

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Candelaria ORIGINAL DATE 01/10/14  
LAST UPDATED 01/28/14 HB \_\_\_\_\_  
SHORT TITLE Remove Equal Rights Amendment Deadline SM 2  
ANALYST Armstrong

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Secretary of State (SOS)

Workforce Solutions Department (WSD)

### SUMMARY

#### Synopsis of Bill

Senate Memorial 2 encourages New Mexico's congressional delegation to vote in favor of legislation removing the deadline for ratification of the Equal Rights Amendment to guarantee equal rights for women and men. New Mexico ratified the amendment in 1973 and passed its own equal rights amendment in 1972, but three more states must ratify to amend the U.S. Constitution. The memorial states that while legislative, executive, and judicial actions have advanced the equality of women, these may be ignored, eroded, or overturned.

### FISCAL IMPLICATIONS

No fiscal impact.

### SIGNIFICANT ISSUES

The Equal Rights Amendment would guarantee equal rights for women and men. Thirty-five of the thirty-eight states required for the amendment to become part of the United States Constitution have ratified the amendment. New Mexico did so in 1973. Extending the ratification period may allow more states to complete the process to adopt the amendment. There were no ratifications after 1977, which left the amendment three states shy of the number it needed in order for it to be certified as an operative part of the United States Constitution.

## **Senate Memorial 2 – Page 2**

Originally, the ratification deadline was March 22, 1979. However, in 1978, Congress passed a joint resolution purporting to extend this ratification deadline to June 30, 1982, and efforts in Congress to extend this deadline are ongoing. Additionally, five states that had originally ratified the Equal Rights Amendment subsequently passed resolutions rescinding their consent. Still, and even after a Supreme Court ruling in 1982, questions of whether Congress may extend the ratification deadline and whether states may validly rescind their ratifications remain unresolved.

On February 24, 2013, the New Mexico House of Representatives adopted House Memorial 7 asking that the congressional deadline for ERA ratification be removed. House Memorial 7 was officially received by the U.S. House of Representatives on April 25, 2013, and was referred to the House's Committee on the Judiciary, as noted in the Congressional Record.

JA/jl