

2019 Regular Session

SENATE CONCURRENT RESOLUTION NO. 2

BY SENATOR MORRELL AND REPRESENTATIVES BOUIE AND LEGER

WOMEN. Provides for the ratification of the Equal Rights Amendment.

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A CONCURRENT RESOLUTION

To provide for ratification by the Legislature of Louisiana of the amendment to the Constitution of the United States relative to equal rights for men and women and to memorialize Congress to remove or extend in perpetuity the 1982 ratification deadline in the resolving clause, if Congress deems this necessary in order for the Equal Rights Amendment to be added to the Constitution of the United States.

WHEREAS, the Ninety-second Congress of the United States of America at the second session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Proposing an amendment to the Constitution of the United States relative to equal rights for men and women: Now, therefore be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states within seven years after the date of its submission for ratification:

"ARTICLE \_\_\_\_\_

1           "Section 1. Equality of rights under the law shall not be denied or abridged by the  
2 United States or any State on account of sex.

3           "Section 2. The Congress shall have the power to enforce by appropriate legislation  
4 the provisions of this Article.

5           "Section 3. This Amendment shall take effect two years after the date of  
6 ratification"; and

7           WHEREAS, the United States Congress adopted the Twenty-seventh Amendment  
8 to the Constitution of the United States, referred to as the Madison Amendment, relating to  
9 Compensation of Members of Congress, 203 years from the date of its proposal by the First  
10 Congress and recently ratified by three-fourths of the states and certified by the United States  
11 Archivist as the Twenty-seventh Amendment on May 18, 1992; and

12           WHEREAS, the restricting time limit for the Equal Rights Amendment ratification  
13 is in the resolving clause and is not a part of the amendment proposed by Congress; and

14           WHEREAS, having passed a time extension for the Equal Rights Amendment on  
15 October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be  
16 disregarded if it is not part of the proposed amendment; and

17           WHEREAS, the United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433,  
18 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to  
19 be aware of the political, social, and economic factors affecting the nation, and to be aware  
20 of the importance to the nation of the proposed amendment; and

21           WHEREAS, if an amendment to the Constitution of the United States has been  
22 proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state  
23 legislatures, it is for Congress under the principles of *Coleman v. Miller* to determine the  
24 validity of the state ratifications occurring after the expiration of a time limit in the resolving  
25 clause and not in the amendment itself; and

26           WHEREAS, the Equal Rights Amendment has already been ratified by thirty-seven  
27 states, two of which ratified the amendment after the resolving clause ratification deadline  
28 had passed, Nevada on March 22, 2017 and Illinois on May 30, 2018; and

29           WHEREAS, constitutional equality for women and men continues to be timely in the  
30 United States and worldwide, and a number of other nations have achieved constitutional

1 equality for their women and men.

2           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
3 ratify the foregoing proposed amendment to the Constitution of the United States of  
4 America.

5           BE IT FURTHER RESOLVED that the Louisiana Legislature does hereby  
6 memorialize the United States Congress, to remove or extend in perpetuity the ratification  
7 deadline stated in the resolving clause on the Equal Rights Amendment, if Congress deems  
8 this necessary in order for the Equal Rights Amendment to be added to the Constitution of  
9 the United States.

10           BE IT FURTHER RESOLVED that certified copies of this Resolution shall be  
11 forwarded to the administrator of General Services, Washington, D.C., the president of the  
12 Senate, and the speaker of the House of Representatives of the Congress of the United  
13 States.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Leonore Heavey.

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DIGEST

SCR 2 Original

2019 Regular Session

Morrell

Ratifies amendment to the U.S. Constitution providing for equal rights as follows:

- (1) Equality of rights under law shall not be denied or abridged by the U.S. or any state on account of sex.
- (2) Congress shall have power to enforce by appropriate legislation the provisions hereof.
- (3) This amendment shall take effect two years after the date of ratification.

Memorializes Congress to remove or extend in perpetuity the ratification deadline stated in the resolving clause, but not in the amendment itself, if it deems necessary, for the Equal Rights Amendment to be added to the Constitution of the United States.