

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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SENATE BILL 85*

Short Title: NC Adopt Equal Rights Amendment. (Public)

Sponsors: Senators McKissick, Bryant, Van Duyn (Primary Sponsors); D. Davis, Foushee, Lowe, Robinson, Waddell, and Woodard.

Referred to: Rules and Operations of the Senate

February 15, 2017

A BILL TO BE ENTITLED

AN ACT TO RATIFY THE EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA RELATING TO EQUAL RIGHTS FOR MEN AND WOMEN.

Whereas, the 92nd Congress of the United States of America at its 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:

"JOINT RESOLUTION

"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 from the date of its submission by the Congress:

"ARTICLE _____

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

"Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Sec. 3. This amendment shall take effect two years after the date of ratification"; and

Whereas, the United States Congress adopted the 27th Amendment to the Constitution of the United States, the so-called Madison Amendment, relating to Compensation of Members of Congress; this amendment was proposed 203 years earlier by our First Congress and only recently ratified by three-fourths of the states; the United States Archivist certified the 27th Amendment on May 18, 1992; and

Whereas, the founders of our nation, including, but not limited to, James Madison, did not favor further restrictions to Article V of the Constitution of the United States; and

Whereas, the restricting time limit for the Equal Rights Amendment ratification is in the resolving clause and is not a part of the amendment proposed by Congress and already ratified by 35 states; and

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

Whereas, the United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433, at 456 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be



1 aware of the political, social, and economic factors affecting the nation, and to be aware of the
2 importance to the nation of the proposed amendment; and

3 Whereas, if an amendment to the Constitution of the United States has been proposed
4 by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is
5 for Congress under the principles of *Coleman v. Miller* to determine the validity of the state
6 ratifications occurring after a time limit in the resolving clause, but not in the amendment itself;
7 and

8 Whereas, Constitutional equality for women and men continues to be timely in the
9 United States and worldwide, and a number of other nations have achieved constitutional equality
10 for their women and men; Now, therefore,

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** That the Equal Rights Amendment to the Constitution of the United
13 States of America set out in the preamble to this act be, and the same is, hereby ratified by the
14 General Assembly of the State of North Carolina.

15 **SECTION 2.** That certified copies of this preamble and act be forwarded by the
16 Governor of this State to the Administrator of General Services, Washington, D.C., and the
17 President of the Senate and the Speaker of the House of Representatives of the Congress of the
18 United States.

19 **SECTION 3.** This act is effective when it becomes law.