



# Resolutions 2002



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**AFRICAN AMERICAN MALES**



**Resolution 02-01**  
**DEVELOPING ENTREPRENEURIAL PROGRAMS FOR YOUTH**

**WHEREAS**, African-American youth need to have skills and training in becoming Entrepreneurs to become functioning adults and contributors to our community; and

**WHEREAS**, African-American communities need services provided by members of our community to increase the economic well-being of our communities; and

**WHEREAS**, African-American youth are consumers and need to have the understanding of business finance, product development, marketing skills and business ownership; and

**WHEREAS**, the members of NBCSL represent the policy leaders and program developers in communities across the country,

THEREFORE BE IT RESOLVED BY THE 25th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 28-30, 2001, that NBCSL re-authorize its previously ratified resolution regarding the set-up of a national strategy to provide entrepreneurial opportunities for African American youth; and

BE IT FURTHER RESOLVED that NBCSL develop a Youth Entrepreneurial Program and the President of NBCSL appoint a committee of legislators and members of the CRT to out-line a specific plan and program by December 2002 to operate a Youth Entrepreneurial Program.

Sponsored by: Representative Spencer Coggs (WI)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: African American Males  
Certified by Acting Chair: Senator Al Penn (CT)

Ratified in Plenary Session, Friday, November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-02**  
**BIO-TERRORISM**

**WHEREAS**, in the wake of the September 11, 2001 tragedy in New York, Pennsylvania and Washington, D.C. our Congress has been quick to enact legislation in reaction to the events, and

**WHEREAS**, legislation enacted by Congress has made acts of bioterrorism a felony, and

**WHEREAS**, now if a child in the school system mentions having access or bringing products to school that would be considered bioterrorism, the child would automatically be arrested; and

**WHEREAS**, in the wake of having military tribunals to hear cases that are considered to be a result of an act of bioterrorism, these children would have no protection under the legal system as we once knew it; and

**WHEREAS**, we as Americans can no longer make statements in jest, concerning terrorist or bio-terrorists acts because of the fear Americans are now living under since the September 11th attacks,

THEREFORE, BE IT RESOLVED BY THE 25<sup>TH</sup> ANNUAL LEGISLATIVE CONFERENCE of THE NATIONAL BLACK CAUCUS of STATE LEGISLATORS, ASSEMBLED in ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001, that the African American Males Task Force recommend that NBCSL inform each state's Black Caucus to be aware that our rights of freedom of expression have been curtailed in the wake of the September 11<sup>th</sup> attack and our youth must be informed that comments made in jest, concerning acts of terrorism and bioterrorism could result in felony convictions and prevent future educational and employment aspirations.

Sponsored by: Senator Al Penn (CT)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: African American Males

Certified by Acting Chair: Senator Al Penn (CT)

Ratified in Plenary Session, Friday, November 30, 2001. Ratification certified by: Representative James Thomas (AL), President





**Resolution 02-03**

**AFRICAN AMERICAN MALES REORGANIZING THE NATIONAL MALES COUNCIL**

**WHEREAS**, the National Black Caucus of State Legislators created the National Male Council; and

**WHEREAS**, the National Male Council had become inactive over the last 2-3 years; and

**WHEREAS**, the Honorable Spencer Coggs, chair of the Taskforce of African American Males, and Rep. Vernon G. Smith of Indiana have conferred several times about reactivating the National Male Council; and

**WHEREAS**, there are 17 states with male initiatives that they need to coordinate efforts; and

**WHEREAS**, the Indiana Commission on the Social Status of Black Males hosted the first financially successful National Conference of the National Male Council with an attendance of over 700 attendees in October, 2000; and

**WHEREAS**, the Honorable Spencer Coggs is recommending that Rep. Vernon G. Smith be authorized to spearhead the reorganization of the National Male Council.

**THEREFORE**, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE of THE NATIONAL BLACK CAUCUS of STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001, that the National Black Caucus of State Legislators authorizes Rep. Vernon G. Smith be authorized to spearhead the reorganization of the National Male Council, and

**BE IT FUTHER RESOLVED** that the State of Indiana become the home site of the National Conference of African American Males until the National African American Males Council decides otherwise.

Sponsored by: Representative Dr. Vernon G. Smith (OH)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: African American Males

Certified by Acting Chair: Senator Al Penn (CT)

Ratified in Plenary Session, Friday, November 30, 2001. Ratification certified by: Representative James Thomas (AL), President



**AGRICULTURE**



**Resolution 02-04**

**PROMOTION OF CONTINUED RESEARCH, EDUCATION, AND SUPPORT FOR AGRICULTURAL BIOTECHNOLOGY AND FREE MARKET ACCESS TO NEW TECHNOLOGIES**

**WHEREAS**, the National Black Caucus of State Legislators' Agriculture Committee was created to be the foremost national committee to help preserve and enhance agriculture as a vital component of the nation's economic competitiveness and quality of life; and

**WHEREAS**, the National Black Caucus of State Legislators Agriculture Committee adopted a resolution in support for the promotion of continued research, education, and support for agricultural biotechnology and free market access to new technologies on November 28, 2001; and

**WHEREAS**, agricultural biotechnology is being used to increase the productivity of crops and livestock, to improve the quality of life by developing new high-yielding crops that require fewer inputs; and, conserve natural resources in order to increase the food supply for the increasing human population, to produce more nutritious foods with longer shelf -life, and to continue to provide consumers with high-quality, low-cost food products; and

**WHEREAS**, federal law requires that all foods and food ingredients, including those produced by biotechnology, be extensively reviewed for safety by the U.S. Food and Drug Administration and meet the provision of the Federal Food, Drug, and Cosmetics Act before they can be sold to consumers; in addition, any changes to a food product that alters the chemical, nutritional, or allergenicity of that product must be disclosed to the consumer of the product; and

**WHEREAS**, African American farmers make decisions as to what technology to use on their farms and agricultural biotechnology is a choice continually made by African American farmers; and

**WHEREAS**, agricultural biotechnology is size neutral so both large and smaller acreage growers can benefit from the improved weed or insect control provided by agricultural biotech seeds; and

**WHEREAS**, African American farmers must have access to these technologies in order to compete with other American farmers and to regain lost African American farm lands; and

**WHEREAS**, America's farms and ranches currently export approximately 30 percent of their production, and these exports significantly improve the nation's balance of payments and are important to the well-being of the entire American economy; and

**WHEREAS**, farm exports are essential to the financial health of American agriculture and to the economic development of American states; and

**WHEREAS**, African American farmers contribute largely to the financial health of American agriculture and to the economic development of American states; and

**WHEREAS**, U.S. government intrusion in the guise of moratoriums deprives African American farmers of their right to choose any fully USDA, EPA and FDA registered product that will help them grow their crops with higher yields and lower costs in order to remain competitive with the rest of the world; and

