2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 94

BY REPRESENTATIVE IVEY

U.S. CONSTITUTION: Petitions congress to propose an Equal Rights Amendment to the U.S. Constitution with exceptions relative to abortion issues

1	A CONCURRENT RESOLUTION
2	To petition the Congress of the United States to propose an amendment to the Constitution
3	of the United States, for submission to the states, relative to equal rights for men and
4	women that is neutral on the issue of abortion rights.
5	WHEREAS, the Ninety-second Congress of the United States of America at the
6	second session, in both houses, by a constitutional majority of two-thirds thereof, adopted
7	the following proposition to amend the Constitution of the United States of America in the
8	following words, to wit:
9	"Proposing an amendment to the Constitution of the United States relative to equal
10	rights for men and women: Resolved by the Senate and House of Representatives of the
11	United States of America in Congress assembled (two-thirds of each House concurring
12	therein), That the following article is proposed as an amendment to the Constitution of the
13	United States, which shall be valid to all intents and purposes as part of the Constitution
14	when ratified by the legislatures of three-fourths of the several states within seven years
15	from the date of its submission by the Congress:
16	"ARTICLE
17	"Section 1. Equality of rights under the law shall not be denied or abridged by the
18	United States or by any State on account of sex.
19	"Section 2. The Congress shall have the power to enforce, by appropriate legislation,
20	the provisions of this Article.

1	"Section 3. This Amendment shall take effect two years after the date of
2	ratification."; and
3	WHEREAS, the proposition, commonly referred to as the Equal Rights Amendment,
4	was adopted by congress in 1972 to provide for equal rights between the sexes and is still
5	pending ratification by the states; and
6	WHEREAS, equality between the sexes is fundamental in nature and the
7	constitutional protection thereof has a broad impact on half of the citizenry of the United
8	States; and
9	WHEREAS, the original context of the Equal Rights Amendment provided for equal
10	protection against discrimination based on one's sex and was initially embraced nationally
11	as evidenced by ratification by thirty-five states within the first five years of its passage in
12	congress; and
13	WHEREAS, in the aftermath of the 1973 decision of the Supreme Court of the
14	United States in Roe v. Wade, the momentum of support for the Equal Rights Amendment
15	began to decline under the assertion that the amendment would protect a woman's right to
16	a state-funded abortion; and
17	WHEREAS, an unintended consequence of ratification of the Equal Rights
18	Amendment would likely include interpretation by the courts that the Equal Rights
10	
19	Amendment would expand abortion rights; and
20	Amendment would expand abortion rights; and WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the
20	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the
20 21	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it
20 21 22	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it unconstitutional for the state Medicaid program to refuse to fund medically necessary
20 21 22 23	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it unconstitutional for the state Medicaid program to refuse to fund medically necessary abortions if procedures unique to the male anatomy are funded; and
 20 21 22 23 24 	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it unconstitutional for the state Medicaid program to refuse to fund medically necessary abortions if procedures unique to the male anatomy are funded; and WHEREAS, according to NARAL Pro-Choice America, "With its ratification, the
 20 21 22 23 24 25 	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it unconstitutional for the state Medicaid program to refuse to fund medically necessary abortions if procedures unique to the male anatomy are funded; and WHEREAS, according to NARAL Pro-Choice America, "With its ratification, the ERA would reinforce the constitutional right to abortion by clarifying that the sexes have
 20 21 22 23 24 25 26 	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it unconstitutional for the state Medicaid program to refuse to fund medically necessary abortions if procedures unique to the male anatomy are funded; and WHEREAS, according to NARAL Pro-Choice America, "With its ratification, the ERA would reinforce the constitutional right to abortion by clarifying that the sexes have equal rights, which would require judges to strike down anti-abortion laws"; and
 20 21 22 23 24 25 26 27 	WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it unconstitutional for the state Medicaid program to refuse to fund medically necessary abortions if procedures unique to the male anatomy are funded; and WHEREAS, according to NARAL Pro-Choice America, "With its ratification, the ERA would reinforce the constitutional right to abortion by clarifying that the sexes have equal rights, which would require judges to strike down anti-abortion laws"; and WHEREAS, to avoid any expansion of abortion rights by ratification of the Equal

1 shall be construed to grant, secure, or deny any right relating to abortion or the funding

2 thereof."; and

3 WHEREAS, Article V of the Constitution of the United States provides that an 4 amendment to the constitution may be proposed by congress, which shall become part of 5 the constitution when ratified by three-fourths of the several states.

6 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby

7 petition the Congress of the United States to propose an amendment to the Constitution of

8 the United States, for submission to the states for ratification of a new Equal Rights

- 9 Amendment to include appropriate language to ensure the amendment is neutral as to the
- 10 issue of abortion.

11 BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution

12 be transmitted by the clerk of the Louisiana House of Representatives to the president and

13 the secretary of the United States Senate, to the speaker and clerk of the United States House

14 of Representatives, to each member of this state's delegation to congress, and to the

15 presiding officer of each house of each state legislature in the United States.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 94 Original 2019 Regular Session

Ivey

Petitions congress to propose an amendment to the Constitution of the United States, for submission to the states, relative to equal rights for men and women that is neutral on the issue of abortion rights.