

Introduced Version

Key: **Green** = existing Code. **Red** = new code to be enacted

SENATE CONCURRENT RESOLUTION 44

(By Senators Boley, Rucker, Azinger, Blair (Mr. President), Clements, Grady, Hamilton, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Smith, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Woodrum)

[Introduced February 10, 2022]

Clarifying that the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979.

Whereas, The 92nd Congress of the United States of America, during its second session, with the constitutionally required vote of two thirds of both houses, on March 22, 1972, gave final approval to House Joint Resolution No. 208, commonly referred to as the Equal Rights Amendment, to propose the amendment to the Constitution of the United States, pursuant to Article V of the Constitution of the United States; and

Whereas, In offering the proposed federal constitutional amendment to America's state lawmakers, the 92nd Congress chose a deadline of 7 years, or until March 22, 1979, for the constitutionally mandated ratification of the amendment by three fourths of the country's state legislatures; and

Whereas, In Senate Joint Resolution No. 3, the First Extraordinary Session of the 60th Legislature in 1972, responded by ratifying the proposed 1972 Equal Rights Amendment to the Constitution of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby clarifies the 1972 ratification by the 60th Legislature of the proposed 1972 Equal Rights amendment to the Constitution of the United States only was valid through March 22, 1979; and, be it

Further Resolved, That the 85th Legislature deems that the vitality of Senate Joint Resolution No. 3 of the 60th Legislature by which West Virginia lawmakers ratified the 1972 Equal Rights Amendment, officially lapsed at 11:59 p.m. on March 22, 1979; and, be it

Further Resolved, That, after March 22, 1979, the West Virginia Legislature, while in agreement women and men should enjoy equal rights in the eyes of the law, should not be counted by Congress, the Archivist of the United States, lawmakers in any other state, any court of law, or any other person, as still having on record a live ratification of the proposed Equal Rights Amendment to the Constitution of the United States as was offered by House Joint Resolution No. 208 of the 92nd Congress on March 22, 1972; and, be it

Further Resolved, That the 85th Legislature respectfully requests the full and complete verbatim text of this resolution be duly published in the United States Senate's portion of the Congressional Record, as an official memorial to the United States Senate, and that this resolution be referred to the committee of the United States Senate with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the 85th Legislature respectfully requests the substance of this resolution be duly entered in the United States House of Representatives' portion of the Congressional Record, as an official memorial to the United States House of Representatives, and that this resolution be referred to the committee of the United States House of Representatives with appropriate jurisdiction over its subject matter; and, be it

Further Resolved, That the Secretary of State forward copies of this resolution to the Vice President of the United States, the Secretary and Parliamentarian of the United States Senate; the Speaker, Clerk, and Parliamentarian of the United States House of Representatives; each member of the West Virginia Congressional Delegation; and the Archivist of the United States at the National Archives and Records Administration in Washington, D.C.