**THEREFORE, BE IT RESOLVED BY THE 25** it's Agriculture Committee will proactively continue to promote continued education, research, and support of agricultural biotechnology and free market

## THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



access to new technologies in an effort to help African American farmers regain lost farm lands; and

**BE IT FURTHER RESOLVED**, that the European Union or other foreign countries will not dictate to African American farmers what regulated and safe agricultural inputs they choose to use on their farms; and

**BE IT FURTHER RESOLVED**, that the National Black Caucus of State Legislators urges the United States Department of Agriculture, the United States Congress and the Legislatures of all 50 states to not deprive African American farmers of tools that will only hurt competitiveness and to take all measures necessary to ensure free market access to new technologies, including agricultural biotechnology, to help sustain African American farmers' leadership in global agriculture; and

**BE IT FURTHER RESOLVED**, The Secretary of Agriculture and other public officials representing agriculture should be included as full and equal partners in the formulation of United States policies affecting foreign trade and USDA should in turn cooperate with state agricultural trade officials in a coordinated effort to promote agricultural exports; and

**BE IT FINALLY RESOLVED**, that a copy of this resolution be forwarded to all Members of Congress, the Secretary of the USDA, U.S. Governors and Legislative Leaders.

Sponsored by: Representative Thomas Jackson (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Agriculture  
Certified by Committee Chair: Representative Thomas Jackson (AL)

Ratified in Plenary Session, Friday, November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-05**

**CONCERNS OF BLACK FARMERS AND RURAL LANDOWNERS**

**WHEREAS**, African-American land ownership has plummeted from 15 million acres in 1910 to an estimated 2.3 million acres in 1992; and

**WHEREAS**, African-Americans have lost 55% of their rural land base between 1978 and 1992, which is the equivalent to a conservatively valued monetary loss of one billion dollars; and

**WHEREAS**, land ownership is a vital source of wealth creation and economic independence for the African-American community; and

**WHEREAS**, African-Americans landholdings constitute less than 1% of all rural lands in the United States; and

**WHEREAS**, historically Black Land Grant Universities (1890s), Tribal Colleges, Hispanic-serving educational institutions, and community-based organizations serving African-American farmers and other people of color, which have contributed significantly to the retention of African-American landholdings through research, education, training and outreach initiatives, have not received the full federal allocation of \$10 million dollars passed in Section 2501 of the 1990 FAIR Act (1990 Farm Bill and subsequent 1996 Freedom to Farm Act); and

**WHEREAS**, eighteen ninety (Historically Black) Land Grant Universities were instituted by the Federal Government as Land Grant Universities in 1890; and

**WHEREAS**, these 1890 Land Grants didn't receive federal formula funds for agriculture research until 1965; and

**WHEREAS**, these 1890 Land Grants did not receive state matching funds until 1999 in to federal legislation; and

**WHEREAS**, many of the 1890 Land Grants have had difficulty in meeting their state matching funds requirement and that where these funds are not obtained, they loose proportionate amount of federal formula funds for agriculture research and extensions; and

**WHEREAS**, the Federation of Southern Cooperatives/Land Assistance Fund (Federation) is a grassroots organization, existing for the sole purpose of promoting the economic empowerment in poor, rural, minority communities in the South through legal, technical and educational outreach; and

**WHEREAS**, there are other community-based organizations like the Federation, that provide similar outreach services to family farmers of color, minority rural landowners and low-income rural people; and

**WHEREAS**, these community-based organizations and advocates are in need of additional resources to maintain their outreach efforts; and

**WHEREAS**, legislative measures are necessary to protect current African-American landholdings and promote future land acquisition and the pluralistic ownership of land in our nation.

**THEREFORE, BE IT RESOLVED BY THE 25** that its members urge their respective state general assemblies to endorse legislation to remedy the dramatic loss of African-American landholdings



and provide resources to meet this objective to advocates and community-based organizations addressing this issue.

**BE IT FURTHER RESOLVED**, that the National Black Caucus of State Legislatures strongly demand that each of the eighteen 1890 Land Grant Universities should receive full state matching funds as required by law and agree to individually and collectively work to ensure that this occurs in each eligible state.

**BE IT FURTHER RESOLVED**, that property creates highly fractionated interests in property, making it highly susceptible to partition sales, thus having a significant impact on the discontinuance of African-American land ownership.

**BE IT FURTHER RESOLVED**, that NBCSL members will work to propose and/or support legislation for the allocation of resources to historically Black Land Grant Universities (1890s), Tribal Colleges, Hispanic-serving educational institutions and community based organizations for technical assistance education and training for farmers, and the development of land use management plan trainings for non-farming rural landowners.

**BE IT FURTHER RESOLVED**, that NBCSL members will work to propose and/or endorse legislation for the allocation of funds to foster the creation of economic development opportunities for distressed low-income, rural African-American and other minority communities.

**BE IT FURTHER RESOLVED**, that NBCSL members will work to propose and/or endorse legislation for the provision of financial assistance to restore the original land base of 15 million acres to the African-American community by making low-interest loans to African-American farmers to purchase farmland, and by fostering the creation of state and community loan funds and land trusts to retain and expand minority land ownership.

**BE IT FURTHER RESOLVED**, that NBCSL members will work to propose and/or endorse legislation for the allocation of significant resources for the creation of Land Retention Services Commission designed to develop and assist special programs for community-based groups, such as the Federation of Southern Cooperatives, to provide technical assistance and training for African-American farmers and rural landowners.

**BE IT FURTHER RESOLVED**, that NBCSL members will work to propose and/or endorse legislation which provides funding for the production and dissemination of educational information specifically tailored to land retention issues affecting African-American and other minority communities, including estate planning, adverse possession, tax sales, partition sales, mineral rights and eminent domain.

**BE IT FURTHER RESOLVED**, that NBCSL members will work to propose and/or endorse legislation that provides sufficient resources to community-based organizations like the Federation to conduct community educational outreach and technical support to farmers and rural landowners.

**BE IT FURTHER RESOLVED**, that NBCSL members will work to propose and/or endorse legislation which provides for the allocation of resources to community-based organizations, like the Federation of Southern Cooperatives for cooperative development for small and limited resource farmers to increase value-added processing of fresh fruits and vegetables and other products to increase income and farm profitability for African-American farmers.



**BE IT FURTHER RESOLVED**, that NBCSL members will urge their fellow state representatives to support legislation to create a registry of minority farmers; to insure that public services and assistance are directed to those family farmers with the greatest need.

**BE IT FURTHER RESOLVED**, that NBCSL members will urge their respective state general assemblies to endorse and pass proposed legislation that will provide protections to interest holders of heir property that is subject to a court-ordered public sale, or partition sale, giving them “first rights of refusal” to purchase such property.

