

# **The National Black**

## **Caucus of State**

### **Legislators**



**RATIFIED DECEMBER 13, 1997  
MILWAUKEE, WISCONSIN**

Dear Colleague:

The resolutions that follow represent NBCSL's continuing efforts to articulate the concerns of African American citizens regarding equity and parity in the public policy arena at both the federal and state levels. The policy positions are connected by three major concerns:

- 1) that the socio-economic position of African Americans has deteriorated and will further deteriorate unless decisive action is taken to include consideration of our community in all policies and programs of government at every level;
- 2) that it is essential that all citizens are considered and included when policies and programs are formulated and implemented; and
- 3) that federal government, as well as state governments, provide adequate funding to support legislative actions.

The resolutions included in this document are the official positions of NBCSL and were ratified during a general plenary session of the 21<sup>st</sup> Annual Legislative Conference in Milwaukee, Wisconsin, on December 13, 1997. I would like to take this opportunity to thank the unprecedented number of legislators who stayed to contribute to the resolutions ratification session, the most important business of our annual conference.

Sincerely,

Lois DeBerry, President  
Speaker Pro Tempore  
Tennessee House of Representatives

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**The National Black Caucus of State Legislators  
21<sup>st</sup> Annual Legislative Conference  
Milwaukee, Wisconsin**

RATIFICATION OF RESOLUTIONS  
PLENARY SESSION  
December 13, 1997

Representative Calvin Smyre (GA), Chair

Representative Kathryn Bowers (TN), Co-Chair

Representative Margaret Carter (OR), Recording Secretary

Representative Ted Wallace (MI), Parliamentarian

*Reproduction and distribution of this document was made possible with the generous support of Wyeth-Ayerst Laboratories.*

## **EXECUTIVE COMMITTEE**

**Jurisdiction:** As NBCSL's governing body, the Executive Committee has supervision, control and direction of the organization's affairs, and its committees and publications. This committee is responsible for policy implementation, prosecution of objectives and supervision of the disbursement of funds.

Representative Lois DeBerry, Tennessee (President)  
Representative James Thomas, Alabama (Vice President)  
Senator Diana E. Bajoie, Louisiana (Secretary)  
Representative Spencer Coggs, Wisconsin (Treasurer)  
Representative Ted Wallace, Michigan (Parliamentarian)  
Representative Mary Groves Bland, Missouri (1<sup>st</sup> Vice President)  
Senator Kay Patterson, South Carolina (2<sup>nd</sup> Vice President)  
Representative Margaret Carter, Oregon (Recording Secretary)  
Senator Gloria Tanner, Colorado (Financial Secretary)  
Representative Vernon Smith, Indiana (Chaplain)

## **RESOLUTION 98-01**

### **Change of NBCSL Fiscal Year**

WHEREAS, the National Black Caucus of State Legislators' (NBCSL) Annual Legislative Conference is held in December of each year;

WHEREAS, the registration fees collected reflect dues for the following year;

WHEREAS, Corporate Round Table (CRT) membership dues are often paid at the conference for the following year;

WHEREAS, NBCSL also invoices states, vendors, conference attendees, CRT members and others in the following year for the conference just attended; and

WHEREAS, the current method of revenue collection does not provide an accurate financial statement of year-end reconciliation for our accountants when evaluation conference revenues.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the fiscal year of NBCSL be changed to run from July 1 through June 30 of the following year; and

BE IT FURTHER RESOLVED that this change be implemented in the coming calendar year, 1998, and that the dates cited herein be subject to review by the Internal Revenue Service without further ratification by NBCSL's resolution process, but with the approval of the NBCSL Executive Committee.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Lois Deberry (TN)

RESOLUTION APPROVED THURSDAY, DECEMBER 11, 1997 BY:

Executive Committee

COMMITTEE ACTION CERTIFIED BY:

Representative Lois Deberry (TN), President

RESOLUTION RATIFIED DURING PLENARY SESSION, SATURDAY,  
DECEMBER 13, 1997

RATIFICATION CERTIFIED BY:

Representative Lois Deberry (TN), President

## **RESOLUTION 98-02**

### **State Child Health Insurance Program (SCHIP)**

WHEREAS, THE Budget Reconciliation Act of 1996 provided a multi-billion dollar block grant to the states to expand comprehensive health insurance coverage to youth under 19 in families where the income is at or below 200% of federal poverty limits;

WHEREAS, states are given flexibility to either expand Medicaid coverage, expand existing insurance coverage or create an entirely new insurance program; and

WHEREAS, a majority of states will be implementing legislative or administrative initiatives to comply with federal rules and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>st</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that members of NBCSL encourage, support and advocate the implementation of the Children's Health Insurance Program, Title 21, to ensure greater access to coverage as well as continue the Medicaid entitlement of children.

PROPOSED RESOLUTION SUBMITTED BY:

Representative William Crawford (IN)

Senator Angela Monson (OK)

RESOLUTION APPROVED THURSDAY, DECEMBER 11, 1997 BY:

Executive Committee

COMMITTEE ACTION VERIFIED BY:

Rep. Laura Hall (AR), Acting Chair

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFICATED BY:

Representative Lois Deberry (TN), President

## **RESOLUTION 98-03**

### **Ernestine Dillard: NBCSL 1998 Artist-in-Residence**

WHEREAS, Ernestine Dillard is a well-trained operative singer, well-versed and proficient in all music;

WHEREAS, she recognizes that her voice and talent are gifts from her God, and she dedicates her gift through song and praising his homage.

WHEREAS, she has traveled abroad and shared her faith, and talent with people of many lands;

WHEREAS, Mrs. Dillard is an active member of Mt. Zion Baptist Church in Tulsa, Oklahoma;

WHEREAS, she captivated a worldwide audience in opening the healing ceremonies in the aftermath of the tragic bombing in Oklahoma City;

WHEREAS, NBCSL has called on her time and again to lend her presence, fine talent, and religious and musical homilies for many of its national audiences; and

WHEREAS, NBCSL appreciates her lending her time and talent and of her reminding this organization through musical renditions of her religious message.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL) ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997 that Ernestine Dillard is a national treasure and has offered NBCSL an opportunity to demonstrate its hope and faith; and

BE IT FURTHER RESOLVED that because of her faith in her people and her continuing commitment to the organization, NBCSL officially offers and confers on Ernestine Dillard the title of NBCSL's "1998 Artist-in-Residence" with the duties and responsibility entailed therein.

#### **PROPOSED RESOLUTION SUBMITTED BY:**

Representative Don Ross (OK)      Representative Opio Toure (OK)  
Senator Angela Monson (OK)      Representative Kevin Cox (OK)  
Representative Maxine Horner (OK)

RESOLUTION APPROVED SATURDAY, DECEMBER 13, 1997 BY:  
Committee on Resolutions

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:  
Representative Lois Deberry (TN), President

## COMMITTEE ON ELEMENTARY AND SECONDARY EDUCATION

**Jurisdiction:** This committee is responsible for studying education issues that affect African-American children's access to quality K-12 education. This committee shares information about these issues with state legislatures and provides a forum for discussion between state legislators and legislative staff. Issues the committee studies include education reform, finance and accountability and the impact of federal policies on states.

Senator Gerald Neal, Kentucky (Chair)

Representative Renee Gill Pratt, Louisiana (1<sup>st</sup> Vice Chair)

Representative William Crawford, Indiana (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-04**

### **America's Public School Buildings**

WHEREAS, the children of America will learn best in safe, healthy, modern public schools that are equipped with the latest educational technology;

WHEREAS, the General Accounting Office estimates that repairs alone on our nation's schools would cost \$112 billion, and new construction costs to meet the enrollment growth are estimated at approximately \$73 billion, and technology costs will add billions more;

WHEREAS, many states and localities will be unable to shoulder these enormous costs alone; and

WHEREAS, our public school buildings are an important investment in the quality of our children's education and in our nation's future.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that we call on the federal government to make a significant, multi-year investment in providing assistance to state and local governments to meet their needs for school repair, construction, and school technology.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Rita Days (MO)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Elementary and Secondary Education

COMMITTEE ACTION CERTIFIED BY:

Representative William Crawford (IN), 2<sup>nd</sup> Vice Chair  
Committee on Elementary and Secondary Education

RATIFIED IN PLENARY SESSION SATURDAY, DECEMBER 13, 1998.

RATIFICATION CERTIFIED BY:

Representative Lois Deberry, President

## **RESOLUTION 98-05**

### **DELIVERING QUALITY EDUCATION TO AFRICAN-AMERICAN CHILDREN**

WHEREAS, America's public school system has been entrusted to teach all of this country's children, regardless of race or income, and prepare them for America's complex society and economy;

WHEREAS, the complexity of America's economy and society require a quality education, African-American children should receive the best education possible;

WHEREAS, the Council of the Great City Schools held a National Urban Education Summit, and produced a series of urban goals to be reached by the year 2000 – 1) Readiness to Learn; 2) Increased Graduation Rates; 3i) Improved Academic Achievement; 4) Quality Teachers; 5) Post-secondary Opportunities; 6) Safe and Caring Environment; 7) Equitable and Adequate Funding; and 8) Increased Parental Involvement;

WHEREAS, the Council of the Great City Schools reported in its National Education Goals; 1992-1993 Indicators Report – 1) 1992 students in disadvantaged urban communities in grades 4, 8, and 12 were less likely to have met NAEP national performance standards in Reading or Math than their counterparts nationally; 2) African-American and Hispanic GCS (Great City Schools) students were about half as likely to score above the 50<sup>th</sup> percentile on norm-referenced reading or math tests than their white counterparts and the gap did not appear to close appreciatively between 1990-91; 3) The shortage of central city teachers was about 50% higher than the national average; 4) The ratios of African-American and Hispanic graduates who pursued a four-year college education to their share of K-12 enrollment remained disproportionately low; and 5) The unemployment rate of inner-city youth remains considerably above the national average;

WHEREAS, public schools across the country are trying very hard to educate all children, minority children are not being educated at a level that will allow them to become successful in America's technologically based economy; and

WHEREAS, the African-American community continues to struggle for economic equality, without attaining the proper education the future of minority children and of America is in jeopardy.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>st</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that this Caucus address alternatives to current education delivery systems by examining and exploring possible strategies and other methods of educating African-American children;

BE IT FURTHER RESOLVED that NBCSL demand that all viable alternative methods and strategies to educate African-American children meet all public accountability requirements as public schools such as the equity laws, fiscal responsibility, public disclosure and governmental oversight; and

BE IT FURTHER RESOLVED that NBCSL convene at a later date, in cooperation with other concerned groups to, discuss all viable educational alternatives that will ensure the education of African-American children.

PROPOSED RESOLUTION SUBMITTED BY:  
Representative Rita Davis (MO)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:  
Committee on Elementary and Secondary Education

COMMITTEE ACTION CERTIFIED BY:  
Representative William Crawford (IN), 2<sup>nd</sup> Vice Chair  
Committee on Elementary and Secondary Education

RATIFIED IN PLENARY SESSION SATURDAY, DECEMBER 13, 1998.

RATIFICATION CERTIFICATION BY:  
Representative Lois Deberry, President

## **RESOLUTION 98-06**

### **Improving Low-Performing Schools**

WHEREAS, the public school system represents a vital linchpin of democracy, reflecting the diverse, multicultural nature of American society, providing common ground and the means to pursue the common good;

WHEREAS, some schools, a disproportionate number of which are in high-poverty, urban areas, are failing to provide students with the education – or the opportunities – enjoyed by their more advantaged peers;

WHEREAS, in recent years, these problem schools have begun to cast a long shadow over all public education;

WHEREAS, media stories feature schools with chronically low test scores and conditions that are disorderly and dangerous that students and staff are afraid to walk the halls;

WHEREAS, in this context, school vouchers and other radical schemes to privatize and dismantle the entire public school system have begun to gain favor;

WHEREAS, the abandonment of common public schools would leave the nation more divided, and unequal, than ever;

WHEREAS, we must – and can – educate all children by turning around schools that are disorderly and unsafe and where kids are not learning;

WHEREAS, elected officials, parents, school administrators, school employees and their unions must work together to ensure that every school provides students with equal educational opportunities – including, where necessary, closing schools that fail to improve and opening new, completely redesigned schools in their place;

WHEREAS, not all reform plans have equal merit;

WHEREAS, in too many cases, districts have moved to adopt politically expedient, but educationally bankrupt, policies such as “school reconstitution” – stigmatizing and replacing staff, regardless of competence or quality, and without any specific plans to improve teaching or learning;

WHEREAS, enhanced student achievement based on high academic standards, research-proven programs and practices, and collaborative implementation efforts must be the driving force behind all new reforms;

WHEREAS, around the country, there is research that shows that children achieve when they are taught the basics early and are challenged by high standards and a rich

curriculum, and when caring, firm adults pay strict attention to the quality of students' work and behavior;

WHEREAS, it is true that many low-performing schools need comprehensive school wide restructuring;

WHEREAS, it is also true that early reading difficulty represents the single biggest systemic problem faced by schools with large, high-poverty, at-risk student populations;

WHEREAS, the first step in addressing this problem is to apply the consistent finds of hundreds of research studies, conducted over the past several decades in such diverse fields as neuroscience, psychology, linguistics, cognitive science and education, that tell us how children learn to read – and, therefore, how to improve their early reading instruction;

WHEREAS, according to the research, all students need a carefully crafted, balanced approach to the teaching of reading;

WHEREAS, the teaching of reading must include early, explicit instruction in the necessary subskills – including phonemic awareness and phonics – as well as an early emphasis on listening skills, language development, storytelling and writing, a deep exploration of the treasure chest of rich and challenging children's literature, and literacy related activities that can help enhance children's love of books and of learning;

WHEREAS, enhanced student achievement based on high academic standards, research-proven programs, and practices, and collaborative implementation efforts must be the driving force behind all new reforms;

WHEREAS, research tells us that a committed and supportive staff is vital to the success of any school improvement plan;

WHEREAS, to the greatest possible extent, school staff should be given an active role in diagnosing the school's weaknesses and selecting the plans for improvement;

WHEREAS, it has also been demonstrated that the successful replication of any research-based reform program is largely dependent on the faithfulness of the implementation;

WHEREAS, adequate time and resources must be committed to providing all instructional staff (i.e., teachers and classroom paraprofessionals) with the professional development, tools, and materials they need to get the best results;

WHEREAS, most elementary school teachers have never been provided with sufficient preparation in how to teach reading, based on what is now preponderant research evidence;

WHEREAS, few materials and programs, based on this research, have been developed or field tested for effectiveness;

WHEREAS, it is imperative that we 1) ensure that instructional staff in all elementary schools are provided with adequate professional development in the requisite skills and knowledge of how to teach beginning reading; 2) raise standards for teacher preparation and licensure to include a core curriculum in reading instruction for elementary school teachers that reflects the best research evidence; and 3) increase the availability of programs and materials in reading and English language arts that have a track record of effectiveness.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that, specifically, the National Black Caucus of State Legislators calls for development of effective intervention policies which 1) are grounded in high academic standards, ensuring that all students are exposed to a common core of learning; 2) enforce high standards of behavior with consequences for misbehavior that must be fairly and consistently enforced; and 3) use criteria for the identification of low-performing schools that are clear and understood by all stakeholders so as to reduce the risk that any school will be misidentified for unfair or arbitrary reasons and also to give staff, students, and parents a framework by which to gauge the school's progress and address the particular needs of the individual school to ensure that intervention and assistance plans are targeted effectively, followed by comprehensive assessments designed to pinpoint reasons for failure, backed by solid research, and involve staff and provide them with the professional development, time, and resources they will need to be effective;

BE IT FURTHER RESOLVED that NBCSL calls on textbook publishers and program developers to revise and develop materials for early reading instruction that reflect the research base, and conduct field tests, on a routine basis, which can provide schools and districts with quantitative and qualitative effectiveness data;

BE IT FURTHER RESOLVED that NBCSL urges all school boards and state and district curriculum authorities, as such data become available, to approve, for broad adoption, only those materials for beginning reading instruction that are designed to reflect the research base and that have clearly been shown to be effective in helping to raise student achievement levels, using valid, scientific field tests.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Vernon Smith (IN)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Elementary and Secondary Education

APPROVAL CERTIFIED BY:

Representative Bill Crawford (IN), 2<sup>nd</sup> Vice Chair

Committee on Elementary and Secondary Education

RESOLUTION RATIFIED IN PLENARY SESSION SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-07**

### **SUPPORT FOR “READ ACROSS AMERICA”**

WHEREAS, members of the National Black Caucus of State Legislators (NBCSL) stand firmly committed to promoting reading as the catalyst for our students’ future academic success, their preparation for America’s jobs of the future and their ability to compete in a global economy;

WHEREAS, NBCSL members have provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community’s well-being and long-term quality life; and

WHEREAS, “Read Across America,” a national celebration of Dr. Suess’ birthday on March 2<sup>nd</sup>, promotes reading and adult involvement in the education of our community’s students.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL calls on all citizens to assure that every child is in a safe place reading together with a caring adult on the evening of March 2, 1998; and

BE IT FURTHER RESOLVED that this body enthusiastically endorses Read Across America and other programs and activities designed to make America’s children the best readers in the world.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Rita D. Days (MO)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Elementary and Secondary Education

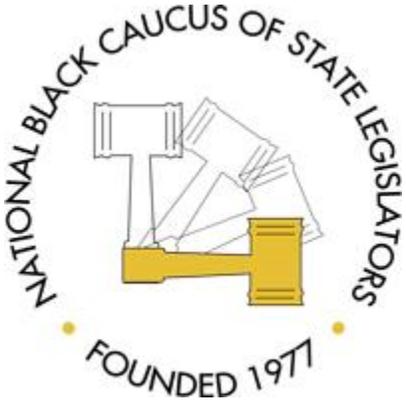
COMMITTEE ACTION CERTIFIED BY:

Representative William Crawford (IN), 2<sup>nd</sup> Vice Chair  
Committee on Elementary and Secondary Education

RATIFIED IN PLENARY SESSION SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois Deberry (TN), President



## **COMMITTEE ON HEALTH**

**Jurisdiction:** This committee addresses all issues pertaining to health care, health education, research, health employment, and the promotion of good health care policy with a view towards the specific indications for the African-American community.

