

SENATE BILL REPORT

SJM 8027

As Reported By Senate Committee On:
Government Operations & Elections, February 05, 2008

Brief Description: Acknowledging and reaffirming the federal Equal Rights Amendment.

Sponsors: Senators Kohl-Welles, Franklin, Kauffman, Keiser, Shin, Murray, Pridemore, Spanel, Prentice, McAuliffe, Fairley, Fraser, Brown, Eide, Oemig, McDermott, Regala, Jacobsen, Kline and Haugen.

Brief History:

Committee Activity: Government Operations & Elections: 2/05/08 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott and Pridemore.

Staff: Khalia Gibson (786-7460)

Background: The Equal Rights Amendment (ERA) affirms that both men and women hold equally all rights guaranteed by the United States Constitution. The ERA provides a remedy for sex discrimination for both men and women, and give equal legal status to women. The ERA also clarifies the status of sex discrimination for the courts, whose decisions are still split regarding how to deal with such claims. The only area in which there is now an explicit constitutional prohibition against the legal classification of persons solely on the basis of sex is that of voting under the 19th Amendment. If the ERA were added as the 28th Amendment, sex would be a suspect classification along with race. Sexual classifications would require the same high level of strict scrutiny, and have to meet the same high level of justification as the classification of race.

The ERA was originally introduced in Congress in 1923. In March 1972 the amendment passed both chambers of Congress by the required two-thirds vote. In 1973 thirty state legislatures ratified the ERA. Congress extended the seven year deadline for ratification, but the ERA has yet to be ratified by the required thirty-eight states.

Washington ratified the Federal ERA in 1973 in addition to ratification of the 61st Amendment to the Washington State Constitution in 1972. The Washington constitutional amendment memorialized House Joint Resolution 61, and assures the equality of rights and responsibility under the law must not be abridged on account of sex.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The Senate and the House of Representatives of the State of Washington request recognition by the President of the United States and Congress, that Washington acknowledges and reaffirms the actions taken in the ratification of the Equal Rights Amendment.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Staff Summary of Public Testimony: None.

Persons Testifying: No one.