**BE IT FURTHER RESOLVED**, that NBCSL members will urge their respective state general assemblies to pass enabling legislation providing further protections to heir property that provides for the incorporation of heir property upon majority approval of interest holders of such property.

**BE IT FINALLY RESOLVED**, that NBCSL members urge their respective state general assemblies to conduct hearings on the impact of “adverse possession” statutes on the ownership and retention of minority owned land; and recommend changes in this area of legislation to reduce the loss of land.

Sponsored by: Representative Thomas Jackson (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Agriculture  
Certified by Committee Chair: Representative Thomas Jackson (AL)

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Representative James Thomas (AL), President



**ALTERNATIVE ELECTION SYSTEMS**





**Resolution 02-06**  
**ELECTION REFORM MODEL RESOLUTION**

**WHEREAS**, in a democracy, no right is so precious as the right to vote; yet, the 2000 election exposed serious flaws in our nation's voting systems. Tens of thousands of Florida voters had their ballots for President invalidated. But Florida was just the tip of the iceberg. Across the states, hanging chads, purged lists, and wrong-headed election officials disenfranchised more than two million Americans; and

**WHEREAS**, not just the ballot counting technology, but the ballots themselves are confusing, or tend to limit participation by racial and ethnic minorities, and people with disabilities. When they have a problem with these ballots at a polling place, voters are largely unaware of their rights and poll workers are largely unaware of their responsibilities; and

**WHEREAS**, it is all too common for individuals to be improperly disenfranchised by the mechanics of the voter rolls. Some have been denied the right to vote because their voter registration form was lost in the system, while being purged from the voter rolls has disenfranchised others; and

**WHEREAS**, across the nation, Americans are turned away from voting because of discrimination, voter intimidation and voter suppression. In some cases this discrimination is intentional, in other cases it is the product of gross negligence; and

**WHEREAS**, repairing our nation's democratic infrastructure will require a series of reforms. These reforms are among the most urgent priorities of our federal, state and local governments.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA GEORGIA, NOVEMBER 26 -DECEMBER1, 2001**, that the NBCSL supports the model state legislation which provides that:

1. All qualified persons in each State must be guaranteed the right to register and vote and all legal votes must be counted. Simple and easy voter registration must be designed to encourage all Americans to register to vote at age 18; and qualified persons should be allowed to register and vote on the same day. Expanded access to the polls, such as the establishment of Election Day as a national paid holiday, allowing workers to take paid leave to vote during the day, by extending voting hours, establishing multi-day elections, or elections on a weekend.
2. No voter shall be required to submit any identification that is not mandated by law, and all voters who are in line at a polling place at closing time must be guaranteed the right to vote, no matter how long that may take.
3. States must publish a Voters' Bill of Rights to empower Voters with information. This Voters' Bill of Rights must be published in newspapers and prominently posted at every polling place to explain in clear language voters' rights to register, write-in vote, obtain replacements for spoiled ballots, use provisional ballots, and vote absentee.
4. States must provide training for, and supervision of, poll workers to ensure full knowledge of, and compliance with, applicable laws and policies, as well as programs to educate and encourage participation in elections by all eligible adults.



5. States must prevent the wrongful purging of voters from the rolls. No registered voter shall be turned away because of list maintenance procedures. States must place strict statewide controls on manipulations of the voting rolls, and all purging of voter rolls must be done through procedures that are fully open for inspection by the public. A statewide database of registered voters must be easily accessible to election officials and the public both on and before Election Day.
6. States must guarantee chadless elections. The punch card, invented in 1890, must be banned and voters must be given modern voting technology. Every legal vote must count. States must employ a ballot counting system that provides a very high degree of accessibility to all voters including the disabled. accuracy, reliability, and security from fraud. The ballot counting system should also be accurate, reliable and secure from vote fraud.
7. States should provide voting systems that involve at a minimum the following features designed to build voter confidence and insure the highest level of accuracy possible in the tabulation of votes:
  - a. The system should provide on-screen verification of the voter's ballot selection prior to the voter casting a vote and have a precinct-based error-correcting capacity to ensure that voters have the opportunity to correct or avoid any errors, such as over-votes and under-votes;
  - b. The system should not allow the voters to select more than one candidate or specified number of candidates for any race. This would eliminate the possibility of an over vote;
  - c. The system should notify the voter of an under vote (a skipped race) prior to the voter casting a ballot;
  - d. The system should provide voters with a numbered receipt, showing what races they voted in (not how they voted). A published document of all receipt numbers included in every election should be published for public review;
  - e. The system should allow and encourage the blind to vote a secret ballot and provide full accessibility to people with disabilities. It should also allow and encourage the voter with limited proficiency in the English language to a vote a secret ballot; and
  - f. The system should be flexible enough to handle all ballot types currently used in the United States, including cumulative voting and ranked choice ballots; and
  - g. The system should provide results as close to 100% accuracy as possible (A Direct Record Electronic Model).
8. States must implement uniform standards for vote counting and recounting. When it comes to the quality of voting equipment and election procedures, rich and poor counties must be treated alike. States must require and finance uniform voting equipment across all jurisdictions. Similarly, States must ensure uniform ballot designs. No more butterfly ballots. States must require statewide election officials to review and approve all ballot designs to ensure clarity and uniformity, and require broad public notification and education about those ballots, including publication in local newspapers.



9. States must guarantee the right to cast provisional ballots. No one shall be turned away from the polls because of a dispute over the registration rolls. States must offer provisional ballots for individuals who are not listed on the precinct's voter registration list; these votes shall be kept in a way that eligibility to vote can be later checked and each legal ballot counted. States must also guarantee the replacement of spoiled ballots. Voters make legitimate mistakes. States must ensure that any voter who makes a mistake before casting a ballot is provided a replacement ballot.
10. States must establish an election review commission, to ensure compliance with these state election policies, compile and publicize data on the administration of future elections, and study election procedures for constitutionality and fairness. This commission must include representatives from a wide range of community-based, non-governmental organizations.
11. States must ensure that every voter has equal, fair and uninhibited access to a polling place regardless of the voter's race, ethnicity, sex, or physical handicap. States must thoroughly investigate all evidence of voter intimidation, suppression and willful violation of election law, prosecute offenders, and provide a legal cause of action for individuals whose voting rights are violated.
12. In the establishment and enforcement of election law, states must fully comply with both the letter and the spirit of the federal Voting Rights Act (including access to ballots printed in languages other than English), Civil Rights Act, National Voter Registration Act, and Americans with Disabilities Act.