Senator Roscoe Dixon, Tennessee (Chair)

Senator Diane E. Watson, California (1<sup>st</sup> Vice Chair)

Senator Charles Walker, Georgia (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-08**

### **MANAGED CARE AND CONSUMER PROTECTIONS**

WHEREAS, approximately 90 million privately insured Americans are in a managed care insurance plan;

WHEREAS, more than a quarter of all Medicaid beneficiaries are in a managed care plan;

WHEREAS, forty-five percent of Americans will be covered under such plans by the year 2000;

WHEREAS, MCOs tend to enroll a younger but not much healthier population than traditional fee-for-service plans;

WHEREAS, in 1989, “near poor” individuals were less likely than those with higher incomes to enroll in managed care;

WHEREAS, what is managed in the long term is cost;

WHEREAS, capitation and risk sharing is managed;

WHEREAS, utilization of service is managed;

WHEREAS, intensity of care is managed;

WHEREAS, patient’s choice of provider is managed;

WHEREAS, provider’s choice of therapy is managed;

WHEREAS, in 1996, it was found that a population of chronically ill poverty level elderly patients in Los Angeles tended to fare worse in managed care than in fee for service medicine;

WHEREAS, referral to specialists for evaluation may be problematic with managed care;

WHEREAS, emphasis on keeping patients out of emergency rooms may impede rapid access;

WHEREAS, reluctance to cover “experimental” therapies may discourage use of breakthrough drugs;

WHEREAS, limits on duration for rehabilitation and intensity of treatment may be an issue;

WHEREAS, “managed care” is an evolving concept;

WHEREAS, in 10 years, the health care system will look very different than it does now;

WHEREAS, most HMOs, PPOs and MCOs are licensed by insurance departments with no oversight from the health departments;

WHEREAS, most managed care plans do not have comprehensive quality assurance standards that are adequate to identify, evaluate and remedy problems relating to access continuity and quality of care;

WHEREAS, under recent legislation passed by Congress, the Medicare system is shifting to managed care; and

WHEREAS, in the wake of failed reform of the national health care system, the responsibility of crafting public policy to respond to changes in the health care system has fallen largely to state governments.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL) ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL supports the concept of the model “Managed Care Consumer Protection Act” (*see Appendix*) and further urges the members to sponsor legislation in their states to ensure a minimum of protection for consumers.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Kathryn Bowers (TN)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Health

COMMITTEE ACTION CERTIFIED BY:

Senator Roscoe Dixon (TN), Chair  
Committee on Health

RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-09**

### **INCREASING PUBLIC AWARENESS OF POST-MENOPAUSAL WOMEN'S HEALTH**

WHEREAS, women make 75 % of the health care decisions in the American household;

WHEREAS, women spend nearly two of every three health care dollars (\$500 billion annually);

WHEREAS, women are now living more than about 40% of their lives after menopause (an additional 33 years) where the risk of osteoporosis, heart disease, breast cancer, obesity, diabetes, and other diseases increases;

WHEREAS, osteoporosis afflicts more than 25 million Americans with 80% of them being women, and one out of every four women over the age of 50 will be afflicted with osteoporosis;

WHEREAS, the loss of estrogen after menopause is the single greatest contributor to bone loss in women;

WHEREAS, heart attacks are the leading cause of death for American women over age 50, claiming nearly 250,000 lives annually, and the risk of coronary heart diseases increases twofold for post menopausal women;

WHEREAS, an increased awareness of and knowledge about post-menopausal women's health, preventive health care, and effective interventions can reduce the long-term health risks for post-menopausal women;

WHEREAS, African-American elected officials must take a leadership role in their states to increase public awareness on an ongoing basis about post-menopausal women's health issues through several forums including partnerships with women' organizations, health care organizations, business leaders, labor leaders, and others; and

WHEREAS, public health departments have as their mission public health education and prevention so that public health must increase its focus on post-menopausal women's health issues and programs.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators issues a call to action (*see Appendix*) for its members to take a leadership role in their states to work proactively to increase public awareness on post-menopausal women's health; to partner with other public and private sector leaders to ensure an ongoing commitment to this public awareness and

education effort; and to encourage their public health departments to re-focus and strengthen programs toward post-menopausal women's health education.

PROPOSED RESOLUTIONN SUBMITTED BY:

Senator Roscoe Dixon (TN)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Health

COMMITTEE ACTION CERTIFIED BY:

Senator Roscoe Dixon (TN), Chair

Committee on Health

RESOLUTION RATIFIED IN PLENARY SESSION SATURDAY, DECEMBER 13,  
1997

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-10**

### **SUPPORT FOR COVERAGE OF ROUTINE GLAUCOMA SCREENING**

WHEREAS, glaucoma is prevalent cause of blindness in the United States and is the single most common cause of irreversible blindness among African Americans;

WHEREAS, an estimate 80,000 Americans are blind from glaucoma and at least 3 million Americans have the disease, two-thirds of whom are currently undiagnosed, and another 5-10 million have elevated intraocular pressure which places them at increased risk for glaucoma;

WHEREAS, men and women over the age of 50, at increased risk of going blind from glaucoma, can almost always avoid this danger with regular eye examinations;

WHEREAS, in addition to aging, other risk factors for glaucoma are nearsightedness, family history, diabetes and race;

WHEREAS, with more than 17 million baby boomers moving into the blindness danger zone by the year 2000, the need for the simple test for glaucoma becomes more critical; and

WHEREAS, African Americans are 4-5 times more likely to develop glaucoma than Caucasians and regular eye examinations is the only key to preserving sight (there are usually no signs or symptoms of glaucoma).

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL supports measures including legislation to assure that every citizen receive regular testing to screen for glaucoma and that those tests are covered by insurance, managed care and government health programs such as Medicaid and Medicare.

PROPOSED RESOLUTION BY:

Senator Roscoe Dixon (TN)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Health

COMMITTEE ACTION CERTIFIED BY:

Senator Roscoe Dixon (TN), Chair  
Committee on Health

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:  
Representative Lois DeBerry (TN), President





## **COMMITTEE ON HOUSING**

**Jurisdiction:** This committee develops policies regarding the nation's housing problems. It also examines state and federal policies and regulations to encourage initiatives that address problems related to homeownership and low-income housing.

Assemblywoman Gloria Davis, New York (Chair)  
Representative John L. Scott, Jr., South Carolina (1<sup>st</sup> Vice Chair)  
Senator Diane Wilkerson, Massachusetts (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-11**

### **SUPPORT FOR THE NATIONAL BROTHERHOOD OF SECTION 3 WORKERS OF LOCAL 1888**

WHEREAS, Section 3 of the Housing and Urban Development (HUD) Act of 1968, as amended in 1994, requires HUD contract funds to be used to provide jobs, training and business opportunities to enhance the economic circumstances of low income Section 3 people “to the greatest extent feasible;” and

WHEREAS, the minimum numerical goals are set at 30% of workers hired, and 10% of current HUD contract expenditures to be directed toward local business as of October 1996;

WHEREAS, implementation of these goals would drastically improve the workforce development of Section 3 dwellers and the economic status of their neighborhoods (Local 1888 was formed to enhance the achievement of these goals and lead to self-empowerment and local economic empowerment);

WHEREAS, unions have played vital roles in the development of many majority communities – the Irish, Italian and Jewish; the formation of the Amalgamated Bank was the result of union cooperation; and the minority community requires such an instrument to vitalize the most important commodity it has – its people, the workers, labor;

WHEREAS, the implementation of these goals has been haphazard and sketchy at best;

WHEREAS, there is continuous resistance by a majority of local government to promote full participation of Section 3 residents in the planning activities of Section 3 funds and the decisions on contracting;

WHEREAS, only unions can fully negotiate with contractors on the number of jobs and wages levels;

WHEREAS, the established unions have other and larger issues to deal with nationally; and

WHEREAS, Local 1888 has as its sole purpose the organization and empowerment of Section 3 workers and contractors to meet the needs of the Welfare Reform Act of 1996 and economic development of deprived neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL:

- 1) Fully endorse and support the goals and activities of Local 1888;

- 2) Forcefully require local officials handling Section 3 funds to cooperate fully with Local 1888 in its desire to represent the workers; and
- 3) Fervently request the well-established unions to open up lines on communications and cooperation with Local 1888 for the common good of development of our communities; to maximize the yield of the benefits prescribed for Section 3 workers and contractors in designing consortiums inclusive of universities, local governments agencies, the union, contractors and workers.

**PROPOSED RESOLUTION SUBMITTED BY:**

Assemblywoman Gloria Davis (NY)

**RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on Housing

**COMMITTEE ACTION CERTIFIED BY:**

Assemblywoman Gloria Davis (NY), Chair  
Committee on Housing

**RESOLUTION RATIFIED IN PLENARY SESSION SATURDAY, DECEMBER 13, 1997.**

**RATIFICATION CERTIFIED BY:**

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-12**

### **A CALL FOR SUPPORT OF A MEASURE TO ADDRESS THE PROBLEM OF CHILDHOOD LEAD EXPOSURE**

WHEREAS, children are susceptible to lead-based paint hazards in pre-1978 residential housing;

WHEREAS, African-American children are disproportionately represented in the population affected by lead exposure inasmuch as 21.9% of all African-American children under age six who live in housing built before 1950 have lead poisoning;

WHEREAS, low-cost maintenance measures can make older housing lead-safe; and

WHEREAS, North Carolina has recently adopted a progressive law that encourages property owners to proactively implement preventive maintenance activities to create lead-safe housing and to provide strict standards to protect lead-poisoned children.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators endorses in principle legislation enacted by North Carolina, Wisconsin, Massachusetts, Rhode Island, Georgia and Vermont as examples of a model to address the serious issues of the availability of lead-safe housing and the protection of children.

**PROPOSED RESOLUTION SUBMITTED BY:**

Representative Larry Womble (NC)  
Representative Spencer Coggs (WI)

**RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on Housing

**COMMITTEE ACTION CERTIFIED BY:**

Assemblywoman Gloria Davis (NY), Chair  
Committee on Housing

**RESOLUTION RATIFIED IN PLENARY SESSION SATURDAY, DECEMBER 13, 1997.**

**RATIFICATION CERTIFIED BY:**

Representative Lois DeBerry (TN), President

## **COMMITTEE ON HUMAN SERVICES**

Jurisdiction: This committee directs attention to aging services (e.g., Older Americans Act), child care, child welfare and family services, foster care, adoption services, child abuse and neglect, family violence, child support enforcement, emergency assistance and nutritional assistance programs, as well as to the related problems of homelessness.

Representative Margaret Carter, Oregon (Chair)

*Vacant* (1<sup>st</sup> Vice Chair)

Representative Georgeanna Sinkfield, Georgia (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-13**

### **Condemnation of the Cowardly Act of Child Abuse and Neglect**

*To condemn the cowardly act of child abuse and neglect and establish toll-free hotlines in local black caucus offices for child abuse victims to report abuse and to be provided with an advocate who will notify the appropriate state or local authorities and aggressively monitor the situation until it is resolved.*

WHEREAS, 3.1 million children were reported abused or neglected in 1995, and abuse or neglect of almost 1 million children was confirmed;

WHEREAS, in 1995, 818 children died as a result of abuse or neglect;

WHEREAS, far too many of these children are African-American who are abused both mentally and physically by relatives, neighbors, friends or persons of authority within their communities;

WHEREAS, outward physical signs of abuse often go unreported by adults, including neighbors and school officials, who shirk their responsibility to report such abuse;

WHEREAS, many victims of abuse become distrustful and are afraid to notify law enforcement agencies of their plight; and

WHEREAS, in a unique and powerfully way, state legislators can often effect change by identifying, tracking and following up non reported child abuse cases, as well as holding state and local officials accountable for the welfare of children.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL) ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL condemns child abuse and neglect in all forms, as well as drug abuse, and urges that all children be afforded the opportunity to grow and develop without having to face this in their young lives; and

BE IT FURTHER RESOLVED that local NBCSL delegations explore ways to create toll-free hotlines in their offices to which victims of child abuse can report the abuse that they are suffering and be provided with an advocate who will notify the appropriate state or local authorities, as well as monitor their cases until resolution.

