

**Amendment No. 50**

Assembly Amendment to Senate Joint Resolution No. 2 (BDR R-13)  
**Proposed by:** Assembly Committee on Legislative Operations and Elections  
**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: No

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KCP



Date: 3/15/2017

S.J.R. No. 2—Ratifies the Equal Rights Amendment to the Constitution of the United States. (BDR R-13)





SENATE JOINT RESOLUTION NO. 2—SENATORS SPEARMAN, CANCELA, CANNIZZARO, RATTI, WOODHOUSE; ATKINSON, DENIS, FARLEY, FORD, MANENDO, PARKS AND SEGERBLOM

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMEN ARAUJO, BILBRAY-AXELROD, BROOKS, BUSTAMANTE ADAMS, CARLTON, CARRILLO, COHEN, DIAZ, FRIERSON, JAUREGUL, JOINER, MILLER ~~AND~~, MONROE-MORENO, OHRENSCHALL, SPIEGEL, SPRINKLE AND YEAGER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Ratifies the Equal Rights Amendment to the Constitution of the United States. (BDR R-13)

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.

SENATE JOINT RESOLUTION—Ratifying the 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 propose an  
2 amendment to the federal Constitution and to determine the mode of ratification. (U.S. Const.  
3 Art. V) In 1972, Congress passed the Equal Rights Amendment and sent it to the states for  
4 ratification, imposing a 7-year time limit for ratification in the resolving clause of the  
5 Amendment, 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*, 307 U.S.  
7 433, 450, 456 (1939), the United States Supreme Court held that, as a political question,  
8 Congress may determine whether an amendment is valid because ratifications of the  
9 amendment are made within a reasonable period of time, even after the deadline. This  
10 resolution ratifies the Equal Rights Amendment, which provides for equality of rights under  
11 the law regardless of sex.

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

1           RESOLVED BY THE SENATE AND HOUSE OF  
2 REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN  
3 CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE  
4 CONCURRING THEREIN), That the following article is proposed as an  
5 amendment to the Constitution of the United States, which shall be valid to  
6 all intents and purposes as part of the Constitution when ratified by the  
7 legislatures of three-fourths of the several States within seven years from  
8 the date of its submission by the Congress:

9           ARTICLE.....

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

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

14          Section 3. This amendment shall take effect two years after the date  
15 of ratification; and  
16

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

20          WHEREAS, The Congress of the United States adopted the 27th Amendment to  
21 the Constitution of the United States, which was proposed in 1789 by our First  
22 Congress but not ratified by three-fourths of the States until May 7, 1992, and, on  
23 May 18, 1992, certified as the 27th Amendment; and

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

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

30          WHEREAS, The United States Supreme Court in *Coleman v. Miller*, 307 U.S.  
31 433 (1939), recognized that Congress is in a unique position to judge the tenor of  
32 the nation, to be aware of the political, social and economic factors affecting the  
33 nation and to be aware of the importance to the nation of the proposed amendment;  
34 and

35          WHEREAS, If an amendment to the Constitution of the United States has been  
36 proposed by two-thirds of both houses of Congress and ratified by three-fourths of  
37 the state legislatures, it is for Congress, under the principles of *Coleman v. Miller*,  
38 to determine the validity of the state ratifications occurring after a time limit in the  
39 resolving clause, but not in the amendment itself; and

40          WHEREAS, The Legislature of the State of Nevada finds that the proposed  
41 amendment is meaningful and needed as part of the Constitution of the United  
42 States and that the present political, social and economic conditions demonstrate  
43 that constitutional equality for women and men continues to be a timely issue in the  
44 United States; now, therefore, be it

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

48          RESOLVED, That the Secretary of the Senate shall prepare and transmit a copy  
49 of this resolution to the Secretary of State ~~(for her certification and transmittal)~~ who  
50 shall keep it as a true record of the official acts of the Legislative Department  
51 of the State Government pursuant to Section 20 of Article 5 of the Nevada  
52 Constitution; and be it further

1 RESOLVED, That the Secretary of the Senate shall prepare and transmit a  
2 certified copy of this resolution, duly authenticated, to the Archivist of the  
3 United States at the National Archives and Records Administration pursuant to  
4 1 U.S.C. §§ 106b and 112 and, which shall serve as official notice that the  
5 proposed amendment to the Constitution of the United States of America is  
6 hereby ratified by the Legislature of the State of Nevada; and be it further

7 RESOLVED, That the Secretary of the Senate shall prepare and transmit a copy  
8 of this resolution to the Vice President of the United States as the presiding officer  
9 of the United States Senate, the Speaker of the House of Representatives and each  
10 member of the Nevada Congressional Delegation; and be it further

11 RESOLVED, That this resolution becomes effective upon passage.