Sponsored by: Senator Thelma Harper (TN) and Representative Gloria Fox (MA) and Representative Lois DeBerry (TN) and Representative James Thomas (AL) and Representative Roscoe Dixon (TN) and Senator U.L. Gooch (KS)

Approved Thursday, November 29, 2001 by the Task Force of Jurisdiction: Alternative Elections System  
Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-07**  
**CAMPAIGN FINANCE REFORM**

**WHEREAS**, the cost of campaigning for public office has increased tremendously in recent years; and

**WHEREAS**, Black candidates generally have less access to private funding sources compared to White candidates and are therefore at a severe disadvantage in black-white electoral races; and

**WHEREAS**, there is a need to examine the impact that such funding disparities have had on the outcome of such elections contests; and

**WHEREAS**, there is a need to expand campaign finances reform, including public financing of elections at the state level.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA GEORGIA, NOVEMBER 26 -DECEMBER1, 2001**, that NBCSL form a committee or task force to acquire information and data, conduct research and make recommendations to the 2002 business meeting concerning the position that NBCSL should take on the issue and legislation that its membership should support on this issue in their respective states.

Sponsored by: Representative Bob Holmes (GA)

Approved Thursday, November 29, 2001 by the Task Force of Jurisdiction: Alternative Elections System

Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by: Representative James Thomas (AL), President



**Resolution 02-08**  
**NATIONAL VOTING RIGHTS CELEBRATION**

**WHEREAS**, thirty-five years ago many Americans of African descent were prohibited by state laws from voting and fully participating in the political processes of this nation; and

**WHEREAS**, a great struggle for the right to vote took place throughout the South in the early to mid-sixties; and

**WHEREAS**, that struggle culminated in the Voting Rights Act which has not only provided the right to vote to millions but made meaningful the right to vote to millions more and indeed changed this nation for the better; and

**WHEREAS**, the voting rights struggle was given great impetus by events that occurred in Selma, Alabama, on March 7, 1965, on the Edmond Pettus Bridge,, when more than 500 children, women and men were brutally beaten by state troopers, sheriff's deputies, posse men and others for marching for the right to vote and protesting the brutal murder of Jimmy Lee Jackson in Marion, Alabama; and

**WHEREAS**, this event, now known as "bloody Sunday," led to the Selma to Montgomery March and both have come to symbolize the Voting Rights Movement and are celebrated annually by a National Voting Rights Celebration know as the Bridge Crossing Jubilee; and

**WHEREAS**, few members of the National Black Caucus of State Legislators would be elected without the voting rights struggle in general, and "Bloody Sunday" and the Selma to Montgomery March in particular; and

**WHEREAS**, all elected officials, and African-Americans in particular, should celebrate the right to vote and rededicate ourselves to the fullest use of that right to lift our communities.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that a national call be sent for all elected officials, African-Americans, in particular, to journey to Selma, Alabama, for the National Voting Rights Celebration (Bridge Crossing Jubilee) on the first weekend in March (March 2-4, 2002) to remember, celebrate and rededicate ourselves to the full use of the right to vote in lifting our communities; and

**BE IT FURTHER RESOLVED**, that members of the National Black Caucus of State Legislators are urged to pass resolutions in their respective states in support of the Right to Vote and the National Voting Rights Celebration; and

**BE IT FURTHER RESOLVED**, that the National Black Caucus of State legislators shall also march as a group across the Edmond Pettus Bridge with appropriate signs to further symbolize our commitment to full right to vote in the new century and new millennium; and

**BE IT FINALLY RESOLVED**, that while elected officials must remember and celebrate the right to vote at the National Voting Rights Celebration, we must also meet unofficially on that occasion to further develop plans to more fully and effectively utilize the right to vote.

Sponsored by: Representative Bob Holmes (GA)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Approved Thursday, November 29, 2001 by the Task Force of Jurisdiction: Alternative Elections System  
Certified by Committee Chair: Representative Bob Holmes (GA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**BUSINESS AND FINANCE**



**Resolution 02-09**  
**PREDATORY LENDING**

**WHEREAS,** The District of Columbia's foreclosure law (Title 45, Chapter 7 of the D.C. Code) was originally enacted in 1901 and while the real estate industry has changed tremendously over the past 100 years, District law on this subject has not changed; and

**WHEREAS,** THE Washington, D.C. community suffered the abusive lending practices of Thomas Nash of Capital City Mortgage who started foreclosure proceeding upon 50% of Capital City's mortgage loans recorded between 1984 and 1995. He ultimately foreclosed on 20% of these loans. For Capital City mortgages were held by elderly minority residents; some were commercial church properties secured by the mortgages on church members' personal residences; and

**WHEREAS,** the Department of Banking and Financial Institutions and the Metropolitan Washington Planning and Housing Association, a non-profit community organization, combined efforts to draft legislation to regulate mortgage lending and brokering activities in the District of Columbia. The Mortgage Lender and Broker Act of 1996 was drafted and introduced to the District of Columbia Council. After an emotional public hearing before the Economic Development Committee of the District of Columbia Council, the bill was adopted by the Council and enacted into law. Mortgage lending and brokering continues to increase across the United States. In FY 1999, the Department of Banking and Financial Institutions licensed approximately 700 mortgage lenders and brokers to do business in the District of Columbia in FY 1999; and

**WHEREAS,** The Department of Banking and Financial Institutions and the Metropolitan Washington Planning and Housing Association co-sponsored the formation of the D.C. Mortgage Foreclosure Task Force on June 11, 1998. The Task Force was an impressive coalition of approximately 50 persons, including community representatives, representatives of the mortgage industry (attorneys, appraisers, auctioneers, bankers, mortgage brokers, mortgage lenders, title company representative) and others knowledgeable about the mortgage industry; and

**WHEREAS,** The Mortgage Foreclosure Task Force met regularly from 1989 until 2000 to share information on mortgage foreclosure customs practices in the District. The Task Force's subcommittees reviewed the foreclosure customs and practices and developed legislative language to codify these actions; reviewed the areas of predatory lending; drafted additional legislative protections for District residents; and prepared a "red flag" disclosure listing of potentially abusive lending practices which will help educate District residents to the pitfalls of predatory lending; and

**WHEREAS,** The Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000 was drafted by the Department of Banking and Financial Institutions with the assistance of the Mortgage Foreclosure Task Force and submitted to the District of Columbia Council for approval; and

**WHEREAS,** The Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000 was unanimously approved by the District of Columbia Council on December 5, 2000; signed by Mayor Williams on December 21, 2000; approved by the Control Board; and approved by the U.S. Congress on April 2, 2001; and

**WHEREAS,** The District of Columbia Council passed emergency legislation to suspend the Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000 on November 6, 2001; and



## THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



**WHEREAS**, the absence of the Protections from Predatory Lending and Mortgage Foreclosure Improvements will allow mortgage lenders to continue the predatory lending practice which continue to harm unspecified residents, through the nation.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL here and now, strongly opposes any weakening of existing protections from Predatory Lending and Mortgage Foreclosure.

