GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2017** 



## SENATE BILL DRS55013-LR-26B\* (01/26)

	Short Title:	NC Adopt Equal Rights Amendment.	(Public)	
	Sponsors:	Senators McKissick, Bryant, and Van Duyn (Primary Sponsors)	).	
	Referred to:			
1		A BILL TO BE ENTITLED		
2	AN ACT TO	AN ACT TO RATIFY THE EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION OF		
3	THE UN	THE UNITED STATES OF AMERICA RELATING TO EQUAL RIGHTS FOR MEN ANI		
4	WOMEN.			
5	Whereas, the 92nd Congress of the United States of America at its second session, i			
6	both houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition			
7	to amend the Constitution of the United States of America in the following words, to wit:			
8		"JOINT RESOLUTION *****		
9	"Decelare		totog of America in	
10 11		d by the Senate and House of Representatives of the United S sembled (two-thirds of each House concurring therein), That the		
11	proposed as an amendment to the Constitution of the United States, which shall be valid to al			
12	intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourth			
14	of the several States within seven years from the date of its submission by the Congress:			
15	"ARTICLE			
16	"Section 1. Equality of rights under the law shall not be denied or abridged by the United			
17	States or by a	any State on account of sex.		
18	"Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, th			
19	provisions of			
20		This amendment shall take effect two years after the date of ratific		
21		hereas, the United States Congress adopted the 27th Amendmen		
22		I States, the so-called Madison Amendment, relating to Compensation		
23	•	is amendment was proposed 203 years earlier by our First Congre		
24 25	May 18, 1992	ree-fourths of the states; the United States Archivist certified the 2	27th Amendment on	
26	•	<i>Thereas</i> , the founders of our nation, including, but not limited to,	James Madison did	
27		ther restrictions to Article V of the Constitution of the United State		
28		hereas, the restricting time limit for the Equal Rights Amendm	,	
29		clause and is not a part of the amendment proposed by Congress		
30	by 35 states;		,	
31	W	hereas, having passed a time extension for the Equal Rights Ame	endment on October	
32	20, 1978, Congress has demonstrated that a time limit in a resolving clause can be disregarded if			
33	is not a part of the proposed amendment; and			
34		Whereas, the United States Supreme Court in Coleman v. Miller, 307 U.S. 433, at 45		
35	(1939), recog	gnized that Congress is in a unique position to judge the tenor	of the nation, to be	



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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

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

SECTION 1. That the Equal Rights Amendment to the Constitution of the United States of America set out in the preamble to this act be, and the same is, hereby ratified by the 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

18 United States.19 SE

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