PROPOSED RESOLUTIONS SUBMITTED BY:

Representative Thaddeus Kirkland (PA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER, 10, 1997 BY:

Committee on Human Services

COMMITTEE ACTION VERIFIED BY:

Representative Margaret Carter (OR), Chair  
Committee on Human Services

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-14**

### **Blood Pressure Awareness, Prevention and Treatment**

WHEREAS, high blood pressure is the most common cause of heart disease and a major killer of African Americans;

WHEREAS, increased awareness among African Americans about hypertension will result in more preventive behaviors;

WHEREAS, high blood pressure is simple and inexpensive to diagnose;

WHEREAS, medicine to treat and control high blood pressure costs less than one cent per day for most patients, such treatment has proven to decrease heart attack and stroke and to prolong life in African Americans; and

WHEREAS, appropriate monitoring of patients in treatment for hypertension decreases disease progression and is essential to their continued well being.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL) ASSEMBLED IN MIOLWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, the National Black Caucus of State Legislators (NBCSL) hereby calls for a national response to the problem of high blood pressure among African Americans; and

BE IT FURTHER RESOLVED that NBCSL partner with health care providers, patient advocates and health care product manufacturers in the design and implementation of a national public awareness and education campaign to decrease the incidence of high blood pressure and its associated morbidity rate among African Americans. Such a campaign will include a focus on:

- 1) The roles of appropriate diet, nutrition and exercise in the prevention of hypertension and related diseases;
- 2) Regular blood pressure checks throughout the year, including patient responsibility to be actively involved in regularly checking, recording and tracking blood pressure levels;
- 3) Provider responsibility to be culturally sensitive in the education, diagnosis and treatment of African-American patients;
- 4) The importance of appropriate follow-up and monitoring of blood pressure levels and treatment regimens by health care providers, in consultation with patients;
- 5) Information related to various high blood pressure drug therapies, and alternative and holistic practices and treatments;
- 6) Creation and dissemination of culturally sensitive patient information on hypertension; and
- 7) Ensuring implementation of the following accurate blood pressure measurement standards: a) appropriate provider training and certification, b) accurate and

appropriate blood pressure testing equipment, and c) standardized procedures for checking blood pressure.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Margaret Carter (OR)

RESOLUTION APPROVED WEDNESDAY, DECEMBER, 10, 1997 BY:

Committee on Human Services

COMMITTEE ACTION CERTIFIED BY:

Representative Margaret Carter (OR), Chair

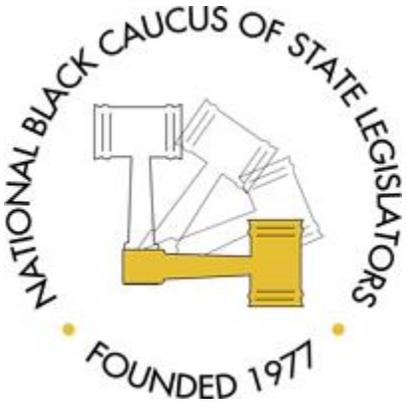
Committee on Human Services

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President





## **COMMITTEE ON INSURANCE**

**Jurisdiction:** This committee will review and address all matters pertaining to insurance matters. It will develop policies that promote consumer protection and insure the safety and solvency of insurers.

Representative John Hilliard, Alabama (Chair)

Senator Phil Curls, Missouri (1<sup>st</sup> Vice Chair)

Representative Annette Carter, Connecticut (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-15**

### **Support for Methods for Determining Fair Insurance Practices**

WHEREAS, insurance companies practice unfair rates in Black and poor areas and penalize them because they live in a red lined zip code area;

WHEREAS, senior citizens are targeted as high risk if they had one accident out of 50 years of driving and are put into a high-risk pool or their insurance is cancelled;

WHEREAS, in areas where less insurance is carried the higher the cost; and

WHEREAS, our laws are punishing and making criminals out of Blacks and poor people because they can not afford to purchase insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL supports methods to determine fair practices across the board and solutions that will no longer target blacks, the poor and our senior citizens unjustly.

PROPOSED RSOLUTION SUBMITTED BY:

Representative John Hilliard (AL)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Insurance

COMMITTEE ACTION CERTIFIED BY:

Representative John Hilliard (AL), Chair  
Committee on Insurance

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFIED CERTIFIED BY:

Representative Lois DeBerry (TN), President

## COMMITTEE ON INTERNATIONAL AFFAIRS

**Jurisdiction:** This committee will consider state policies that encourage foreign investment, such as trade agreements, and export-import promotion. It will promote participation of African Americans in the global economy.

This committee also will seek to develop and strengthen relationships with nations and peoples of color in African and throughout the world by focusing on the exchange of educational, cultural, legislative, training, business and financial resources. It will seek to develop broader foreign policy perspective to address such issues relative to international substance abuse and the international trafficking of drugs, human rights, economic development, health and environment, peace and democracy as they relate to Africa and the African diaspora.

Representative Irma Hunter Brown, Arkansas (Chair)  
Representative William Dyson, Connecticut (1<sup>st</sup> Vice Chair)  
Representative Charlie Brown, Indiana (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-16**

### **Support for Australia's Aboriginal Delegation**

WHEREAS, the Aboriginal People of Australia are believed to be one of the first peoples on earth;

WHEREAS, these people are at risk of disease and oppression;

WHEREAS, the Aboriginal People of Australia have a history of minimal participation and representation in government from their elected officials due to colonization by the British;

WHEREAS, the Aboriginal People of Australia have overcome tremendous challenges by drawing strength from their diversity and common history;

WHEREAS, the first Australians have talents and contributions, and goodwill to all people and backgrounds;

WHEREAS, the National Black Caucus of State Legislators recognizes and applauds the vision and vitality of the Aboriginal People of Australia who have played such a significant role as leaders to improve the quality of life for their citizens;

WHEREAS, the Aboriginal People of Australia have not experienced the benefits from civil rights organizations that exist in America; and

WHEREAS, this population deserves assistance and support in achieving political empowerment.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that it is fitting and just for the National Black Caucus of State Legislators to authorize the Aboriginal People of Australia's delegation to become associate members of this organization to assist them in achieving independence and recognition of their valuable contributions to international history.

**PROPOSED RESOLUTION SUBMITTED BY:**

Senator Diane E. Watson (CA)

**RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on International Affairs

**COMMITTEE ACTION VERIFIED BY:**

Representative Irma Hunter Brown (AR), Chair  
Committee on International Affairs

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-17**

### **Urging Increased Involvement in U.S. Towards African Nations**

WHEREAS, historically the National Black Caucus of State Legislators (NBCSL) has relied heavily upon so-called “experts” from outside of NBCSL for information and advice on the United States policy regarding conditions in African nations; and

WHEREAS, in order to make an informed decision regarding the United States policy regarding conditions in African nations.

NOW, THEREFORE BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL take no action which will negatively impact any African Nation and/or recommend any such action until some members of NBCSL have engaged in a fact-finding visit of said nation and reported findings from such visit to the NBCSL Committee on International Affairs.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Benjamin Swan (MA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on International Affairs

COMMITTEE ACTION CERTIFIED BY:

Representative Irma Hunter Brown (AR), Chair  
Committee on International Affairs

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-18**

### **Support for Democracy in Haiti**

WHEREAS, the country of Haiti is the oldest black republic in the Western Hemisphere;

WHEREAS, the will of the people of Haiti for democracy has been frustrated by dictatorship, military coups, foreign intervention, and repression;

WHEREAS, the Congressional Black Caucus and other bodies in the United States have expressed their support for democracy in Haiti; and

WHEREAS, democracy in Haiti is now threatened by rightwing, paramilitary forces that unleashed a campaign of murder, rape, and other forms of violence to establish the economy, government, and people of Haiti.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the members of NBCSL express their support for democracy in Haiti.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Opio Toure (OK)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on International Affairs

COMMITTEE ACTION CERTIFIED BY:

Representative Irma Hunter Brown (AR), Chair  
Committee on International Affairs

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-19**

### **Support for the Current Government of Sudan, the National Sovereignty of The Republic of Sudan, and Peace and Stability for the Sudanese People**

WHEREAS, in 1956, Sudan gained political independence from its former colonizer, Great Britain, but has never experienced total economic independence;

WHEREAS, sovereign nation-states on the African continent, as former victims of European colonial policy, have experienced continued social, political and economic turmoil, oftentimes fomented from outside their national borders for the purpose of bringing about instability;

WHEREAS, there is a current effort by the former colonizer to maintain neo-colonialism in Sudan;

WHEREAS, there is currently in place limited international sanctions against Sudan based on false accusations that Sudan harbors international terrorists;

WHEREAS, through individuals associated with Christian Solidarity International (CSI), including reporters from the "Baltimore Sun" newspaper, did illegally enter areas of Sudan under control of the Sudanese People's Liberation Army (SPLA) which is engaging in armed opposition to the legally constituted government of Sudan, and did cause a story to be published in the "Baltimore Sun" newspapers, falsely alleging evidence of a government-sponsored slave trade;

WHEREAS, the story in the "Baltimore Sun" alleging the case in which a human being could be purchased in Sudan did take place in the territory of Sudan under control of SPLA, it offers an indictment against the SPLA rather than the central government;

WHEREAS, Representative Thomas E Jackson (District 68, Alabama House of Representatives), Representative Benjamin McGee (Assistant Speaker Pro Tem, Arkansas House of Representatives) and Representative Benjamin Swan (12<sup>th</sup> Hampden District, Massachusetts House of Representatives), did travel to Sudan on a fact-finding mission during the period of September 13 – 23, 1996, as a part of a fact-finding delegation with former U.S. Congressman James Mann (D-South Carolina);

WHEREAS, the delegation was allowed freedom of movement in all areas of Sudan not under control of the SPLA, as well as access to individuals and organizational representatives from all sections of the population;

WHEREAS, the delegation did visit Khartoum State, Gezira State, North Kordofan State and South Kordofan State, including a day in the Nuba Mountains where Amnesty International charged mass killings at the hands of the central government;

WHEREAS, the delegation found no evidence of the killings reported by Amnesty International nor any other human rights abuses as claimed by European-based organizations; and

WHEREAS, the delegation found sufficient evidence to believe that the current Sudanese government is representative of the population, and has the general support of the various racial, tribal and religious groups.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL urges the government of the United States to take immediate steps in the United Nations to void existing international sanctions against Sudan, and fight any current organized effort to impose further sanctions or embargoes on Sudan; and

BE IT FURTHER RESOLVED that this resolution be transmitted to President Clinton and the appropriate committees of the U.S. Congress, including the Congressional Black Caucus, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee forthwith.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Thomas Jackson (AL)  
Representative Ben McGee (AR)  
Representative Benjamin Swan (MA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:  
Committee on International Affairs

COMMITTEE ACTION CERTIFIED BY:  
Representative Irma Hunter Brown (AR), Chair  
Committee on International Affairs

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:  
Representative Lois DeBerry (TN), President

## **RESOLUTION 98-20**

### **African Trade and Investment Legislation Before the 1998 U.S. Congress**

WHEREAS, the Rangel-, McDermott- and Crane-sponsored bill, “African Growth and Opportunity Act of 1997,” was not enacted during the 1997 Congress;

WHEREAS, the bill was designed to eliminate the “dependency of Sub-Saharan African countries” on aid from donor countries and paternalistic policies of ex-colonial exploiters of African resources;

WHEREAS, President Clinton has recommended U.S. policies that embrace the goals and objectives of Rangel-initiated legislation in the House of Representatives and the companion bill introduced in the Senate by Senator Lugar; and

WHEREAS, the need to reintroduce the bill in the new 1998 session of the Congress and mount a campaign to secure its passage.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997 that the National Black Caucus of State Legislators go on record as urging the introduction and passage of the “Africa Growth and Opportunity Act” in the 1998 session of the U.S. Congress;

BE IT FURTHER RESOLVED That NBCSL contact the President of the United States and the leadership of both political parties in the Congress to indicate our support and endorsement; and

BE IT FURTHER RESOLVED That state NBCSL delegations be urged to contact their U.S. Senators and Congressmembers to urge their support for this legislation.

PROPOSED LEGISLATION SUBMITTED BY:

Representative Reginald Beamon (CT)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on International Affairs

COMMITTEE ACTION CERTIFIED BY:

Sen. Irma Hunter Brown (AR), Chair  
Committee on International Affairs

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Rep. Lois DeBerry (TN), President

## **RESOLUTION 98-21**

### **Debt Relief for African Countries**

WHEREAS, many African countries are shackled with the burden of an unpayable debt of \$314 billion, which harms the poorest in disproportionate ways;

WHEREAS, debt payment siphons funds which are needed to strengthen human capacity development, weakens civil society and fuels a downward spiral of economic, social and political decline;

WHEREAS, social and economic development are inextricably intertwined processes that are critical to attainment of sustainable development and equalizing opportunities for all people, while the burden of debt impedes Africa's ability to meet basic human needs in a context of harmony and social justice;

WHEREAS, the current approaches to debt relief such as the World Bank's Highly Indebted Poor Countries Initiative (HIPC) provide recognition of the debt crisis, it is insufficient in having so far approved debt relief for two countries one year after its adoption without providing for definitive debt cancellation.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL agree that debt repayment is having a crippling impact on the lives of Africa's people, and calls upon the United States to actively promote the cancellation of debt owed by African countries to the richest nations on earth – known as the G-7 – and to the World Bank and the International Monetary Fund.

PROPOSED LEGISLATION SUBMITTED BY:

Representative Reginald Beamon (CT)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on International Affairs

COMMITTEE ACTION CERTIFIED BY:

Sen. Irma Hunter Brown (AR), Chair  
Committee on International Affairs

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Rep. Lois DeBerry (TN), President

## RESOLUTION 98-22

### **Support for the Rights of African Hebrew Israelites to Israeli Citizenship And Financing for Adequate Housing in Israel for Its Members**

*The African Hebrew Israelites of Jerusalem, who are African Americans that have traced their heritage to Israel and the Bible, returned to Israel in 1969, seeking citizenship in accordance with the Law of Return (including all rights and privileges attendant to the status under the laws of the nation of Israel). After living in Israel for two years as “new immigrants,” the African Hebrews saw their status rescinded as the Law of Return was changed to effectively exclude them. Despite these circumstances, the African Hebrew Israelites have grown to nearly 2,500 and demonstrated a spirit of perseverance, resourcefulness and creativity that has fostered numerous achievement, making them an international model for social development.*

*The Human Rights Caucus of the U.S. House of Representatives, led by Congressman Tom Lantos, has recognized the community for its contributions to Israel, calling them “The Miracle in the Desert.” In his message to Congress, he said:*

*“As an integral part of the mosaic which forms modern-day Israel, the Hebrew Israelite community is making outstanding contributions to the country in the areas of natural holistic healthcare and education. Theirs is a story of faith and perseverance, and a shining example of what can be accomplished through cooperation between diverse communities.”*

WHEREAS, the African Hebrew Israelites comprise a community of African Americans from across the United States, who have families and friends from such cities as Chicago, Atlanta, Washington, DC, New York, Philadelphia, Cleveland, St. Louis, Houston, Dallas;

WHEREAS, the African Hebrew Israelites immigrated to the nation of Israel in 1969 seeking citizenship under the Law of Return;

WHEREAS, the African Hebrew Israelites have resided in Israel for nearly three decades and contributed to the enriching of the society and culture of the Holy Land;

WHEREAS, the African Hebrew Israelite community has established a “Miracle in the Desert” without the assistance of the government of Israel or the government of the United States. Moreover, the Hebrew Israelites have succeeded in building a community free of violence and social trauma, while fostering an atmosphere of intellectual development, resourcefulness and creativity in Israel;

WHEREAS, U.S. taxpayers send billions of dollars per year in economic and military assistance to the nation of Israel;

WHEREAS, the United States has provided the nation of Israel billions of dollars in

Assistance to settle and build housing for Russian Jews, Bosnians, Ethiopians and others;  
and

WHEREAS, in November 1997, the government of Israel, after nearly 30 years, indicated that the status of the African Hebrew Israelite community must be resolved on humanitarian grounds.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators calls on the government of the United States of America to provide leadership in the resolution of the status of the African Hebrew Israelite community in Israel and provide sufficient resources to remove the community from the inadequate, deplorable and overcrowded housing conditions that exist in the Negev Desert in Dimona Israel by:

- 1) A \$200 million housing loan guaranty fund or direct financing which will permit the African Hebrew Israelites to purchase land from the government of Israel and build housing, infrastructure and all other facilities necessary for the well-being and development of this historic community;
  - a) if a housing guarantee is provided, both governments will assist the African Hebrew Israelite community or the selling of a bond or security to raise the funds necessary to finance the housing and other structures required by the community; and
  - b) if direct funding is provided to the African Hebrew Israelite community by one or both governments, it should be clearly understood that the funds can be used to enhance the existing and future business enterprises the community has started to provide jobs and economic empowerment to its people; and
- 2) A committee of delegates composed of members of NBCSL and selected members of the U.S. government to monitor the actions of the government of Israel to assure that the tone purpose and intent of this resolution is carried out;

BE IT FURTHER RESOLVED that, inasmuch as the design, planning, financing, construction of a community for the 2,500 African Hebrew Israelites now in Israel will require a team of U.S. and Israeli professionals, NBCSL calls on the U.S. Agency for International Development (USAID) to provide up to \$2 million in development funds to:

