SLS 19RS-2 ENGROSSED

2019 Regular Session

SENATE CONCURRENT RESOLUTION NO. 2

BY SENATORS MORRELL, BISHOP, CARTER AND PETERSON AND REPRESENTATIVES BOUIE AND LEGER

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

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: 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 an 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

"ARTICLE

from the date of its submission by the Congress:

1	"Section 1. Equality of rights under the law shall not be denied or abridged by the
2	United States or by 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 ratification";
6	and
7	WHEREAS, the United States Congress accepted as valid the Twenty-seventh
8	Amendment to the Constitution of the United States, referred to as the Madison Amendment,
9	relating to Compensation of Members of Congress, 202 years from the date of its proposal
10	by the First Congress and recently ratified by three-fourths of the states and certified by the
11	United States 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 1972 Congressional joint resolution's resolving clause and is not a part of the
14	amendment proposed by Congress; and
15	WHEREAS, having passed a time extension for the Equal Rights Amendment on
16	October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be
17	adjusted or eliminated altogether if it is not part of the proposed amendment; and
18	WHEREAS, the United States Supreme Court in Coleman v. Miller, 307 U.S. 433,
19	(1939), recognized that Congress is in a unique position to judge the tenor of the nation, to
20	be aware of the political, social, and economic factors affecting the nation, and to be aware
21	of the importance to the nation of the proposed amendment; and
22	WHEREAS, if an amendment to the Constitution of the United States has been
23	proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state
24	legislatures, it is for Congress under the principles of Coleman v. Miller to determine the
25	validity of the state ratifications occurring after the expiration of a time limit originally
26	appearing in the 1972 Congressional joint resolution's resolving clause and not in the
27	Proposed Equal Rights Amendment itself; and
28	WHEREAS, the Equal Rights Amendment has already been ratified by thirty-seven
29	states, two of which ratified the amendment after the resolving clause ratification deadline
30	had passed, Nevada on March 22, 2017 and Illinois on May 30, 2018; and

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

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

BE IT FURTHER RESOLVED that the Louisiana Legislature does hereby memorialize the United States Congress, to remove or extend in perpetuity the ratification deadline stated in the 1972 Congressional joint resolution's resolving clause on the Equal Rights Amendment, if Congress deems this necessary in order for the Equal Rights Amendment to be added to the Constitution of the United States.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded by the Louisiana Secretary of State to the Archivist of the United States (pursuant to Public Law No. 98-497), to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives.

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

DIGEST

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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 1972 Congressional joint resolution's 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.

Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill</u>

1. Makes technical changes to allow the resolution to comport to the Joint Resolution approved by the 92nd Congress on March 22, 1979.