

ASSEMBLY JOINT RESOLUTION NO. 3—ASSEMBLYMEN MCCLAIN,
PIERCE, PARNELL, KOIVISTO, SPIEGEL; ANDERSON,
BUCKLEY, CLABORN, CONKLIN, DONDERO LOOP, HOGAN,
KIHUEN, KIRKPATRICK, LESLIE, MANENDO, MASTROLUCA,
MUNFORD, SEGERBLOM AND SMITH

MARCH 9, 2009

JOINT SPONSORS: SENATORS PARKS, CARLTON, COPENING;
BREEDEN, HORSFORD, WIENER AND WOODHOUSE

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Ratifies proposed constitutional amendment relative
to equal rights for men and women. (BDR R-793)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **omitted material** is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Ratifying a proposed
amendment to the Constitution of the United States
providing that equality of rights under the law shall not be
denied or abridged by the United States or by any state on
account of sex.

Legislative Counsel's Digest:

1 Under Article V of the United States Constitution, Congress has the power to
2 propose an amendment to the federal Constitution and to determine the mode of
3 ratification. (U.S. Const. art. V) In 1972, Congress passed the Equal Rights
4 Amendment and sent it to the states for ratification, imposing a 7-year time limit for
5 ratification, but later extended this time limit to June 30, 1982. The Equal Rights
6 Amendment was ratified by 35 states before the deadline. Under *Coleman v. Miller*,
7 307 U.S. 433, at 450, 456 (1939), the United States Supreme Court held that, as a
8 political question, Congress may determine whether an amendment is valid because
9 ratifications of the amendment are made in a reasonable period of time, even after
10 the deadline. This resolution ratifies the Equal Rights Amendment, which provides
11 for equality of rights under the law regardless of sex.



* A J R 3 *

WHEREAS, Both houses of the 92nd Congress of the United States of America, by a constitutional majority of two-thirds thereof, adopted the following resolution proposing to amend the Constitution of the United States of America:

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 from the date of its submission by the Congress:

ARTICLE

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification; and

WHEREAS, The 95th Congress of the United States purported to amend the resolution of the 92nd Congress to extend the time for ratification to June 30, 1982, thereby indicating its continued support of the amendment; and

WHEREAS, The Congress of the United States has adopted the 27th Amendment to the Constitution of the United States, which was proposed in 1789 by our First Congress, only recently ratified by three-fourths of the States and, on May 18, 1992, certified as the 27th Amendment; and

WHEREAS, The restricting time limit for the Equal Rights Amendment ratification is in the resolving clause and is not part of the amendment which was proposed by Congress and which has already been ratified by 35 states; and

WHEREAS, Having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be disregarded if it is not part of the proposed amendment; and

WHEREAS, The United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social and economic factors affecting the nation and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for



1 Congress, under the principles of *Coleman v. Miller*, to determine
2 the validity of the state ratifications occurring after a time limit in
3 the resolving clause, but not in the amendment itself; and

4 WHEREAS, The Legislature of the State of Nevada finds that the
5 proposed amendment is meaningful and needed as part of the
6 Constitution of the United States and that the present political, social
7 and economic conditions demonstrate that constitutional equality for
8 women and men continues to be a timely issue in the United States;
9 now, therefore, be it

10 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
11 NEVADA, JOINTLY, That the proposed amendment to the
12 Constitution of the United States of America is hereby ratified by
13 the Legislature of the State of Nevada; and be it further

14 RESOLVED, That the Chief Clerk of the Assembly prepare and
15 transmit a copy of this resolution to the Secretary of State for his
16 certification and transmittal to the Archivist of the United States
17 pursuant to 1 U.S.C. §§ 106b and 112; and be it further

18 RESOLVED, That the Chief Clerk of the Assembly prepare and
19 transmit a copy of this resolution to the Vice President of the United
20 States as the presiding officer of the United States Senate, the
21 Speaker of the House of Representatives and each member of the
22 Nevada Congressional Delegation; and be it further

23 RESOLVED, That this resolution becomes effective upon
24 passage.