- 1) Identify potential members of a team of professionals, developers, architects, planners, accountants, investment bankers, bond counsel, etc.;
- 2) Develop a master plan and work with the government of Israel to identify, explore and analyze all options under consideration, now and in the future, to resolve the housing issue of the African Hebrew Israelite community in Israel;

- 3) Provide business specialists and economic development specialists to review the existing and future business entities of the African Hebrew Israelite community to determine how these entities can be expanded, if possible, and to enhance the opportunity to provide jobs, skills training to the workers and management, and marketing assistance to the executives of the business entities; and
- 4) Provide rural and urban social scientists to assist the African Hebrew Israelites in minimizing the effects of moving the group en masse to a new location and determine if some type of transitional effort should be developed (this transitional status is particularly important with respect to the more than 800 children in African Hebrew Israelite community);

BE IT FURTHER RESOLVED that, since the majority of the 580 members of NBCSL has consistently supported economic and military assistance to the nation of Israel since its founding in 1947, NBCSL calls on the leadership of the Jewish community in the United States and the government of Israel to work with the African Hebrew Israelite community during the 50<sup>th</sup> anniversary of the nation of Israel to:

- 1) Highlight the African-American presence in Israel;
- 2) Demonstrate the high level of artistic, cultural and scholarly achievement the members have attained during their nearly 30 years of living in Israel;
- 3) Demonstrate the success of holistic health care of the community which has eliminated most of the common health problems threatening African Americans such as cancer, high blood pressure and diabetes, to name a few (this has been achieved through the employment of changes in diet and lifestyle, and homeopathic care methods); and
- 4) Provide sufficient resources so that during the anniversary year of the nation of Israel, the African Hebrews' original musical/historical production, "Sound and the Kidnapped African," will be presented in selected school districts across the United States in order to provide positive male and female role models to rural and urban youth who have suffered the negative effects of modern life, in particular, violence, abuse, drugs, AIDS and a lack of desire to get an education, which have nearly devastated the African American family; and

BE IT FURTHER RESOLVED that NBCSL through its International Affairs Committee have jurisdiction and oversight of this resolution to assure that its intent, purpose and spirit is adhered to at all times.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Charlie Brown (IN)  
Senator Donne E. Trotter (IL)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on International Affairs

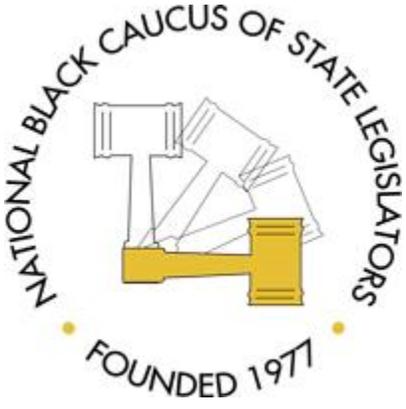
COMMITTEE ACTION CERTIFIED BY:

Representative Irma Hunter Brown (AR), Chair  
Committee on International Affairs

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President



## COMMITTEE ON LABOR AND MANAGEMENT

**Jurisdiction:** This committee reviews a variety of labor matters, including labor-management relations, employment discrimination, affirmative action, wage and hour regulation and family and medical leave. This committee shares information about these issues with state legislatures and provides a forum for discussion between state legislators and legislative staff.

Representative Anthony Hill, Florida (Chair)  
Senator Joseph Preston, Jr., Pennsylvania (1<sup>st</sup> Vice Chair)  
Senator Sharon Beasley Teague, Georgia (2<sup>nd</sup> Vice Chair)

## **Resolution 98-23**

### **A Call for Job Training Legislation by the 1998 U.S. Congress**

WHEREAS, the welfare reform currently underway in the United States has left many holes in the safety net through which people will fall to homelessness;

WHEREAS, welfare to work demonstration projects in some states appear to be working well enough to deserve replication on a national scale; and

WHEREAS, private sector partnerships with community-based organizations have proven to be invaluable as a means of providing a way out of poverty for welfare recipients;

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997 that NBCSL notify the leadership of both political parties that we want community-based job training legislation to be given top priority in the 1998 Session of Congress; and

BE IT FURTHER RESOLVED that the pre-job training of the Opportunities Industrialization Centers and the church-based mentoring used so effectively by Rev. Leon Sullivan of Philadelphia, and other bona fide job training organizations, be written into legislation with adequate funding to help the welfare recipients help themselves find a way out after their welfare time runs out.

PROPOSED RESOLUTION SUBMITTED BY:

Rep. Opio Toure (OK)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Labor and Management

COMMITTEE ACTION CERTIFIED BY:

Representative Anthony Hill (FL), Chair  
Committee on Labor and Management

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-24**

### **Support for a Living Wage**

WHEREAS, the state of welfare reform can only work successfully by having the minimum wage equal to today's living wage standard;

WHEREAS, the odds against a typical welfare recipient landing a job that pays a living wage are about 97-to-1 for many areas;

WHEREAS, the influx of former welfare recipients into the low wage labor market is projected to lower these workers' wages by nearly 12 percent;

WHEREAS, a living wage is adequate for the health and well-being of himself/herself and of the family, including food and clothing, housing and medical care and necessary social services; the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control;

WHEREAS, everyone has the right to work; to free choice of employment, to just and favorable conditions of work and protection against unemployment and underemployment;

WHEREAS, everyone who works has the right to just and favorable remuneration insuring for himself/herself and family an existence worthy of human dignity and supplemental, if necessary, by other means of protection.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL supports a living wage as the standard for all states; and

BE IT FURTHER RESOLVED that NBCSL pledges its support for the living wage as our standard.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Sharon Beasley Teague (GA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Labor and Management

COMMITTEE ACTION CERTIFIED BY:

Representative Anthony Hill (FL), Chair  
Committee on Labor and Management

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-25**

### **Workers' Civil Right to Free Association**

WHEREAS, free association is a basic civil and human right, we respect the right of both employees and employers to free association, and to form organizations to promote their self-interests;

WHEREAS, the right to organize a union is a basic civil and human right;

WHEREAS, the best way out of poverty is a good paying job with good benefits;

WHEREAS, African-American workers who are in unions earn 42 percent more than their non-union counterparts;

WHEREAS, the only legal and civil right that Americans exercise with fear is the right to organize unions;

WHEREAS, one in 10 workers in the United States is fired for trying to organize a union;

WHEREAS, our country was founded on the principle of checks and balances, and unions bring balances to the power of corporate owners and managers;

WHEREAS, workers trying to organize to improve their lives and working conditions are disproportionately women and people of color;

WHEREAS, the growing gap between the income of the rich and the rest of Americans is not only unjust but the foundation for economic disaster;

WHEREAS, the National Labor Relations Act and the National Labor Relations Board no longer adequately protect the fundamental civil and human rights of workers to free speech and free association; and

WHEREAS, 29 years later, we are still fighting for the same right of workers to freely associate that Martin Luther King, Jr. was fighting for when he was murdered in Memphis, Tennessee;

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL will call upon all employers to remove themselves from employees' decisions on their right to free association;

BE IT FURTHER RESOLVED that employees should be free to make the decision to unionize without interference from the employer;

BE IT FURTHER RESOLVED that NBCSL calls upon all employers to allow employees to express their opinions freely and openly, without taking any action to intimidate, discipline, harass, humiliate or fire any employee for his or her pro-union views or activities;

BE IT FURTHER RESOLVED that NBCSL calls upon employers to recognize the union and begin negotiations for a union contract when a majority of employees demonstrate their desire for union representation, whether by signing cards or a petition or through an election;

BE IT FURTHER RESOLVED that NBCSL use the full moral and legal authority of our offices to support workers who are organizing a union including:

- Meeting with workers who are organizing;
- Publicly speaking out in support of workers who are organizing;
- Meeting with employers to ensure their neutrality and that they respect the rights of employees to organize free of fear and intimidation; AND
- Providing independent verification of whether a majority of workers indicate their desire to unionize through signatures on union authorization cards, a community election, or any other non-coercive process of free choice.

PROPOSED RESOLUTION SUBMITTED BY:  
Representative Johnnie Morris-Tatum (WI)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:  
Committee on Labor and Management

COMMITTEE ACTION CERTIFIED BY:  
Representative Anthony Hill (FL), Chair  
Committee on Labor and Management

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:  
Representative Lois DeBerry (TN), President

## **RESOLUTION 98-26**

### **Protections for Welfare Reform Workers**

WHEREAS, landmark legislation was signed into law in 1996 which wrongly replaced the Aid to Families with Dependent Children (AFDC) cash safety net for poor families with the Temporary Assistance for Needy Families (TANF) program – a block grant program requiring work as a condition of assistance;

WHEREAS, a recent analysis of 34 cities by the U.S. Conference of Mayors found that “many major cities do not have the numbers of low-skill jobs for welfare clients that are needed to meet the requirements of the nation’s new welfare law”;

WHEREAS, the lack of unsubsidized private sector jobs means that TANF and other resources will have to be used to subsidize jobs for welfare clients for that they can meet the work requirements of the new welfare law;

WHEREAS, the Administration has ruled correctly that welfare recipients in TANF-subsidized work assignments, including community service jobs for workfare, are covered by the Fair Labor Standards Act, Equal Pay Act, non-discrimination in employment laws, and other worker protection laws if they are performing work like any other worker;

WHEREAS, an unsuccessful effort was made during the last Congress to overturn this ruling;

WHEREAS, advocates of overturning the Administration’s ruling would devalue the work of welfare workers and leave them exposed to workplace exploitation;

WHEREAS, the resulting creation of large numbers of substandard workers will have the effect of eroding the wages, benefits and job security of other low-wage workers;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes that the measure of long term success of the new welfare law will be the extent to which it values work and leads to meaningful employment at living wages; and

WHEREAS, NBCSL strongly opposes any weakening of the nation’s labor laws by creating exemptions for large groups of welfare workers.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1007, that NBCSL commends the Clinton Administration for its ruling on the status of welfare work programs; and

BE IT FURTHER RESOLVED that NBCSL strongly opposes any further efforts to overturn this ruling and calls on Congress to continue to reject any efforts to do so.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Mae Dickinson (IN)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Labor and Management

COMMITTEE ACTION CERTIFIED BY:

Representative Anthony Hill (FL), Chair  
Committee on Labor and Management

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-27**

### **The Crown Central Petroleum Lockout**

WHEREAS, Crown Central Petroleum locked out 250 members of the Oil, Chemical and Atomic Workers Union (OCAW), AFL-CIO, at its Pasadena, Texas, refinery on February 5, 1996;

WHEREAS, Crown has insisted on a contract that would eliminate over 100 union jobs by subcontracting bargaining unit work to outside contractors;

WHEREAS, Crown has resisted all of the Union's good faith efforts to resolve this dispute, prompting the AFL-CIO to place Crown gasoline and other products on its official boycott list;

WHEREAS, eight African-American and female employees of Crown have filed a class action suit alleging discrimination in promotions and the creation of a hostile working environment by Baltimore-based Crown; and

WHEREAS, environmentalists and citizens have filed lawsuits alleging numerous violations of the Clean Air Act by Crown.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL condemns the policies of Crown Central Petroleum which continues a brutal lockout against the members and families of OCAW Local 4-227, continues to pollute the environment, and maintains workplaces which are not free from discrimination;

BE IT FURTHER RESOLVED that NBCSL urges Crown Central Petroleum to end the lockout and to reach a fair and equitable labor agreement with the Oil, Chemical and Atomic Workers Union, AFL-CIO, and

BE IT FURTHER RESOLVED that NBCSL calls upon Crown to meet and resolve the disputes involving discrimination and environment claims against the company;

BE IT FURTHER RESOLVED pledges its support for the AFL-CIO boycott and calls upon all citizens to boycott Crown products until the company complies with this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Crown Central Petroleum and to the Oil, Chemical and Atomic Workers Union.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Opio Toure (OK)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:  
Committee on Labor and Management

COMMITTEE ACTION CERTIFIED BY:  
Representative Anthony Hill (FL), Chair  
Committee on Labor and Management

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:  
Representative Lois DeBerry (TN), President

## COMMITTEE ON LAW AND JUSTICE

**Jurisdiction:** This committee is responsible for studying issues related to civil rights, criminal justice, voting rights, constitutional federalism and judicial appointments. It studies the disparate treatment of African Americans in relation to these issues and formulates policy to effect remediation. This committee shares information about these issues with state legislatures and provides a forum for discussion between state legislators and legislative staff.

Senator Charles D. Jones, Louisiana (Chair)  
Representative Arthur L. Turner, Illinois (1<sup>st</sup> Vice Chair)  
*Vacant* (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-28**

### **Urging the Establishment of State Commissions on Race Relations**

WHEREAS, President Clinton has called upon all levels of government to participate in an initiative on race to:

- 1) Examine the current state of race relations;
- 2) Review the laws and policies that may deepen the racial divide; and
- 3) Enlist individuals, communities, businesses and all levels of government in an effort to understand our differences while appreciating the values that unite us;

WHEREAS, President Clinton has formed an advisory board on race relations to examine the state of race relations in America and to issue a report during the summer of 1998;

WHEREAS, the United States' racial make-up is rich and varied;

WHEREAS, according to the 1995 Attorney General's Report on Hate Crimes, the number of hate crimes across the nation has increased; and

WHEREAS, the United States could benefit from an examination of race relations within the individual states and a review of statutes and policies which deepen the racial divide.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL urges Governors to appoint Commissions on Race Relations in their states;

BE IT FURTHER RESOLVED that NBCSL urges Governors to direct their Commissions on Race Relations to focus upon the following goals:

- 1) Articulate a vision of racial reconciliation and of a unified United States;
- 2) Educate citizens about the facts surrounding the issue of race;
- 3) Promote a constructive dialog to confront and work through the difficult and controversial issues surrounding race;

BE IT FURTHER RESOLVED that NBCSL urges Governors to direct their Commissions on Race Relations to review and report on hate crimes, racial prejudice by corporations, government and businesses, affirmative action, environmental justice, educational inequity, poverty, affordable housing, racial minority hiring practices, sentencing practices and number and activity level of hate groups and to review statutes and policies;

BE IT FURTHER RESOLVED that NBCSL urges Governors to direct their Commissions on Race Relations to perform its task for a period of at least one year and to

provide a public report with recommendations to ease racial tensions and to promote racial harmony;

BE IT FURTHER RESOLVED that NBCSL urges the Governors to direct their Commissions on Race Relations to conduct significant outreach in communities across the United States, especially in those with large racial minority populations, by holding town meetings where citizens, civic and business leaders, educators and religious leaders are able to discuss their concerns relating to race relations;

BE IT FURTHER RESOLVED that NBCSL encourages every county, city and municipality throughout the United States to establish a similar commission to answer the President's call to enlist individuals, communities, businesses and government at all levels in an effort to understand our differences while appreciating the values that unite us and to report those efforts back to the President, the Governor and the NBCSL state delegations;

BE IT FURTHER RESOLVED that NBCSL urges all citizens, regardless of race, civic and business leaders, educators and all religious leaders to actively participate in commission activity resulting from President Clinton's call and this resolution; and

BE IT FURTHER RESOLVED that the President of NBCSL appoint a committee to produce model legislation to address the establishment of state commissions on race relations.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Harold James (PA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Law and Justice

COMMITTEE ACTION CERTIFIED BY:

Senator Charles Jones (LA), Chair  
Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-29**

### **Support for Statistical Sampling for the 2000 Census**

WHEREAS, the United States Congress is required by the U.S. Constitution to produce a count of the “whole number of persons within each state” every 10 years;

WHEREAS, census data is then used to apportion congressional seats and electoral college votes to each state, to carry out congressional, state, and local redistricting, and to monitor and enforce civil rights statutes, including the Voting Rights Act of 1965, and employment, housing, lending, education and anti-discrimination laws;

WHEREAS, the 1990 count was the least accurate census in five decades, undercounting 4.7 million individuals in urban and rural areas;

WHEREAS, the undercount in 1990 was not uniform across the population as Hispanics were undercounted by 5%, African-Americans by 4.4%, and Native Americans on reservations by 12.2% - each rate significantly higher than the 0.7% undercount of non-Hispanic whites;

WHEREAS, following the 1990 count, the U.S. Congress asked the National Academy of Sciences to study “the means by which the government could achieve the most accurate population count possible” and these experts recommended that statistical sampling be used to supplement physical enumeration in the census 2000 to achieve better accuracy;

WHEREAS, the U.S. Census Bureau, with guidance from the National Academy of Sciences, the General Accounting Office, and the Commerce Department’s Office of Inspector General, developed a plan that would improve direct enumeration efforts and then supplement those efforts with sampling to ensure that the 2000 census is as accurate as possible;

WHEREAS, the U.S. Department of Justice under the Carter, Bush and Clinton administrations concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census;

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators joins with the U.S. Conference of Mayors and the National Association of Counties to support the use of statistical sampling to augment the traditional means by which the population is counted.

