

BY REPRESENTATIVE IVEY

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  
19    Amendment would expand abortion rights; and

20          WHEREAS, in 1998, the New Mexico Supreme Court unanimously agreed that the  
21    Equal Rights Amendment of the New Mexico Constitution, adopted in 1973, made it  
22    unconstitutional for the state Medicaid program to refuse to fund medically necessary  
23    abortions if procedures unique to the male anatomy are funded; and

24          WHEREAS, according to NARAL Pro-Choice America, "With its ratification, the  
25    ERA would reinforce the constitutional right to abortion by clarifying that the sexes have  
26    equal rights, which would require judges to strike down anti-abortion laws..."; and

27          WHEREAS, to avoid any expansion of abortion rights by ratification of the Equal  
28    Rights Amendment, a new amendment must be adopted by congress and sent to the states  
29    for ratification including an "abortion-neutrality" clause that reads: "Nothing in this Article

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.