, 1987 [133 CONG. REC.  
26 H7406, S11891]; Wisconsin on June 30, 1987 [133 CONG. REC. H7406,  
27 S12948, S13359]; Georgia on February 2, 1988 [134 CONG. REC. H2638,  
28 S5239]; West Virginia on March 10, 1988 [134 CONG. REC. H2492, S4784-  
29 85]; Louisiana on July 6, 1988 [134 CONG. REC. H5783, S9939]; Iowa on

1 February 7, 1989 [135 CONG. REC. H836, S3509-10]; Idaho on March 23,  
2 1989 [135 CONG. REC. H1893, S7911]; Nevada on April 26, 1989 [135 CONG.  
3 REC. H2054, S10826]; Alaska on May 5, 1989 [135 CONG. REC. H5485,  
4 S8054]; Oregon on May 19, 1989 [135 CONG. REC. H5692, H5972, S11123-24,  
5 S12150]; Minnesota on May 22, 1989 [135 CONG. REC. H3258, H3678,  
6 S7655-56, S7912]; Texas on May 25, 1989 [135 CONG. REC. H2594,  
7 S6726-27]; Kansas on April 5, 1990 [136 CONG. REC. H1689, S9170, E1740-  
8 41]; and Florida on May 31, 1990 [136 CONG. REC. H5198, S10091]; as  
9 well as by the Senate of the State of California on June 30, 1989; the  
10 House of Representatives of the State of Illinois on June 22, 1988, and  
11 again on May 24, 1989; the Senate of the State of Michigan on March 15,  
12 1989; the House of Representatives of the State of Missouri on March  
13 20, 1990; and the House of Representatives of the State of North Dakota  
14 on January 26, 1987, and again on February 3, 1989.

15 SECTION 3. That the Legislature of the State of Washington  
16 acknowledges that the proposed original second amendment to the United  
17 States Constitution may still be ratified by states' legislatures as a  
18 result of the ruling by the United States Supreme Court in the landmark  
19 case of COLEMAN V. MILLER , [307 U.S. 433 (1939)] in which it was  
20 opined that Congress is the final arbiter on the question of whether  
21 too much time has elapsed between Congress' submission of an amendment  
22 and the most recent state legislature's ratification of same if  
23 Congress did not specify a deadline on the amendment's consideration.

24 SECTION 4. That the Secretary of State shall notify the Archivist  
25 of the United States (pursuant to 1 U.S.C. 106b and 112; as amended by  
26 PL 98-497 [98 Stat. 2291]) of the action of the 52nd Legislature of the  
27 State of Washington by sending to the Archivist a properly inscribed  
28 copy of this resolution.

1       SECTION 5. That the Secretary of State shall also send properly  
2 inscribed copies of this resolution to both United States Senators from  
3 Washington, all United States Representatives from Washington, the  
4 Vice-President of the United States, and to the Speaker of the United  
5 States House of Representatives with the request that it be printed in  
6 full in the CONGRESSIONAL RECORD.