**PROPOSED RESOLUTION SUBMITTED BY:**

Representative Opio Toure (OK)

Representative Avery Alexander (LA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:  
Committee on Law and Justice

COMMITTEE ACTION CERTIFIED BY:  
Senator Charles Jones (LA), Chair  
Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:  
Representative Lois DeBerry (TN), President

## **RESOLUTION 98-30**

### **Creation of a Task Force on Alternative Election Systems**

WHEREAS, recent Supreme Court decisions have sought to negate the Voting Rights Act of 1965 by stating that race cannot be used as the primary factor in the decennial reapportionment/redistricting process;

WHEREAS, such decisions are likely to have a devastating impact on the ability of African Americans to elect the representation of their choice to all legislative bodies;

WHEREAS, proportional representation has been successfully utilized in several political jurisdictions to elect City Councils, County Commissioners, School Boards and other legislative bodies resulting in greater representation for minorities and women and has been upheld by the courts as a proper remedy in numerous cases; and

WHEREAS, the membership of the National Black Caucus of State Legislators need so become more knowledgeable about alternatives to single-member plurality/majority vote electoral systems before the next round of reapportionment in 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the President of NBCSL appoint a task force on reapportionment/redistricting whose members shall be charged with the responsibility of gathering information about proportional representation, which is used in 32 of the 36 traditional democracies in the world and has been used historically and contemporarily in electing legislative bodies in the United States, and reporting their findings and recommendations to the membership at each annual meeting of NBCSL between 1998 and 2000.

#### **PROPOSED RESOLUTION SUBMITTED BY:**

Representative Bob Holmes (GA)  
Senator Charles Jones (LA)

#### **RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on Law and Justice

#### **COMMITTEE ACTION CERTIFIED BY:**

Senator Charles Jones (LA), Chair  
Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

#### **RATIFICATION CERTIFIED BY:**

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-31**

### **Support for the Appointment and Confirmation of Bill Lann Lee**

WHEREAS, Bill Lann Lee has devoted his entire 23-legal career ensuring the protection of equal rights under the law for all Americans, representing victims of discrimination in the finest traditions of the legal profession in this country;

WHEREAS, Bill Lann Lee has a reputation as a brilliant attorney whose integrity and reasonable, moderate advocacy has won the praise and admiration of both allies and adversaries in the legal community;

WHEREAS, Bill Lann Lee has been very active in a wide variety of civil rights legal issues, including employment discrimination, voting rights, health care accessibility, equal access to education, fair housing, public transportation equity and the prevention of lead poisoning in poor children;

WHEREAS, Bill Lann Lee has served this country with distinction and has made significant contributions to the enforcement of civil rights for all Americans; and

WHEREAS, Bill Lann Lee's stellar career demonstrates that he will bring the broad breadth of experience and commitment to the values of equal justice and fairness crucial to the position of Assistant Attorney General for Civil Rights;

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators calls upon the Senate Judiciary Committee to send President Clinton's nomination of Bill Lann Lee to the full Senate for a vote;

BE IT FURTHER RESOLVED That the National Black Caucus of State Legislators calls upon the Senate to vote to confirm Bill Lann Lee to the position of Assistant General for Civil Rights; and

BE IT FURTHER RESOLVED That, in the absence of the Senate Action, the National Black Caucus of State Legislators calls upon President Clinton to appoint Bill Lann Lee to the position of Assistant Attorney General for Civil Rights as a recess appointment until that time he may be confirmed by the Senate.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Opio Toure (OK)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Law and Justice

COMMITTEE ACTION CERTIFIED BY:

Senator Charles Jones (LA), Chair  
Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

**RESOLUTION 98-32**

**Support for the Appointment of David Satcher, MD,  
To Be U.S. Surgeon General**

WHEREAS, the President has nominated Dr. David Satcher to be Surgeon General of the United States and Deputy of the Department of Health and Human Services;

WHEREAS, Dr. Satcher has devoted his entire career to health care and public service, and is a brilliant physician, administrator and Director of the Centers for Disease Control in Atlanta, Georgia;

WHEREAS, Dr. Satcher has worked to facilitate the merger of Meharry Hospital and Metro General Hospital in Nashville, Tennessee; and

WHEREAS, Dr. Satcher's stellar career illustrates his ability to work well with others, and a commitment to the values, principles, ideals and beliefs of fairness, justice and compassion for all.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators calls upon the Senate Judiciary Committee to send Dr. Satcher's nomination to the full Senate for a vote;

BE IT FURTHER RESOLVED that NBCSL calls upon the Senate to vote to confirm Dr. Satcher to the post of Surgeon General and Deputy secretary of Health and Human Services;

BE IT FURTHER RESOLVED that in the absence of Senate action, NBCSL calls upon President Clinton to appoint Dr. Satcher to the post as a recess appointment until such time as he may be confirmed by the Senate; and

BE IT FURTHER RESOLVED that the members of NBCSL contact their Congressional delegations in reference to the appointment of Dr. David Satcher.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Barbara Boyd (AL)

RESOLUTION APPROVED AND RATIFIED IN PLENARY SESSION, SATURDAY,  
DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-33**

### **Support for the Nomination of Florida State Senator Darryl Jones To Be Secretary of the U.S. Air Force**

WHEREAS, the Honorable Darryl Jones, State Senator from Florida, has been nominated to be Secretary of the U.S. Air Force by President Clinton;

WHEREAS, Senator Jones has been a public servant since 1990, distinguishing himself as a state Representative and a state Senator;

WHEREAS, Senator Jones is an extremely well educated young man, having graduated from the University of Miami Law School;

WHEREAS, Senator Jones is a brilliant attorney with integrity who has won the praise, admiration and respect of both allies and adversaries; and

WHEREAS, Senator Jones has served his country, has great leadership skills and has demonstrated a commitment to the nation through his service in the military, and will bring a broad breadth of experiences to the post of Secretary of the Air Force.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators call upon the Armed Services Committee of the U.S. Senate to send President Clinton's nomination of Senator Jones to the full Senate for a vote; and

BE IT FURTHER RESOLVED that NBCSL calls upon the Senate to vote to confirm Senator Jones to the position of Secretary of the Air Force.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Anthony Hill (FL)

RESOLUTION APPROVED SATURDAY, DECEMBER 13, 1997 BY:

Committee on Resolutions

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-34**

### **Support for the National Coalition on Black Voter Participation To Increase African-American Voter Participation**

WHEREAS, the National Black Caucus of State Legislators is a founding and current member organization of the National Coalition on Black Voter Participation, Inc. (NCBVP);

WHEREAS, the NCBVP, founded in 1976, is dedicated to increasing black voter participation and turnout, and to eradicating barriers to full participation for African Americans;

WHEREAS, the NCBVP, through its Operation Big Vote, Black Women's Roundtable and Black Youth Vote programs, works to increase voter registration, education and participation in the African-American community through local grassroots coalitions; and

WHEREAS, African-American voter participation is pivotal to the future prosperity of African-American families.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLAATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL commits to collaborating with NCBVP to increase voter education and civic participation in the African-American community on a local, state and national level;

BE IT FURTHER RESOLVED that NBCSL is committed to working with the NCBVP in educating African Americans about the future impact of the 2000 Census on redistricting and other issues related to political participation; and

BE IT FURTHER RESOLVED that NBCSL supports NCBVP in motivating individuals and communities to fully participate in the political process by building community based coalitions designed to empower African Americans to effectively utilize the power of the vote to impact their daily lives on a local, state and national level.

**PROPOSED RESOLUTION SUBMITTED BY:**

Representative Glenn Lewis (TX)  
Representative Ted Wallace (MI)

**RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on Law and Justice

**COMMITTEE ACTION CERTIFIED BY:**

Senator Charles Jones (LA), Chair

Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-35**

### **Support for the Congressional Black Caucus Task Force And Working Group on the Tobacco settlement**

WHEREAS, on June 20, 1997, the major U.S. tobacco companies, State Attorney's General and representatives of several national public health organizations announced a proposal to resolve lawsuits filed by the States against the tobacco companies for reimbursement of health care costs allegedly attributable to tobacco use. The "proposed resolution," as this agreement is called, mandates a total reformation and restructuring of how tobacco products are manufactured, marketed and distributed in the United States;

WHEREAS, the Congressional Black Caucus (CBC) has established a Task Force on the Tobacco Settlement and a Working Group under the chairmanship of Congressman Bennie G. Thompson of Mississippi;

WHEREAS, the Congressional Black Caucus Task Force has held working sessions involving major African-American health, legal, financial, educational and media organizations, focusing mainly on African-American institutions that should be included in any proposed legislative program;

WHEREAS, the Congressional Black Caucus Task Force has demanded in meetings with the White House, Members of Congress and the State Attorneys General that African-American hospitals, medical schools, health associations, legal, financial, communications, and medical organizations be included in an equitable distribution of the settlement's proceeds for research, education, smoking cessation among young people and media advertising campaigns;

WHEREAS, the Tobacco Settlement is viewed by the Congressional Black Caucus Task Force as a significant step towards helping to resolve government and public concern over health problems resulting from tobacco use;

WHEREAS, the Tobacco Settlement addresses the problem of youth access to and use of tobacco products by incorporating virtually every control measure ever proposed to address youth tobacco use, thereby creating a comprehensive program that goes much further than the rule proposed in 1995 by the U.S. Food and Drug Administration (FDA);

WHEREAS, the Congressional Black Caucus Task Force on the Tobacco Settlement has reached out to invite other African-American organization, including elected officials, to provide input for the development of a black legislative perspective on the Tobacco Settlement;

WHEREAS, the Congressional Black Caucus Task Force is striving to make certain that any national tobacco settlement and ensuing legislation acknowledge the public health problems related to smoking and include specific provision to address present and future health and financial liabilities faced by the community that we represent.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that in recognition of the impact the National Tobacco Settlement and proposed Congressional legislation will have on the African-American community, and the leadership initiative taken by the Congressional Black Caucus and its Task Force on the Tobacco Settlement, the National Black Caucus of State Legislators does hereby resolve to support the Congressional Black Caucus Task Force and Working Group on the Tobacco Settlement and their recommendations for inclusion in the legislation being considered by the U.S. Congress; and

BE IT FURTHER RESOLVED that NBCSL commends Congressional Black Caucus Chair Maxine Waters and CBC Tobacco Task Force Chair Bennie Thompson for their leadership initiative on an issue so vitally important to the African-American community.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Billy Broomfield (MS)  
Representative Billy Randall (GA)  
Representative Calvin Smyre (GA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Law and Justice

COMMITTEE ACTION CERTIFIED BY:

Senator Charles Jones (LA), Chair  
Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-36**

### **The Prevalence of Handguns and Assault Weapons in Our Communities**

WHEREAS, the United States leads the industrialized world in the number of children and youth lost to firearm-related deaths;

WHEREAS, handguns and assault weapons are used in a large majority of violent crimes committed in our communities;

WHEREAS, the illegal trafficking of these violent weapons is a largely untracked problem that directly affects the quality of life in our neighborhoods, communities, and schools;

WHEREAS, guns are the weapons of choice to commit crimes or to settle disputes, especially for many young African-American males; and

WHEREAS, guns are readily available for illegal purchase without regard to the buyer's age, mental well being, or intended purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL denounces the current lack of attention focused on those individuals who commit crimes without addressing the actions of the suppliers who illegally provide these weapons; and

BE IT FURTHER RESOLVED that NBCSL urges State Legislatures to introduce or strengthen legislation targeting individuals who illegally supply handguns and assault weapons in our communities through the so-called "black market."

PROPOSED RESOLUTION SUBMITTED BY:

Representative Thaddeus Kirkland (PA)

Representative Harold James (PA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Law and Justice

COMMITTEE ACTION CERTIFIED BY:

Senator Charles Jones (LA), Chair

Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:  
Representative Lois DeBerry (TN), President

## **RESOLUTION 98-37**

### **Support of Equal Opportunity for All People**

WHEREAS, there are forces in the United States which are attempting to resegregate our country along racial lines by attacking programs such as affirmative action which were designed to end discrimination against African Americans, other minorities and women;

WHEREAS, this country remains largely segregated, and racism and sexism continue to deny African Americans, other minorities and women equal access to education, housing and economic opportunity; and

WHEREAS, it is necessary to mobilize all progressive forces to combat these destructive forces.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the President of NBCSL appoint a task force to hold national hearings to develop a comprehensive strategy to address these attempts to end the progress toward equal opportunity for all people.

#### **PROPOSED RESOLUTION SUBMITTED BY:**

Representative Ted Wallace (MI)  
Senator Charles Jones (LA)

#### **RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on Law and Justice

#### **COMMITTEE ACTION CERTIFIED BY:**

Senator Charles Jones (LA), Chair  
Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

#### **RATIFICATION CERTIFIED BY:**

Representative Lois DeBerry (TN), President

## RESOLUTION 98-38

### The U.S. Constitution's Reference to 'Three-fifths' Personhood

*A resolution to memorialize the Congress of the United States to take appropriate action to have those portions of Article 1, Section 2 of the U.S. Constitution which were modified or superseded by Amendments XIX and XVI edited from future printings of the U.S. Constitution (language related to the three-fifths ratio for non-free person)*

WHEREAS, the Constitution of the United States was drafted during a period of our history when portions of the population were enslaved because of race and color;

WHEREAS, the founders wrote into Article I, section 2[3] of the Constitution relating to apportionment of seats in the U.S. House of Representatives language which reads: "Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, free-fifths of all other persons...";

WHEREAS, a civil war was fought to eliminate the institution of slavery and affirm the unity of the states in a federal relationship;

WHEREAS, when Amendment XIV was adopted and ratified, Section 2 of the amendment eliminated language relating to the three-fifths ration for non-free persons;

WHEREAS, in 1913, Amendment XVI made the language relating to apportionment and enumeration formulas inapplicable to direct taxes;

WHEREAS, although bracketed and annotated, the original sentence quoted in the second paragraph of the resolution continues to appear in copies of the U.S. Constitution as a continuing reminder of a blighted period in the history of this nation; and

WHEREAS, this language is an affront to a significant portion of the citizenry of the United States, serving as a reminder of a time of suffering and injustice experienced by their ancestors.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the Congress of the United States take appropriate action to require that the language quoted in paragraph two of this resolution and found in Section 2, subsection 3 of Article I, Section 2 in the future printings of the U.S. Constitution;

BE IT FURTHER RESOLVED that such language should appear only in appropriate annotations relating to the history notes of Article I, Section 2 and Amendments XIV and XVI;

BE IT FURTHER REOSLVED that the objectives of this resolution are to:

- 1) Urge educational institutions to request copies of changes in the law and disseminate these changes to local educational agencies for teaching of African-American history;
- 2) Dispel the idea that African Americans are or ever have been three-fifths human – in the past or today (some recent research reveals that European Americans still believe at a highly reported rate that we are lazy, dirty, irresponsible, etc.);
- 3) Raise the consciousness of all persons as stated in the Law and Justice Committee session of the NBCSL 21<sup>st</sup> annual conference that “language counts”;
- 4) Insure that the U.S. Constitution, which is read and studies by immigrations, students and scholars with no indication, correction or serious accounts by historians who publish reference materials for homes, libraries and other institutions, is respectfully recognized as a truthful legal document which depicts that “all men are created equal – one nation, under God, with liberty and justice for all”; and
- 5) Make a profound statement to the world and teach the children that the U.S. Constitution is unacceptable as written in this regard – an important beginning toward improving race relations in America; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to each member of Congress, to the Speaker and Clerk of the U.S. House of Representatives, the President and Secretary of the U.S. Senate, and the presiding officers of each state legislative chamber.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Barbara Cooper (TN)

RESOLUTION APPROVED WEDNESDAY, DECMEBER 10, 1997 BY:

Committee on Law and Justice

COMMITTEE ACTION CERTIFIED BY:

Senator Charles Jones (LA), Chair  
Committee on Law and Justice

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **COMMITTEE ON POST-SECONDARY EDUCATION**

**Jurisdiction:** This committee is responsible for studying education issues that affect African-American children's access to and pursuit of quality post-secondary education. This committee shares information about these issues with state legislatures and provides a forum for discussion between state legislators and legislative staff. Issues the committee studies includes: admission, retention, athletic scholarships, finance and accountability and the impact of federal policies on states. It also monitors and reviews the recruitment and retention of African American professors at state and federally funded institutions and the financial health and viability of historically black colleges and universities (HBCUs).