Sponsored by: Representative Edwin Murray (LA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Business & Finance  
Certified by Committee Chair: Representative Edwin Murray (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-10**

**NON-BANK CONSUMER ANTI-PROFILING PROTECTION**

**WHEREAS**, approximately 30 million Americans obtain loans at 15,000 pawnshops throughout the United States to meet their emergency financial needs; and

**WHEREAS**, pawn transaction information has been made available to law enforcement for the purpose of investigating property crimes for more than 25 years. Historically, state legislatures have allowed the transfer of customer identifying information and a description of collateral by providing a copy of the pawn ticket to law enforcement against stolen property reports; and

**WHEREAS**, the rate of stolen property has been reduced to less than one percent of the items received as collateral for loans; and

**WHEREAS**, the focus of law enforcement has now shifted from identification and recovery of stolen property to identification and profiling of customers; and

**WHEREAS**, law enforcement has used computer technology to profile customer loan information by race, gender, name, age or frequency of obtaining a loan; and

**WHEREAS**, the privacy rights of pawn customers have been subjected to a different standards than those protections afforded all citizens under the 4th amendment (Unreasonable Search and Seizure) of the U.S. Constitution, and profiling has gone unabated by law enforcement.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators request that all NBCSL members should sponsor and work toward passage of stricter laws to limit the receipt of personal information on a customer by law enforcement except when a subpoena has been issued by the appropriate judicial authority.

Sponsored by: Representative J. Thomas (AL), Representative L. Womble (NC) and Representative T. Wright (NC)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Business & Finance  
Certified by Committee Chair: Representative Edwin Murray (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**ELEMENTARY AND SECONDARY EDUCATION**



**RESOLUTION 02-11**

**LEGISLATIVE EDUCATION INFORMATION & REFERRAL SYSTEM**

**WHEREAS**, the Committee of Jurisdiction: Elementary & Secondary Education of the National Black Caucus of State Legislators on Thursday, November 29, 2001, adopted and approved its comprehensive report on "Improving Educational Outcomes for African American Children"; and

**WHEREAS**, the report acknowledges as matter of fact that education is still separate and unequal in too many urban school districts across the nation; and

**WHEREAS**, the Committee has determined that time is of the essence for closing the growing achievement gap, which exists between African American students and other students; and

**WHEREAS**, the Committee believes that four strategies hold the greatest promise for providing all students with a quality education. The strategies are:

1. Promotion of high academic standard;
2. Reduction of class size;
3. Teacher training and professional development;
4. Appropriate funding for class reduction, improve teacher quality, and classroom support.

**WHEREAS**, the Committee believes that the time is ripe for developing a database of legislative educational proposals, which addresses the strategies needed for improving the outcomes of African American children in public education; and

**WHEREAS**, the Committee in conjunction with its educational and civil rights partners will explore appropriate avenues for funding for the database system.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, strongly supports the Committee of Jurisdiction: Elementary & Secondary Education in its efforts to establish a legislative Education Information & Referral Systems conjunction with its educational and civil rights partners.

**BE IT FURTHER RESOLVED**, that such a database will be advantageous to accessing legislative educational proposals, which advance the goals and objectives of the Committee.

Sponsored by: Representative W. Curtis Thomas

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Elementary & Secondary Education

Certified by Committee Chair: Senator C.J. Prentiss (OH)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by: Representative James Thomas (AL), President



**Resolution 02-12**

**NBCSL SUPPORTS THE NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER**

**WHEREAS**, The Underground Railroad is an epic American saga whose themes of freedom and cooperation reverberates throughout history. It is the story of the many enslaved blacks and the free blacks, whites and Native Americans who assisted the runaways and provided for their safe passage, food, and shelter on the road to freedom; and

**WHEREAS**, The National Underground Railroad Freedom Center will be a 158,000 square-foot Museum and Learning Center that will open in 2004 on the bank of the Ohio River joining Ohio and Kentucky. The Freedom Center will be set on the Northern Bank of the Ohio River in Cincinnati, which was the "River Jordan" to many escaping slaves – the last natural barrier to the "Promised Land" and Freedom; and

**WHEREAS**, the Freedom Center exhibits will trace the rise and downfall of slavery during the very period when the United States proclaimed itself the citadel of freedom. They will also recount the exceptional lives of both legendary and little-known individuals in the Underground Railroad; and

**WHEREAS**, guest will travel along a recreated Underground Railroad route via virtual reality simulation and will experience both the fear and exhilaration that accompanied escape and emancipation; and

**WHEREAS**, visitors to the Freedom Center will have the opportunity to exchange their reactions and ideas about what they have seen and heard. An open, continuous dialogue on the subject of freedom is a key mission of the Freedom Center and an urgent priority in today's increasingly complex world; and

**WHEREAS**, the Freedom Center offers a broad range of educational programs tailored for children, adults, and teachers. "Freedom Curriculum" tools will offer middle-school teachers the latest research and scholarship on the Underground Railroad period and enable them to access additional research and historical materials online; and

**WHEREAS**, each week the Freedom Center's web site, [www.Underground.org](http://www.Underground.org), enlightens thousands of web visitors on underground railroad facts - and offers an immediate way to express their thoughts on the meaning of freedom; and

**WHEREAS**, a research institute will electronically network museums, colleges, libraries, schools, and research centers throughout the United States. Student and scholars will be able to tap into the network to exchange the latest research on slavery as well as historical and contemporary freedom movement around the world; and

**WHEREAS**, Freedom Stations are being established throughout the country including many at known underground railroad sites as part of a nationwide network - with the Freedom Center at its hub - to share new research on the antebellum period and the stimulate ideas on how the lessons of history might apply to ongoing search for freedom today.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL will call on political, religious, community, union and business leaders to stand together to support the National Underground Railroad Freedom Center. NBCSL will aid in creating awareness for this national project by:

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1. Promoting use of underground railroad site preservation grants via the National Underground Railroad Network to Freedom act of 1998,.
2. Promote travel and tourism of underground railroad sites,
3. Promote the National Underground Railroad Freedom Center as an Educational Museum and Learning Center that will inspire guest and foster a renewed commitment to strengthen and promote freedom everywhere.
4. Seek state funding to support the Freedom Centers "Freedom Station Program". Funding will ensure the legacy of Americas Underground Railroad movement told in its true context. Supporting states will have research dollars to tell their stories of interracial cooperation and courage in the pursuit of freedom.

