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Senate Joint Resolution K (as introduced 4-27-06)
Sponsor: Senator Tony Stamas
Committee: Government Operations

Date Completed: 5-1-06

CONTENT

The joint resolution would ratify a proposed amendment to the U.S. Constitution stating that the apportionment of the U.S. House of Representatives must be based on the number of citizens in each state.

(Under the 14th Amendment to the U.S. Constitution, representatives must be apportioned among the states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.)

Senate Joint Resolution K contains the following language:

"Resolved by the Senate and the House of Representatives of the state of Michigan, That the 109th Congress of the United States of America, at its session, in both houses, by a constitutional majority of two-thirds of both houses has made the following proposition to amend the Constitution of the United States.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to provide that Representatives shall be apportioned among the several States according to their respective numbers, counting the number of persons in each state who are citizens of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

'ARTICLE XXVIII

'Representatives shall be apportioned among the several States according to their respective numbers, which shall be determined by counting the number of persons in each State who are citizens of the United States.'

Therefore, in the name of, and on behalf of, the people of the state of Michigan, we ratify, approve, and assent to the proposed amendment to the Constitution of the United States."

Certified copies of the Senate joint resolution would have to be transmitted by the Governor to the President of the United States, the archivist of the United States, the president of the U.S. Senate, and the speaker of the U.S. House of Representatives.

(Under Rule 18 of the Joint Rules of the Michigan Senate and House of Representatives, a joint resolution may be used for the ratification of amendments to the Constitution of the United States submitted by the Congress. A joint resolution used for this purpose requires a majority of the members elected and serving in each House for adoption.)

BACKGROUND

House Joint Resolution 53 proposes an amendment to the U.S. Constitution to require that Representatives be apportioned according to the number of U.S. citizens in each state. Sponsored by U.S. Representative Candice Miller, the House joint resolution was introduced on June 9, 2005, and referred to the Committee on the Judiciary.

As noted above, the resolution would take effect if ratified by the legislatures of three-fourths of the states within seven years after its submission for ratification.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The resolution would have no fiscal impact on State or local government.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.