Delegate Pete Rawlins, Maryland (Chair)

Representative Laura Hall, Alabama (1<sup>st</sup> Vice Chair)

Representative William R. Robinson, Pennsylvania (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-39**

### **Redeeming the American Promise Through Equal Opportunity in Higher Education**

WHEREAS, minority and African-American students have limited access to predominately tradition white four-year institutions;

WHEREAS, African Americans and Hispanics are under represented among bachelor's degree recipients in every state and in every field of study;

WHEREAS, minorities are also denied full participation or faculty positions in institutions of higher education. The shortage of minority faculty, particularly black and Hispanic, is acute in every institution and in every state; and

WHEREAS, on the average, blacks earn fewer than four percent of total doctorates awarded although they account for 20 percent of the population.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that, to desegregate higher education and promote opportunity, we must address the systemic nature of the problem and execute comprehensive state plans to make higher education more accessible to African Americans and other minorities throughout the nation;

BE IT FURTHER ESOLVED that NBCSL share responsibility for effective strategy at the state level for effective desegregation and funding equity and promote leadership from both the public and private sectors;

BE IT FURTHER RESOLVED that NBCSL conduct symposiums and linkages with the Southern Education Foundation, NAFEO, the National Council of Educational Opportunity Associations, National Bar Association, the Midwestern Higher Education Policy Summit in conjunction with the President Clinton's Advisory Committee on Higher Education; and

BE IT FURTHER RESOLVED that this resolution be forwarded to the aforementioned and the President, Secretary of Education and selected members of the Congress.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Laura Hall, (AL)

RESOLUTION APPROVED BY:

The Committee on Post-Secondary Education

**APPROVAL CERTIFIED BY:**

Delegate Pete Rawlings (MD), Chair  
Committee on Post-Secondary Education

**RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.**

**RATIFICATION CERTIFIED BY:**

Representative Lois DeBerry (TN), President

## RESOLUTION 98-40

### Recognition of the Underground Railroad

*The presence of Africans and African Americans in the United States has been marked by exceptional deeds of valor, courage and commitment to the ideals of freedom, liberty and equality. Nowhere is this desire for the respect of the dignity of Africans and African Americans as human beings more evident than in their search and struggle for freedom. From the beginning of the African presence in the United States and continuing through the passage of the Thirteenth Amendment, Africans and African Americans sought to reverse their status in the United States. This often was accomplished through dangerous and perilous endeavors to pursue that freedom. Beginning with the first attempts for freedom (in Africa, during the Middle Passage, and once in the United States), and persisting through what later was to be termed the "Underground Railroad," these brave individuals sought to change the course of history in this country.*

WHEREAS, every state in the nation served as a part of the extensive network that was to evolve as the Underground Railroad;

WHEREAS, the search for freedom exhibited by these freedom seekers often evolved in the development of free Black communities in the United States;

WHEREAS, the history and stories of the African and African-American struggle for freedom has almost been lost as a testament of our ancestors' willingness to sacrifice their lives for freedom;

WHEREAS, those sites remaining are in imminent danger of being destroyed or are not adequately protected;

WHEREAS, our youth need to understand the courageousness of our ancestors in their desire for freedom;

WHEREAS, our history during this period needs to be recognized and the story taught not only to future generations, but to those who would think that Africans and African Americans willingly endured enslavement without resistance;

WHEREAS, we need to record the historic significance of the collaborative effort of all individuals who sought to aid and work toward the destruction of slavery;

WHEREAS, the Underground Railroad exemplifies the most significant expression of a multi-ethnic/multi-cultural Civil Rights movement to occur in this nation;

WHEREAS, we have an opportunity to take a positive and direct stand through the recognition of our ancestors efforts to create routes of their own to freedom and those routes exist in no less than 32 of the states;

WHEREAS, a number of states have taken the initiative to ensure the historical preservation of the Underground Railroad story through commissions, conferences, summits, brochures, historical tours and legislation;

WHEREAS, the efforts of local, state, national and international groups and organizations dedicated to preserving the historical significance of the Underground Railroad “routes to freedom” has resulted in an international focus which has been exhibited in the establishment of the National Park Services’ Underground Railroad Initiative and the creation of an Underground Railroad bill in both the U.S. House of Representatives and the U.S. Senate;

WHEREAS, the U.S. Congress has a bill pending, entitled the “National Underground Railroad Network to Freedom,” which would implement a program that will link together 1) the many historic buildings, structures and sites; 2) the routes, geographic areas, corridors, interpretive centers, museums and institutions; and 3) the programs, activities, community projects, exhibits and multimedia materials to portray the story and history of the Underground Railroad; and

WHEREAS, the National Black Caucus of State Legislators recognizes the importance of the Underground Railroad “and those who traveled before us on a conveyance forged by resistance to oppression,” as evidenced by “our determined ancestors and the courage of those who assisted them to reach” freedom.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL shall:

- 1) Publicize, through press releases, its overwhelming support of efforts to preserve this part of our history and to utilize it for educational benefits;
- 2) Initiate and support local, state and federal endeavors that highlight the Underground Railroad and seek to preserve historical sites, identify significant routes and events associated with our history of the Underground Railroad;
- 3) Support the federal initiative for the Underground Railroad through both the National Park Services Underground Railroad Initiative Office and the eventual passage of the “National Underground Railroad Network to Freedom Act”;
- 4) Establish statewide programs similar to that passed by the New York State Legislature in their 1997 session which provides for the completion of a study detailing the sites, events and individuals associated with the Underground Railroad; establishes a Statewide Freedom Trail Commission; and requires the development of a curriculum to be mandated in all schools throughout the state; and

BE IT FURTHER RESOLVED that NBCSL will continue efforts to undertake whatever actions deemed appropriate to continue the struggle for equality and equity for African Americans and to work toward the inclusion and recognition of all aspects of our history that exemplify our desires to be free.

PROPOSED RESOLUTION SUBMITTED BY:

Assemblywoman Gloria Davis (NY)

RESOLUTION APPROVED BY:

The Committee on Post-Secondary Education

APPROVAL CERTIFIED BY:

Delegate Pete Rawlings (MD), Chair  
Committee on Post-Secondary Education

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## COMMITTEE ON TELECOMMUNICATIONS AND ENERGY

**Jurisdiction:** This committee assesses the impact of the rules regulating the telecommunications and electric utilities industries on the African-American community. It takes into account issues relating to the regulation of these industries, such as infrastructure access, taxation, rate setting, etc. It develops policy and programs to promote the understanding and participation of the African-American community in the telecommunications and electric utilities industries.

This committee also has jurisdiction over all issues relating to the research, exploration, development, production, utilization and regulation of our national energy resources, including alternative energy resources and renewables.

Assemblyman Albert Vann, New York (Chair)

*Vacant* (1<sup>st</sup> Vice Chair)

*Vacant* (2<sup>nd</sup> Vice Chair)

## COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

**Jurisdiction:** This committee has jurisdiction over all issues related to the movement of people and goods across the nation, i.e., modes of transportation utilized in air, water and surface transportation with regard to the state-federal partnership; federal aid to highway and mass transit programs; and, in general, state authority to regulate the transportation industry.

This committee also addresses environmental issues (environmental restoration, water management, nuclear waste disposal, etc.), and develops policy to encourage the participation of African Americans in the mainstream of the environmental movement. As a special concern, the committee will oversee establishment and operation of a multidisciplinary task force on brownfields.

Representative Robert Holmes, Georgia (Chair)

*Vacant* (1<sup>st</sup> Vice Chair)

Representative Irma Hunter Brown, Arkansas (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-41**

### **Principles for Restructuring the Electric Power Industry**

WHEREAS, the United States Congress is considering legislation which mandates that states adopt restructuring by a date certain;

WHEREAS, Congress has not acted in this traditional area of state authority, but state legislatures and public utility commissions are voluntarily restructuring their electric utility industry;

WHEREAS, the availability, reliability and affordability of electric power is of vital importance to African Americans;

WHEREAS, the electric industry has historically been perceived as an industry that discriminates against African Americans, minorities, women and low-income groups;

WHEREAS, market forces will not solve all of the problems of the retail utility industry;

WHEREAS, the National Black Caucus of State Legislators conducted a Legislative Symposium on Electricity Restructuring during July of 1997 in San Francisco, California, to appraise this important issue; and

WHEREAS, previous industry deregulation efforts have often disadvantaged employees, African Americans, other minorities, seniors and individuals with low incomes.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL) ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL adopts the following electricity restructuring principles:

#### **State Authority:**

States are in the greatest position to gauge the impact, scope and timing of electric utility deregulation for their citizens. Congress should not preempt state authority on restructuring. States should require a minority- and women-owned business commitment by electric utilities to be monitored by their public utility commission.

#### **Universal Service:**

Measures must be taken to ensure that the move to competition does not result in the lack of choice, higher prices, and less customer service for minority, low income and rural consumers. Existing federal and state low-income home energy assistance and weatherization assistance programs should be continued. Discriminatory practices, such as redlining and cherry picking should be strictly prohibited.

#### **Social and Environmental Impact:**

All market participants should contribute equitably to accomplish public policy objectives, such as support for energy efficiency and conservation, environmental programs, and renewable and alternative energy resources.

**Equitable Benefits:**

Fundamental changes to the electric utility industry should be equitably applied to all, and not advantage large business interests at the expense of residential and rural customers and the small business community. All consumers should benefit without shifting costs from one customer group to another, and be held harmless by increased competition in the electric industry.

**Reliability:**

To ensure system reliability, all market participants, including aggregators, must meet the financial and technical capability requirements of accommodating all customers. New technologies utilized in production, conservation, information systems, transmission, metering and modeling must be available to all classes of customers.

**Stranded Costs:**

To the extent that states allow for legitimate, verifiable stranded cost recovery, no customer should be allowed to leave the system and shift costs to those who remain. Utility recovery of investments made obsolete by restructuring should be dealt with fairly, with equal treatment of all stakeholders. Stranded costs should provide for decommissioning, employee severance, retraining, early retirement, health coverage and out-placement services. Electric utilities should give consideration to the consequences of workers who will be displaced from their jobs.

**Consumer Education:**

Widespread consumer education will be essential to take advantage of any cost savings associated with competition. Public utility commissions, electric power providers and legislators should be encouraged to educate consumers about the advantages and drawbacks inherent in pending state legislation as well as continuing consumer education on subjects such as how to choose an electric supplier, weatherization, conservation and alternative energy choices. Establish a consumer bill of rights on pricing, customer service and other services offered by the utility.

**Consumer Protection:**

Current standards for safe and reliable service should be maintained with meaningful customer complaint resolution procedures. State public utility commissions should license all market participants, including aggregators, to ensure financial stability, technical capability, consumer safety and protection, including protection against “slamming” and other abusive sales practices; and obligation to provide service; fair and reasonable criteria for establishing

customer deposits; fair standards for the denial of service or shut-off of electric service that would be life-threatening.

**Public Policy Participation:**

African Americans must increase their participation in the energy filed to benefit the community. The public should participate in all stages in developing and new competitive structure. NBCSL should be actively involved in the legislative and regulatory process to represent the interests of African-Americans in the move to competition.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the members of the Congressional Black Caucus, the National Association of Regulatory Utility Commissioners, and the Federal Energy Regulatory Commission.

**PROPOSED RESOLUTION SUBMITTED BY:**

Assemblyman Albert Vann (NY)

**RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on Telecommunications and Energy

**COMMITTEE ACTION CERTIFIED BY:**

Assemblyman Albert Vann (NY), Chair  
Committee on Telecommunications and Energy

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY,  
DECEMBER 13, 1997.

**RATIFICATION CERTIFIED BY:**

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-42**

### **Neighborhood Protection Act**

WHEREAS, there has been a concerted effort by forces in the United States to introduce and pass legislation pertaining to “Takings” in the U.S. Congress and the 50 state legislatures;

WHEREAS, such legislation is designed to have a “chilling” effect on the ability of local, state, and federal government and regulatory agencies to implement existing environmental laws designed to protect and enhance public health, and the integrity and viability of local neighborhoods; and

WHEREAS, homeowners are in need of protection from the adverse impact the government and private industry actions might have on the value of their property.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL supports the introduction of legislation in the 50 states and the U.S. Congress that provides legal protection for homeowners who suffer adverse impact in their property values as a result of nearby activities by industry which diminishes the value of said property and provides legal remedies to recover the loss of property value by filing a civil suit; and

BE IT FURTHER RESOLVED that businesses or other entities adjudged guilty of causing declining value of properties in said neighborhoods shall also bear all legal costs involved in the litigation to recover said property value losses, and homeowners who Unsuccessfully institute litigation shall not be liable for the court costs of the prevailing party.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Bob Holmes (GA)

Representative Joseph Neal (SC)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Transportation and the Environment

COMMITTEE ACTION CERTIFIED BY:

Representative Bob Holmes (GA), Chair

Committee on Transportation and the Environment

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:  
Representative Lois DeBerry (TN), President

## **RESOLUTION 98-43**

### **Transportation Improvements and African-American Economic Opportunity**

WHEREAS, our nation's urban centers are in need of improvements and innovations in mass transit upon which many urban dwellers rely for employment opportunities and attainment of economic self-sufficiency;

WHEREAS, the benefits to be reaped by light rail initiatives, expanded inter-urban transit and other commuter options must be fully explored and realized in order to eliminate economic segregation, revitalize our nation's cities and metropolitan areas, and reduce auto emissions;

WHEREAS, devoting more resources to transportation alternatives will lessen our reliance on foreign oil and reduce pollution in our nation's cities;

WHEREAS, developing a mass transit system for our nation has lacked the leadership necessary to look to other modes of transportation;

WHEREAS, the accomplishments of improved mass transit can be realized by increasing state and federal support for mass transit, including light rail, and educating our citizens on the advantages of urban living;

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) has improved transit funding and ridership with the Congestion Mitigation and Air Quality Program (CMAQ); and

WHEREAS, greater funding of mass transit will improve transportation alternatives.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL strongly supports the reauthorization of ISTEA with increased and targeted funding for the CMAQ, local priorities, transportation enhancements, and financial assistance for transit operations, including capital expenses.