Sponsored by: Senator C.J. Prentiss (OH)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Elementary & Secondary Education

Certified by Committee Chair: Senator. C.J. Prentiss (OH)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-13**

**ADOPTING THE BLUEPRINT FOR ACTION “CLOSING THE ACHIEVEMENT GAP”**

**WHEREAS**, the Committee of Jurisdiction: Elementary & Secondary Education was commissioned by the President of National Black Caucus of State Legislators to develop a White Paper/Blue Print Call for action to discuss the academic achievement gap between Black and White Students; and

**WHEREAS**, a Committee of thirty-two National Black Caucus of State Legislators met in Gulfport, Mississippi on March 30 thru April 1, 2001 to develop this Paper; and

**WHEREAS**, the Committee of Jurisdiction: Elementary & Secondary Education of the National Black Caucus of State Legislators on Thursday, November 29, 2001, adopted and approved its comprehensive report on "Improving Educational Outcomes for African American Children"; and

**WHEREAS**, the Committee calls for National Black Caucus of State Legislators' members to use this book as a blue print for state legislative call for action, in their respective General Assemblies; and

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, strongly supports the Committee of Jurisdiction: Elementary & Secondary Education and adopts the blue print for action "CLOSING THE ACHIEVEMENT GAP/Improving Educational Outcomes for African American Children".

**BE IT FINALLY RESOLVED**, that this blue print is the official educational document of the National Black Caucus of State Legislators.

Sponsored by: Senator. C.J. Prentiss (OH)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Elementary & Secondary Education

Certified by Committee Chair: Senator. C.J. Prentiss (OH)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by: Representative James Thomas (AL), President



**ETHICS**





**Resolution 02-14**

**ETHICS AND RULES TRAINING FOR ALL STATE LEGISLATORS**

**WHEREAS**, African American elected and appointed officials, have been unfairly targeted for prosecution by prosecutors; and

**WHEREAS**, Ethics violations have become their weapon of choice; and

**WHEREAS**, African Americans must know, understand, and appreciate the details of the rules and regulations as it relates to Ethics in their chambers and respective states;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL mandates that all Black Caucuses shall regularly provide ethics and rules training to its' members;

**BE IT FURTHER RESOLVED**, that newly elected legislators shall receive ethics and rules training as provided by their State's Black Caucus. This training shall be in addition to any freshmen orientation as provided by the state.

Sponsored by: Senator Thelma Harper (TN) and Representative Harold James (PA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Ethics  
Certified by Committee Chair: Senator Thelma Harper (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**FAITH ROUNDTABLE AND E CLEARING HOUSE**



**Resolution 02-15**

**RESOLUTION TO SUPPORT ONGOING DIALOGUES AND MONITORING THE  
WHITE HOUSE INITIATIVE ON FAITH**

**WHEREAS**, the White House Administration under President George W. Bush announced the creation of the White House Office of Faith-based and Community Initiatives; and

**WHEREAS**, the White House Office of Faith-based and Community Initiatives was enabled through a Presidential Executive Order; and

**WHEREAS**, the Executive Order mandated the creation of faith offices within five federal agencies: Housing and Urban Development, the Department of Justice, the Department of Labor, the Department of Education and the Department of Health and Human Services; and

**WHEREAS**, the White House has issued two major documents explaining and analyzing the intent of the Faith Initiative: *Rallying the Armies of Compassion and the Report on Unlevel Playing Field: Barriers to Participation by Faith-Based and Community Organizations in Federal Social Service Programs*; and

**WHEREAS**, the White House has preferred that this Initiative supports social services particularly for poor and communities of color; and

**WHEREAS**, NBCSL members, in large measure, represent communities most in need of the social services addressed by the Initiative; and

**WHEREAS**, state legislators and public officials are obliged to make certain that taxpayer funds are spent in such a way as to maximize the benefit to constituents; and

**WHEREAS**, the United States Congress is considering federal enabling legislation; and

**WHEREAS**, state legislation, rules and procedures regarding any state or local implementation will have to be addressed by NBCSL and other state elected officials; and,

**WHEREAS**, NBCSL members are committed to the protection of member districts insuring adequate and improved social service support; and,

**WHEREAS**, issues of charitable choice, affirmative action and employment protections, first amendment provisions on the free exercise of religion are of paramount concern to NBCSL's deliberations regarding its position on the Faith Initiative; and

**WHEREAS**, NBCSL will carefully monitor provisions of charitable choice, affirmative action, employment practices, free exercise of religion and all civil rights issues holding the Administration accountable for the protection of civil rights;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators determines that these dialogues must continue to provide information to the NBCSL body and members; and

THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



**BE IT FURTHER RESOLVED**, that NBCSL support its Faith Roundtable's continued efforts to convene Dialogues on this Initiative at both a national and state level; and

**BE IT FURTHER RESOLVED**, that NBCSL consider this Initiative as a cross-cutting policy initiative that would impact many of the most pressing social issues and services, the traditional way funds have been distributed to communities and the process of devolution; and

**BE IT FINALLY RESOLVED**, that NBCSL keeps this Initiative in the forefront of the body's deliberation and promote continued dialogues and monitoring as to the Administration's position and implementation of the Initiative specifically regarding impact on NBCSL member districts.

Sponsored by: Senator Gerald A. Neal (KY)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Faith Round Table & E Clearinghouse Project

Certified by Committee Chair: Representative Mary H. Coleman (MS)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by: Representative James Thomas (AL), President



## **Health**



**Resolution 02-16**  
**CHILDHOOD IMMUNIZATION**

**WHEREAS**, vaccines are among the 20th century's most successful and cost-effective public health tools for preventing disease and death; and

**WHEREAS**, vaccines can be credited for saving more lives and preventing more illness than any other medical treatment; and

**WHEREAS**, increasing antibiotic resistance is dictating that we reassess policies on antibiotic use while improving our approach to include vaccination to prevent disease rather than treat it; and

**WHEREAS**, streptococcus pneumonia infects people of all ages, but primarily and most severely, infants and young children; and

**WHEREAS**, each year in the United States, pneumococcal disease accounts for an estimate 3,000 cases of meningitis; 50,000 cases of bacteremia; 500,000 cases of pneumonia; and 7 million ear infections; and

**WHEREAS**, children who attend daycare are at three times greater risk of contracting invasive pneumococcal disease; and

**WHEREAS**, national statistics suggest that 25-30 percent of all children are in daycare; and

**WHEREAS**, in February 2000, a pneumococcal conjugate vaccine was licensed by the FDA on a fast-track basis; and

**WHEREAS**, this vaccine was subsequently recommended by the Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP); and

**WHEREAS**, the Advisory Committee of Jurisdiction: Immunization Practices (ACIP) and the AAP recommend the use of the pneumococcal conjugate vaccine for all infants up through age 23 months of age, and further recommend its consideration for children 24 to 59 months of age, and identify children who attend daycare as being at higher risk for contracting this disease.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL believes that all children entering daycare should be immunized according to the approved 2001 immunization schedule (which includes the pneumococcal conjugate vaccine, among others); and respectively urges all healthcare providers and organizations to join the efforts of the CDC to reduce the rate of vaccine-preventable diseases through public health campaigns that promote immunization for all children, especially those participating in daycare programs.

Sponsored by: Senator C. J. Prentiss (OH)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-17**  
**PROPOSED AMENDMENT TO MEDICARE**

**WHEREAS**, in 1988, the congress included a provision in the Medicare Catastrophic Coverage Act that required states to pay the premiums, co-payments and deductibles for certain low-income individuals who were eligible for both Medicare and Medicaid; and

**WHEREAS**, NBCSL believed then, and continues to believe that the cost of Medicare coverage should be borne by the federal government and program beneficiaries. If additional low-income individuals are made eligible for the Medicare program through program reforms, including the establishment of a prescription drug benefit, the additional program costs should be 100 percent federally funded. NBCSL also opposes increases in Medicare cost-sharing that will shift those costs to state governments through Medicaid; and

**WHEREAS**, a number of states have established state-funded pharmaceutical assistance programs. NBCSL urges Congress to make certain that any prescription drug programs they develop complement or enhance these state efforts; and

**WHEREAS**, the absence of this critical benefit in the program is particularly serious due to the important role prescription medications play in patient care today.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, urge Congress and the Administration to establish a prescription drug program for Medicare beneficiaries. The prescription drug benefit should be part of Medicare and should be:

- **Comprehensive:** It should provide coverage for prescription drugs treating preventive, outline, and catastrophic medical needs
- **Universal:** Currently, 14.7 million seniors lack outpatient drug coverage, and another 4.4 million have inadequate Medigap coverage.
- **Guaranteed:** All seniors need the financial and medical protection of a benefit that is fixed and uniform across the states, structured in the same way as Medicare Part B outpatient benefits.
- **Affordable:** The beneficiary share of the premiums should be set nationally and should comprise no more than 50% of the total premium. Co-pays and deductibles should be fixed, uniform, and capped at an affordable level for all seniors.
- **Voluntary:** Participation is voluntary, like Medicare Part B.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President





**Resolution 02-18**  
**QUALITY OF PATIENT MEDICAL CARE**

**WHEREAS**, Quality patient medical care includes access to all FDA-approved prescription medicines; and

**WHEREAS**, New medicines are being developed and approved to treat diseases that were not treatable, or were poorly treated in the past, such as medicines for high blood pressure (11 medicines in development), Alzheimer's Disease (21 medicines in development) and Prostate Cancer (5 medicines in development); and

**WHEREAS**, Many new medicines are being developed for diseases and conditions that uniquely affect populations most likely to lack health insurance or be enrolled in Medicaid, including the elderly (18 medicines in development for heart failure) and the disabled (22 medicines in development for rheumatoid arthritis); and

**WHEREAS**, Some patient populations may face greater risks from lower-quality medical care for specific diseases and conditions, such as African Americans who are more likely than whites to develop serious complications from high blood pressure, or less aggressive treatment for cancer. Prior authorization or other limitations on quality health care may aggravate these poor medical outcomes by preventing access to the best quality medical care, including prescription drugs; and

**WHEREAS**, Many people without health insurance or enrolled in Medicaid have limited health literacy, which in turn limits their ability to recognize, and argue for quality medical care, including the drugs their health care providers recommend; and

**WHEREAS**, Prior authorization and other limitations that interfere with health care providers' choices for medical treatments discourage doctors, nurses, and other health care providers from serving the Medicaid population; and

**WHEREAS**, State agencies may select preferred drugs," which do not require prior approval, based on the medicines' effectiveness within the general population, without regard to their effectiveness for specific sub-populations, such as African Americans or Hispanic Americans; and

**WHEREAS**, The uninsured and Medicaid patients may be discouraged from beginning, or continuing, the recommended treatment process by delays in treatments that occur when health care providers must navigate the Medicaid or other state prior approval and appeal procedures; and

**WHEREAS**, Treatment delays while providers obtain required approvals also add to the concerns of patients and their families that they are receiving" second class medical care;"



**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001,** that the National Black Caucus of State Legislators supports legislation to ensure access to quality patient prescription drug and other health care by recognizing the central role of the patient's health care provider in the selection of medicines and other medial treatment options.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-19**  
**MEDICARE REIMBURSEMENT FOR VITAMIN D THERAPY**  
**FOR DIALYSIS PATIENTS**

**WHEREAS**, the Medicare carrier has proposed the "Vitamin D Analogs Draft Local Medical Review Policy (LMRP)," which implemented, will have a harmful effect on more than 16,000 dialysis patients in Florida, and would set a dangerous precedent affecting all Medicare Beneficiaries; and

**WHEREAS**, the policy will restrict the use of intravenous Vitamin D therapies used to treat patients who suffer from End-State Renal Disease (ESRD) and develop a potentially fatal condition called secondary hyperparathyroidism; and

**WHEREAS**, African Americans, who account for 41 percent of Florida's dialysis patients and are five times more likely than whites to be on dialysis, will disproportionately suffer the harmful effect of this policy; and

**WHEREAS**, Medicare is attempting to direct the type of care that patients receive from their physicians rather than honoring the physician's best judgment for appropriate medical treatment; and

**WHEREAS**, this policy will restrict Medicare reimbursement for intravenous therapies, forcing patients to switch to oral therapy with greater side effects; and

**WHEREAS**, even when patients have "failed" with oral treatment and are allowed to resume intravenous therapy, the carrier will reimburse for only the least costly intravenous medications, not the most clinically beneficial; and

**WHEREAS**, this policy will transfer the cost of oral treatment to beneficiaries, leaving many unable to afford treatment, especially minority beneficiaries who are far more likely than whites to rely solely on the traditional Medicare program for insurance protection; and

**WHEREAS**, African Americans represent approximately 12 percent of the nation's population but will suffer a greater share of harm from the policy because African Americans account for 32 percent of patients with End-State Renal Disease (ESRD); and

**WHEREAS**, the policy was developed in the interest of short term cost savings and not in the interest of Medicare beneficiaries; and

**WHEREAS**, all citizens must be protected from medical harm caused by organizations and government entities that make decisions to withhold care in order to limit spending;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators calls on the Center for Medicare and Medicaid Services to demonstrate its commitment to the health of its beneficiaries by supporting their physicians' right to prescribe the most appropriate medications; by directing the Florida Medicare carrier to withdraw its restrictive policy and by directing carrier organization in other states to avoid adopting such policies, or to repeal such policies if they already have been considered or adopted.