**PROPOSED RESOLUTION SUBMITTED BY:**

Representative Bob Holmes (GA)

**RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:**

Committee on Transportation and the Environment

**COMMITTEE ACTION CERTIFIED BY:**

Representative Bob Holmes (GA), Chair

Committee on Transportation and the Environment

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-44**

### **Environmental Rights**

WHEREAS, the people of the United States are increasingly besieged by attacks on their personal security, their health and the health of their families, and their right to enjoy the air, water, and natural resources of the nation. This continuing and growing threat to the public health and the nation's natural resources is the challenge to our generation of the kind other generations faced and overcame;

WHEREAS, we are the custodians of the health of our children whose ability to breathe clean air, drink healthy water and avoid poisons is threatened by recent efforts in the 105<sup>th</sup> Congress and Supreme Court decision;

WHEREAS, a Constitutional remedy is necessary to accomplish this goal; and

WHEREAS, resolutions have been introduced in 42 State Legislatures (adopted in five) to protect the environment for future generations.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BOLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL requests the Congress of the United States to submit to the several states the following amendment to the Constitution of the United States;

The natural resources of the nation are the heritage of present and future generations. The right of each person to clean and healthful air and water, and to the protection of the other natural resources of the nation shall not be infringed upon by any person.

and

BE IT FURTHER RESOLVED that copies of this resolution shall be presented to Speaker Newt Gingrich of the U.S. House of Representatives, Vice President Albert Gore of the U.S. Senate and members of the U.S. Congress.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Bob Holmes (GA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Transportation and the Environment

COMMITTEE ACTION CERTIFIED BY:

Representative Bob Holmes (GA), Chair

Committee on Transportation and the Environment

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## COMMITTEE ON YOUTH

**Jurisdiction:** This committee will focus on the development of policies and programs that address issues affecting the well-being and future of African-American youth. It will also direct attention to the mentoring and development of black youth in general.

Representative LaNett Stanley, Georgia (Chair)

Representative Andrew Carnes, Pennsylvania (1<sup>st</sup> Vice Chair)

*Vacant* (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-45**

### **Renouncing and Denouncing the Use of the “N” Word**

WHEREAS, the “N” word has been defined as degrading, demeaning and scurrilous; a term usually associated with black people in America;

WHEREAS, the “N” word has been used as a badge of inferiority by the racist oppressors of black people to place black people on the so-called lowest level of the human scale;

WHEREAS, the use of the “N” words by black people helps to create and perpetuate a negative self image and concept of black people;

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL) ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL hereby renounces and denounces the use of the “N” word; and

BE IT FURTHER RESOLVED that NBCSL hereby calls upon all black leaders and leadership organizations to renounce and denounce the use of the “N” word.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Henrietta Turnquest (GA)

RESOLUTION APPROVED WEDNESDAY, DECEMBER 10, 1997 BY:

Committee on Youth

COMMITTEE ACTION CERTIFIED BY:

Representative LaNett Stanley (GA), Chair  
Committee on Youth

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **RESOLUTION 98-46**

### **Support for the National Black Family Empowerment Agenda's Black Student Leadership Forum**

WHEREAS, the 21<sup>ST</sup> Annual Legislative Conference of the National Black Caucus of State Legislators (NBCSL), assembled in Milwaukee, Wisconsin, believes that black communities everywhere must be empowered if we are to begin to deal effectively with the growing problems of our people;

WHEREAS, the black church is our community's strongest best-organized and most enduring institution;

WHEREAS, the National Black Family Empowerment Agenda's Black Student Leadership Forum represents a workable community empowerment strategy through a church based networking initiative;

WHEREAS, the black students of the sixties changed the course of history by starting the Second Great Emancipation – the liberation of black minds;

WHEREAS, the black students of today stand ready to initiate the Third Great Emancipation – economic self-determination; and

WHEREAS, more than 40 local and national organizations have endorsed and support the National Black Family Empowerment Agenda's Black Student Leadership Forum.

NOW, THEREFORE, BE IT RSOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATNIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL) ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the National Black Caucus of State Legislators hereby adopts the National Black Family Empowerment Agenda's Black Student Leadership Forum as its own and hereby urges and encourages other leaders and leadership organizations to join in supporting our agenda.

PROPOSED RESOLUTION SUBMITTED BY:  
Representative Henrietta Turnquest (GA)

RESOLUTION APPROVED WEDENSDAY, DECEMBER 10, 1997 BY:  
Committee on Youth

COMMITTEE ACTION CERTIFIED BY:  
Representative LaNett Stanley (GA), Chair  
Committee on Youth

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **TASK FORCE ON AFRICAN-AMERICAN MALES**

**Jurisdiction:** This task force is responsible for the development of policy and legislative responses that influence the status, well-being and future of African-American males. It also conducts forums that focus on the preservation of the African-American male.

Representative Spencer Coggs, Wisconsin (Chair)  
Senator Alice V. Harden, Mississippi (1<sup>st</sup> Vice Chair)  
Representative Ulysses Jones, Tennessee (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-47**

### **Privatization of Prisons**

WHEREAS, African-American males face seemingly insurmountable odds such as illiteracy, drug abuse, single-parent households, child abuse, crime, AIDS, inadequate health care, gang-related violence, unemployment, low self-esteem and suicide;

WHEREAS, the welfare and development of African-American males demand the immediate and aggressive attention of this country in order to focus on a problem of epidemic proportions;

WHEREAS, African-American men are disproportionately represented in the criminal justice system;

WHEREAS, African Americans represent from 12-15% of the general population but are nearly 50% of the prison population;

WHEREAS, recent statistics from the U.S. Justice Department and the U.S. Department of Health and Human Services as well as other studies of prisons and drug use in the United States have indicated that 85% of drug use in this country occurs in the larger community and 15% of all drug use occurs in the minority community;

WHEREAS, these studies demonstrate that 85% of all drug-related arrests take place in the African-American community, clearly showing that African-American males are targeted for arrest and incarceration for in excess of their numbers as a percent of overall criminal activity;

WHEREAS, 16 southern states currently hold half of the total 1.1 million prisoners in the country;

WHEREAS, in the Southern states, minorities make up in excess of 70% of the total inmate populations in most of these states;

WHEREAS, African-American males currently make up the vast majority of those currently receiving plea bargaining arrangements in the courts of this nation;

WHEREAS, a majority of African-American males are not receiving "trials" but rather receiving "sentencing";

WHEREAS, the effect of this practice has been the rapid and unjust incarceration of large numbers of black males;

WHEREAS, the building and administration of prisons by private corporations has become one of the most profitable ventures in nearly every state across this nation; and

WHEREAS, some of these privately run institutions have clearly demonstrated brutality and inhumanity towards inmates of all colors.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that NBCSL urges the U.S. Department of Justice, the U.S. Attorney General, the Attorneys General of the 50 states and Solicitors and Public Defenders to apply the laws of this nation and its member states in such a way that they are equally applied to “all” Americans;

BE IT FURTHER RESOLVED that NBCSL urges law enforcement to cease and desist from the targeting of African-American males and that the use of plea bargain agreements as substitutes for a trial by one’s peers be abated, especially in the 16 Southern states where these practices threaten to eliminate the civil rights of significant number of Southern black males;

BE IT FURTHER RESOLVED that, as an alternative to incarceration, NBCSL develop a program on entrepreneurship and a business value system to create business and financial options for our youth;

BE IT FRUTHER RESOLVED that NBCSL, along with members of its Corporate Roundtable, begin immediately to strategize around developing a program to create entrepreneurial opportunities;

BE IT FURTHER RESOLVED that members of NBCSL support Missouri State Representative Charles Quincy Troupe’s draft legislation addressing the privatization of prisons; and

BE IT FURTHER RESOLVED that wherever possible NBCSL members introduce similar pieces of legislation in their respective states.

PROPOSED RESOLUTION SUBMITTED BY:

Representative Spencer Coggs (WI)  
Representative Ken Green (CT)  
Representative Joseph Neal (SC)

RESOLUTION APPROVED THURSDAY, DECEMBER 11, 1997 BY:

Task Force on African-American Males

COMMITTEE ACTION CERTIFIED BY:

Representative Spencer Coggs (WI), Chair  
Task Force on African-American Males

RESOLUTION RATIFIED IN PLENARY SESSION, SATURDAY, DECEMBER 13,  
1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President

## **TASK FORCE ON ETHICS**

**Jurisdiction:** This task force is responsible for keeping members informed of changes in federal ethics laws. It will also monitor the current state of federal laws, including how these laws interact with state campaign disclosure and ethics laws. The task force will promulgate a proposal justifying the need for a study of the harassment, investigation and prosecution of black elected officials. The proposal should include statistics from the time of the Civil Rights Act of 1964 (which made African-American access to public office more attainable) to the present.

Senator McKinley Washington, South Carolina (Chair)  
Senator Thelma Harper, Tennessee (1<sup>st</sup> Vice Chair)  
Representative John Rogers, Alabama (2<sup>nd</sup> Vice Chair)

## **RESOLUTION 98-48**

### **Orientation for Legislators on Matters Dealing With Ethics**

WHEREAS, the National Black Caucus of State Legislators is opposed to corruption by public or elected officials;

WHEREAS, many of the principles of ethical accountability are not explained to new Legislators upon entering office; and

WHEREAS, proper ethical behavior by elected officials is an important consideration in order to insure the continued strength of our legislative system.

NOW, THEREFORE, BE IT RESOLVED BY THE 21<sup>ST</sup> ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSMBLED IN MILWAUKEE, WISCONSIN, DECEMBER 10-13, 1997, that the President of NBCSL make it mandatory that all legislators who are attending the National Conference for the first time be required to undergo an orientation dealing with proper ethical behavior by elected officials;

BE IT FURTHER RESOLVED that NBCSL invite federal, state, and/or local law enforcement officials to the National Conference to address legislators on matters dealing with ethical accountability.

PROPOSED RESOLUTION SUBMITTED BY:

Senator McKinley Washington, Jr., (SC)

RESOLUTION APPROVED THURSDAY, DECEMBER 11, 1997 BY:

Task Force on Ethics

COMMITTEE ACTION CERTIFIED BY:

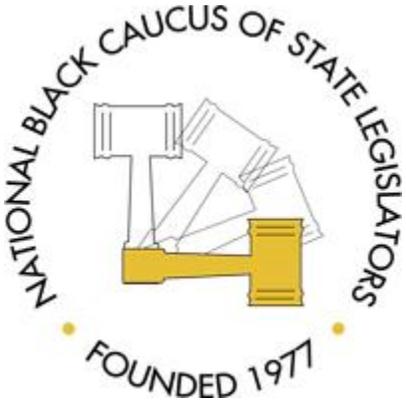
Senator McKinley Washington, Jr., (SC), Chair

Task Force on Ethics

RESOLUTION RATIFIED DURING PLENARY SESSION, SATURDAY, DECEMBER 13, 1997.

RATIFICATION CERTIFIED BY:

Representative Lois DeBerry (TN), President



**A P P E N D I X**

**L E G I S L A T I V E M O D E L S**

# MANAGED CARE CONSUMER PROTECTION ACT

(Model legislation submitted by Representative Kathryn Bowers, Tennessee)

## Section 1. Title

This Act shall be known and may be cited as the Managed Care Consumer Protection Act.

## Section 2. Purpose and Intent

The purpose of this Act is to provide authority for states to ensure that enrollees receive adequate health care services under a managed care system. The intent of this Act is to ensure that:

- (a) enrollees have full and timely access to clinically and culturally appropriate health care personnel and facilities;
- (b) enrollees have adequate choice among health care professionals who are accessible and qualified;
- (c) there is open communication between physicians and enrollees;
- (d) enrollees have access to comprehensive pharmaceutical services;
- (e) enrollees have access to information regarding limits on overage of experimental treatments;
- (f) there is high quality of care within a managed care plan;
- (g) medical decisions are made by the appropriate medical personnel;
- (h) health care professionals within a plan are practitioners in good standing;
- (i) managed care plan data are available as appropriate;
- (j) there is full public access to information regarding health care service delivery within plans;
- (k) the state has authority to oversee all managed care plans;
- (l) there is a fair vehicle for resolving enrollee complaints in a managed care system;  
and
- (m) there is timely resolution of enrollee grievances and appeals.

### **Section 3. Definitions**

As used in this Model Act, the following definitions apply:

- (a) “Appeal” means a formal process whereby an enrollee, whose care has been reduced, denied, or terminated, or whereby the enrollee deems the care inappropriate, can contest an adverse grievance decision by the health care services plan.
- (b) “Emergency” means a medical condition, the onset of which is sudden and unexpected, that manifests itself by symptoms of sufficient severity, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably assume that the condition requires immediate medical treatment, and could expect that the absence of medical attention to result in serious impairment to bodily functions or place the person’s health in serious jeopardy.
- (c) “Enrollee” means an individual who is enrolled in the managed care entity.
- (d) “Expedited review” means a review process which takes no more than 72 hours after the review is commenced.
- (e) “Experimental treatment” means treatment that, while not commonly used for a particular condition or illness, nevertheless is recognized for treatment of the particular condition or illness, and there is no clearly superior, non-experimental treatment alternative available to the enrollee.
- (f) “Grievance” means a written complaint submitted by or on behalf of enrollee.
- (g) “Health care provider” means a clinic, hospital physician organization, preferred provider organization, independent practice association, or other appropriately licensed provider of health care services or supplies.
- (h) “Health care professional” means a physician or other health care practitioner providing health care services.
- (i) “Health care services” means services for the diagnosis, prevention or treatment of a health condition, illness, injury or disease.
- (j) “Managed care entity” means any entity including a licensed insurance company, hospital or medical service plan, health maintenance organization, limited health services organization, preferred provider organization, third party administrator, or any person or entity that establishes, operates or maintains a network of participating health care professionals.
- (k) “Managed care plan” means a plan operated by a managed care entity that provides for the financing and delivery of health care services to persons enrolled

in the plan, with financial incentives for persons enrolled in the plan to use the participating health care professionals and procedures covered by the plan.

- (l) “Participating practitioner” means a health care professional who has entered into an agreement with a managed care entity to provide health care services to an enrollee in the managed care plan.
- (m) “Point of service option” means an option for the enrollee to choose to receive service from a non-participating health care professional or provider.
- (n) “Primary care practitioner” means a health care professional under contract with the plan, who has been designated by the plan to coordinate, supervise, and/or provide ongoing care to the enrollee.
- (o) “Prudent layperson” is a person without specific medical training for the illness or condition in question who acts as a reasonable person would under similar circumstances.
- (p) “Quality assurance” means the ongoing evaluation of the quality of health care provided to enrollees.

#### **Section 4. Applicability and Scope**

This Act shall apply to all managed care entities operating within the state.

#### **Section 5. Access to Personnel and Facilities**

- (a) Each managed care plan shall include a sufficient number and type of primary care practitioners and specialists, throughout the service area, to meet the needs on enrollees and to provide meaningful choice. Each managed care plan shall demonstrate that it offers:
  - (1) an adequate number of accessible acute care hospital services, within a reasonable distance and/or travel time;
  - (2) an adequate number of accessible primary care practitioners, within a reasonable distance and/or travel time;
    - (i) Primary care practitioners shall include family practice and general practice physicians, internists, obstetrician/gynecologists and pediatricians.
  - (3) an adequate number of accessible specialists and sub-specialists, within a reasonable distance and/or travel time;
    - (i) When the type of medical specialist needed for a specific condition is not represented on the specialty panel, enrollees shall have access to non-participating health care professionals.

- (4) the availability of specialty medical services, including physical therapy, occupational therapy, and rehabilitation services; and
  - (5) the availability of non-panel specialists, when a patient's unique medical circumstances warrant it.
- (b) Each managed care plan shall provide for continuity of care with established primary care practitioners, when the health care professional's contract is terminated.
- (1) The plan shall allow enrollees, at no additional out-of-pocket cost, to continue receiving services from a primary care practitioner whose contract with the plan is terminated without cause. This continuation shall be effective for 60 days when the enrollee requests continued care.
- (c) Each managed care plan shall provide telephone access to the managed care plan for sufficient time during business and evening hours to ensure enrollee access for routine care, and 24 hour telephone access to either the plan or a participating provider or practitioner, for emergency care or authorization for care.
- (d) Each managed care plan shall establish reasonable standards for waiting times to obtain appointments, except as provided below for emergency services.
- (1) Such standards shall include appointment scheduling guidelines based on the type of health care service, including prenatal care appointments, well-child visits and immunizations, routine physicals, follow-up appointments for chronic conditions, and urgent care.
- (e) Each managed care plan shall be required to cover and reimburse expenses for emergency care obtained, without prior authorization, in situations where a prudent layperson could reasonably believe the condition required immediate attention at the nearest facility.
- (f) Each managed care plan shall demonstrate that it has developed an access plan to meet the needs of vulnerable and under-served populations.
- (1) The plan shall provide culturally appropriate services to the greatest extent possible.
  - (2) When a significant number of enrollees in the plan speak a first language other than English, the plan shall provide access to personnel fluent in languages other than English, to the greatest extent possible.
  - (3) The plan shall develop standards for continuity of care following enrollment, including sufficient information on how to access care within the plan.
- (g) Each managed care plan shall hold harmless enrollees, against claims from participating practitioners in the managed care plan, for payment of the cost of covered health services.

## **Section 6. Choice of Health Care Professional**

- (a) Each enrollee shall have adequate choice among managed care plan health care professionals who are accessible and qualified.
- (b) Each managed care plan shall permit enrollees to choose their own primary care practitioner from a list of health care professionals within the plan. This list shall be updated as health care professionals are added or removed and shall include:
  - (1) a sufficient number of primary care practitioners who are accepting new enrollees; and
  - (2) a sufficient mix of primary care practitioners that reflects a diversity that is adequate to meet the needs of the enrolled population's varied characteristics, including age, gender, race and health status.
- (c) Each managed care plan shall develop a system to permit enrollees to use a medical specialist as primary care practitioner, when the enrollee's medical conditions warrant it. This may include enrollees suffering from chronic diseases as well as those with other special needs.
- (d) Each managed care plan shall provide continuity of care and appropriate referral to specialists within the plan, when specialty care is warranted.
  - (1) Enrollees shall have access to medical specialists on a timely basis.
  - (2) Enrollees shall be provided with a choice of specialists when a referral is made.
- (e) Each managed care plan shall offer a point-of-service option.
  - (1) The point-of-service option may require that the enrollee in the plan pay a reasonable portion of the costs of such out-of-plan care.
- (f) Each plan shall provide enrollees with access to a consultation for a second opinion.

## **Section 7. Gag Rules**

- (a) A managed care plan may not contract with a health care provider to limit the health care professional's disclosure to an enrollee or on behalf of an enrollee any information relating to his or her medical condition or treatment options.
- (b) A health care professional shall not be penalized, or his or her contract with the managed care terminated, because the health care professional offers referrals, or discusses medically necessary or appropriate care with, or on behalf of, the enrollee.
  - (1) All treatment options may be discussed.
  - (2) Other information, determined by the health care professional to be in the best interests of the enrollee may be disclosed.
- (c) A health care professional shall not be penalized for discussing financial incentives and financial arrangements between the health care professional and the managed care entity.

## **Section 8. Drugs and Devices**

(a) Each managed care plan shall provide coverage for all FDA-approved drugs and devices, whether or not that drug or device has been approved for the specific treatment or condition, so long as the primary care practitioner or other medical specialist treating the enrollee determines the drug or device is medically necessary and appropriate for the enrollee's condition.

(b) Each managed care service plan shall establish and operate a drug utilization review program that includes the following:

- (1) retrospective review of prescription drugs furnished to enrollees; and
- (2) education of physicians, enrollees and pharmacists regarding the appropriate use of prescription drugs.

(c) Each managed care plan shall provide for a drug utilization review program with ongoing periodic examination of data on outpatient prescription drugs to ensure quality therapeutic outcomes for enrollees.

- (1) The drug utilization review program's primary emphasis shall be to enhance quality of care for enrollees by assuring appropriate drug therapy.
- (2) The drug utilization review program shall include the following:
  - (i) clinically relevant criteria and standards for drug therapy;
  - (ii) nonproprietary criteria and standards, developed and revised through an open, professional consensus process; and
  - (iii) interventions which focus on improving therapeutic outcomes.
- (3) The confidentiality of the relationship between enrollees and health care professionals shall be protected at all times.

(d) The health care services plan shall provide an educational outreach program as part of the drug utilization review program.

- (1) The outreach program shall be directed to enrollees, pharmacists and other health care professionals.
- (2) The outreach program shall emphasize the appropriate use of prescription drugs.

(e) Prospective review of drug therapy may only deny services in case of enrollee ineligibility, coverage limitations, or fraud.

(f) The prescribing health care professional shall determine the appropriate drug therapy for the enrollee; no substitutions shall be made without the direct approval of the prescriber.

## **Section 9. Experimental Treatments**

(a) A managed care plan which limits coverage for services must define the limitation and disclose the limits in any agreement or certificate of coverage. This disclosure must include:

- (1) who is authorized to make such a determination; and
- (2) the criteria the plan uses to determine whether a service is experimental.

(b) A managed care plan that denies coverage for an experimental treatment, procedure, drug or device for an enrollee who has a terminal condition or illness shall provide the enrollee with a denial letter within 20 working days of the submitted request. The letter shall include:

- (1) the name and title of the individual making the decision;
- (2) a statement setting forth the specific medical and scientific reasons for denying coverage;
- (3) a description of alternative treatment, services, or supplies covered by the plan, if any; and
- (4) a copy of the plan's grievance and appeal procedure.

## **Section 10. Quality Assurance Program**

(a) The managed care plan shall develop comprehensive quality assurance standards, adequate to identify, evaluate and remedy problems relating to access, continuity and quality of care. These standards include:

- (1) an ongoing, written, internal quality assurance program;
- (2) specific written guidelines for quality of care studies and monitoring, including attention to vulnerable population;
- (3) performance and clinical outcomes-based criteria
- (4) a procedure for remedial action to correct quality problems, including written procedures for taking appropriate corrective action;
- (5) a plan for data gathering and assessment (see Section 11); and
- (6) a peer review process.

(b) Each managed care plan shall have a process for selection of health care professionals who will be on the plan's participating practitioner list, with written policies and procedures for review and approval used by the plan.

- (1) The plans shall establish minimum professional requirements.
- (2) The plan shall demonstrate that it has consulted with appropriately qualified health care professionals to establish the requirements.
- (3) The plan's process shall include verification of the individual practitioner's license, history of suspension or revocation, and liability claims history.
- (4) Each managed care plan shall establish a formal, written, ongoing, process for the re-evaluation of all participating physicians within a specific number of years after the initial acceptance.

(i) Re-evaluation shall include updates of the previous review criteria and an assessment of the performance pattern based on criteria including enrollee clinical outcomes, number of complaints and malpractice actions.

(c) The plan shall not use a health care professional beyond, or outside of, his or her legally authorized scope of practice.

## **Section 11. Data Systems and Confidentiality**

(a) The managed care plan shall provide information on a plan's structure, decision making process, health care benefits and exclusions, cost and cost sharing requirements, list of contracting providers and health care professionals as well as grievance and appeal procedures to all potential enrollees, all enrollees covered by the plan, and to the state oversight agency.

(b) The managed care plan shall collect and report annually to the state oversight agency specified data including:

- (1) gross outpatient and hospital utilization data;
- (2) enrollee clinical outcome data
- (3) the number and types of enrollee grievances or complaints during the year, the status of decisions, and the average time required to reach a decision; and
- (4) the number, amount and disposition of malpractice claims resolved during the year by the managed care plan and any of its participating health care professionals.

(c) All data, specified in Sections 11 (a) and (b), shall be reported to the state oversight agency and shall be available to the public on a timely basis.

(d) The managed care plan shall establish written policies and procedures for the handling of medical records and enrollee communications to ensure enrollee confidentiality.

(e) The managed care plan shall ensure the confidentiality of specified enrollee information, including, but not limited to, prior medical history, medical record information and claims information, except where disclosure of this information is required by law.

(f) The managed care plan shall be prohibited from releasing any individual patient record information, unless such a release is authorized in writing by the enrollee.

## **Section 12. Clinical Decision-Making**

(a) The managed care plan shall appoint a medical director who is a licensed physician in the state of operation.

(1) The medical director is responsible for treatment policies, protocols, quality assurance activities and utilization management decisions of the plan.

(b) The managed care plan shall inform enrollees of the financial arrangements between the plan and contracting physicians and pharmacists, if those arrangements include incentives or bonuses for restriction of services.

### **Section 13. Oversight Authority**

(a) The state shall identify an agency within state government, or shall contract with an outside entity, to oversee managed care plans operating within the state.

(b) the state oversight agency shall have all necessary authority to oversee managed care plans operating within the state.

(c) Each managed plan operating in the state must be legally authorized by the state oversight agency.

(d) The state oversight agency shall perform audits on an annual basis, to review enrollee clinical outcome data, enrollee services data, operational and other financial data.

(e) Nothing in this Act shall preclude the state oversight agency from investigating complaints, grievances or appeals on behalf of enrollees or health care professionals.

(f) The state oversight agency shall develop:

- (1) standards for compliance of plans regarding mandated requirements; and
- (2) regulations relating to types of penalties for violations.

### **Section 14. Grievance Procedures, Reviews and Appeals**

(a) The managed care plan shall provide written notification to enrollees, in a language the enrollee understands, regarding the right to file a grievance. At a minimum, notification shall be given:

- (1) prior to enrollment in the plan; and
- (2) at the time care is denied or limited under the plan.

(b) At the time of a denial, the plan shall notify the enrollee of the right to file a grievance.

- (1) The notice shall be written.
- (2) The notice shall include the reason for denial, the name of the individual responsible for the decision, the criteria for determination, and the enrollee's right to file a grievance.

- (c) The grievance procedure shall include:
- (1) identification of the reviewing body and an explanation of the process of review;
  - (2) an initial investigation and review;
  - (3) notification within a reasonable amount of time of the outcomes of the grievance; and
  - (4) an appeal procedure.
- (d) The managed care plan shall set reasonable time limits for each part of the review process, but in no case shall the review extend beyond 30 days.
- (e) The managed care plan shall provide for expedited review for cases involving an imminent, emergent or serious threat to the health of the enrollee.
- (1) The plan shall immediately inform the enrollee of this right.
  - (2) The plan must provide the enrollee within a written statement of the disposition or pending status of the grievance within 72 hours of the commencement of the review process.
- (f) The managed care plan shall report to the state oversight agency, the number of grievances and appeals received by the plan within a specified time period, including if applicable, the outcomes or current status of the grievance and/or appeals as well as the average time taken to resolve both grievances and appeals.

## **OFFICE OF WOMEN'S HEALTH**

**(Model legislation submitted by Senator Roscoe Dixon, Tennessee)**

### **Section 1. Definition**

As used in this chapter, "office" refers to the office of women's health established by this chapter.

### **Section 2. Location**

The office of women's health is created within the state department of health.

### **Section 3. Employees of the Office**

1. The state health commissioner shall appoint persons to staff the office including the chief of the office and any other employees that the state health commissioner determines are necessary.
2. The employees appointed under Section 3.1 shall report to the chief of the office. The chief of the office shall report to the state health commissioner.

### **Section 4. Purpose**

The office is created for the following purposes:

1. To assist the state health commissioner in the identification, prioritization and coordination of programs, services and resources the state department of health commits to women's health concerns for all phases of a woman's life cycle (reproductive, menopausal and postmenopausal).
2. To educate and advocate about women's health by requesting that the state department of health, either on its own or in partnership with other entities:
  - (a) conduct, sponsor, encourage or fund women's health research;
  - (b) establish appropriate programs or initiatives designed to educate about women's health; and
  - (c) monitor the research and program efforts, and report its findings as under section 4.3.
3. To collect, classify, and analyze relevant research information and data conducted by the state department of health or other entities in collaboration with the department and provide interested persons with information regarding the research results, unless

otherwise prohibited by law.

4. To serve as a clearinghouse for information regarding women's health data, strategies and programs that address women's health issues, including but not limited to: diseases that disproportionately impact women, menopause, osteoporosis, cancer, heart disease, depression, substance abuse, sexually transmitted diseases, healthy lifestyle, pregnancy and sexual assault.
5. To seek funding from private or government entities for the programs of the office, or initiatives supported by the office.

### **Section 5. Qualifications of the Chief of the Office**

The chief of the office shall have the following qualifications and any additional qualifications that the state health commissioner considers appropriate:

1. The equivalent of a master's degree or higher degree in health sciences, law, public health, medicine or public administration, or related experiences in health care.
2. Knowledge and expertise with women's health care, especially disease that disproportionately impact women.
3. Understanding of health care delivery systems.

### **Section 6. Responsibilities of the Chief of the Office**

The majority of the chief of the office's efforts must focus on the following responsibilities:

1. Identifying issues that affect women's health during all stages of the women's life cycle (reproductive, menopausal and postmenopausal), with a special focus on those diseases that disproportionately impact women.
2. Advocating for women's health concerns within the state department of health, state government and the community.
3. Serving as a liaison for health care providers, interest groups, the state department of health and the other state agencies on issues that affect women's health.
4. Developing recommendations to the state health commissioner regarding programs that address women's health issues for inclusion in the state health department's biennial budget and strategic planning.

5. Providing technical assistance to public entities seeking to obtain funds for programs or initiatives in women's health, including sources of funding and grant writing assistance.

### **Section 7. Additional Responsibilities and Oversight**

In addition to the responsibilities under Section 6 of this chapter, the chief of the office shall do the following:

1. Develop and recommend funding and program activities for the education of the public on women's health including:
  - (a) health needs throughout the woman's life cycle;
  - (b) diseases that disproportionately impact women;
  - (c) reproductive health;
  - (d) access to health care for women;
  - (e) poverty and women's health;
  - (f) the leading causes of morbidity and mortality for women;
  - (g) violence and women's health; and
  - (h) any other women's health issues that the chief of the office considers important.
2. Prepare materials for publication and dissemination to the public on women's health.
3. Conduct public educational forums to raise public awareness and to educate citizens about women's health programs, issues and services.
4. Coordinate the activities and programs of the office with other entities that focus on women's health, other divisions in the state department of health, and other state agencies and commissions.
5. Supervise the administrative assistant and any other employees assigned to the office.
6. Oversee the administrative operations of the office.
7. Represent the state health commissioner, upon request, before the general assembly and the Commission for Women.
8. Provide an annual report to the governor's office, the Legislative Council, and the Commission for Women regarding the successes of the programs of the office, priorities and services needed for women's health, and areas for improvement.

### **Section 8. Responsibilities to Administrative Supervisor**

1. Before the state health commissioner submits the department's biennial budget request, the office shall submit a written report to the state health commissioner recommending

programs, project, funding, and research to address important women's health issues.

2. After considering the report submitted under Section 8.1, the state health commissioner shall develop and implement biennial initiatives and funding for women's health needs.

### **Section 9. Appointment of Advisory Committee**

1. The commissioner shall appoint an Advisory Committee on Women's Health to help advise the chief of the office regarding the initiatives, services and educational programs required under this chapter.
2. The committee shall be comprised of persons with an expertise in and knowledge of women's health issues.

## **AN ACT RELATING TO THE DEPARTMENT OF CORRECTIONS**

**(Model legislation submitted by Representative Charles Quincy Troupe, Missouri)**

Be it enacted by the General Assembly of the state, as follows:

### **Section 1. Private Contracts**

Notwithstanding any other law to the contrary, the department of corrections shall not be authorized to delegate, privatize or otherwise enter into a contract with a private entity for the operation of any office, bureau or division of the department without specific authority to do so by statute. However, nothing in this Section shall be construed to invalidate:

- 1) Any contract of the department that is in place and operational before January 1, 1999;
- 2) The continued renewal of any such contract with the same entity upon the expiration of the contract; or
- 3) The execution of a contract with another legal entity as a replacement contract is substantially the same as the expiring contract.



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