Sponsored by: Senator Roscoe Dixon (TN)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-20**  
**HEPATITIS**

**WHEREAS**, hepatitis A is the cause of considerable morbidity and is a substantial cost burden to society, mainly through medical care and loss of work; and

**WHEREAS**, from 1994 to 1997, hepatitis A infections increased in the U.S. by more than 34%, and between 11% and 22% of persons require hospitalization and, on average, infected adults lose 27 days of work. Hepatitis A infections contribute to more than 100 deaths yearly as result of acute liver failure; and

**WHEREAS**, hepatitis B is the cause of considerable morbidity and mortality and clear link has been demonstrated between chronic hepatitis B infection and the occurrence of hepatocellular carcinoma (cancer); and

**WHEREAS**, it has been estimated that approximately 1 million people in the United States have chronic hepatitis B infection, contributing to approximately 4,200 to 5,800 deaths yearly due to fulminant hepatitis, cirrhosis and hepatitis B-related hepatocellular carcinoma; and

**WHEREAS**, the death rate of African-Americans from Chronic Liver Disease and Cirrhosis exceed the national average by approximately 10%.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBSCL encourages and fully supports all state and local efforts to immunize all children against hepatitis B and to immunize all children who live in highly endemic areas against hepatitis A.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-21**

**HEPATITIS IMMUNIZATION, TESTING, AND TREATMENT FOR PRISONERS**

**WHEREAS**, hepatitis among the prison population is significantly higher than in the general population; and

**WHEREAS**, about five percent (5%), or one in twenty persons, in the United States population will serve time in prison; including twenty-eight percent (28%) of African American males, sixteen percent (16%) of Hispanic males and 4.4 percent of white males; and

**WHEREAS**, workers in prisons, because of the high incidence of hepatitis among the prisoners, are more susceptible to all strains of hepatitis; and

**WHEREAS**, 95% of prisoners are eventually released into their community; and

**WHEREAS**, according to the Center for Disease Control, nationally a staggeringly high 18% of prison inmates are infected with hepatitis C and by comparison only 1.5% of the general population has been diagnosed with hepatitis C; and

**WHEREAS**, immunizing prisoners and workers in prison against hepatitis A and B protects not only prisoner, but more importantly protects the general community at large; and

**WHEREAS**, the Center for Disease Control is in the process of drafting guidelines for immunizing prisons and correction workers against hepatitis;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, urge its members to pass public policy that requires the hepatitis testing, of all prisoners and correctional staff.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-22**

**UNIVERSAL COVERAGE FOR DIABETES TREATMENT AND EDUCATION**

**WHEREAS**, Diabetes is a serious, costly and increasingly common chronic disease that affects nearly 16 million Americans and millions more are at risk for the disease. Diabetes contributes to almost 200,000 deaths a year and is the sixth leading cause of death by disease in the United States. Diabetes causes preventable complications that can be life threatening. Diabetes is a leading cause of blindness, kidney failure, leg and foot amputations, pregnancy complications, and death related to flu and pneumonia. The leading causes of death in people with diabetes are heart disease and stroke. The direct and indirect costs of diabetes are over \$100 billion a year. Minority populations, including African Americans, suffer from diabetes at rates much higher than the general population and have the highest rates of complications of the disease; and

**WHEREAS**, African Americans are 1.7 times more likely to have diabetes than Non-Latino White; and

**WHEREAS**, twenty-five percent of African Americans between the age of 65 and 74 have diabetes; and

**WHEREAS**, one in four African American women over 55 years of age has diabetes and diabetes ranks as the 4th leading cause of death among African American women; and

**WHEREAS**, the increase in diabetes between 1980 and 1996 was highest among African American men where a 50% increase occurred; and

**WHEREAS**, African Americans experience higher rates of some of the serious complications of diabetes- being twice as likely to suffer from diabetes-related blindness, 1.5 to 2.5 times more likely to suffer from lower limb amputations and 2.6 to 5.6 times more likely to suffer form kidney disease; and

**WHEREAS**, African Americans are two times more likely than whites to dies of diabetes; and

**WHEREAS**, undiagnosed and poorly controlled diabetes increase the likelihood of serious complications; for every two persons who are aware of their illness, there is one person who remains undiagnosed; and

**WHEREAS**, early detection, improved care, and diabetes self-management education are key strategies for preventing diabetes-related complications;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBSCL supports universal and comprehensive coverage for diabetic pharmaceuticals and services including medicines, equipments, supplies, education and diabetes self-management training for all patients.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-23  
DENTAL AMALGAM**

**WHEREAS**, the major ingredient of dental amalgam (43 to 54%) is mercury; and

**WHEREAS**, mercury is an acute neuro-toxin; and

**WHEREAS**, each mercury amalgam filling contains about one-half to three-fourths grams of mercury, the same amount of mercury as is in a mercury thermometer; and

**WHEREAS**, the mercury in dental amalgam continually emits poisonous vapors while in the dental filling; and

**WHEREAS**, the term "silver" to describe a product that has substantially more mercury than silver does not accurately convey needed information to consumers; and

**WHEREAS**, mercury is being removed from all other health care uses, such as vaccines, disinfectants, and contact lenses. Many health organizations, such as the American Public Health Association, the California Medical Association, and Health Care Without Harm, recommend removing mercury from all health products; and

**WHEREAS**, children under 18, pregnant women, and nursing mothers may be at particular risk to mercury exposure, because the mercury goes to the developing brain, through the placenta, and through the breast milk, according to the Agency for Toxic Substances and Disease Registry of the United States Public Health Service. Several authorities, including manufacturers who have issued contraindications and the Government of Canada, warn that children and pregnant women are at particular risk for exposure to mercury amalgam; and

**WHEREAS**, consumers and parents have a right to know, in advance, that, in the words of the California Dental Board: "There exists a diversity of various scientific opinions regarding the safety of mercury dental amalgam"; and

**WHEREAS**, alternatives to mercury-based dental fillings exist, such as resin composite and porcelain; and

**WHEREAS**, Medicaid and many third-party payment health plans do not allow consumers to choose alternatives to mercury amalgam, so poor children's only options are mercury fillings or no fillings at all; and

**WHEREAS**, the states of Arizona, California, and Maine have passed laws providing warnings to consumers about the risks of "silver" (mercury) dental amalgam, and Rhode Island has passed a law giving consumers on insurance plans full choice on the type of fillings they may have;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, the National Black Caucus of State Legislators recommends:

- States enacts laws providing warnings to all consumers that Silver fillings are about 50% mercury, a neuro-toxin and environmental hazard;





- States publicize that there exists a diversity of various scientific opinions regarding the safety of mercury dental amalgam;
- States make public the particularized concern which have been expressed regarding the health effects on children, pregnant women, and nursing mothers;
- States enact laws to provide choices to all consumers, so that Medicaid families and moderate-income consumers on insurance plans will be able to choose alternatives to mercury amalgam.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-24**  
**CONSUMER INCLUSION IN HIV SERVICES**

**WHEREAS**, consumers of HIV and AIDS services have been excluded from the organization management, planning, and service delivery; and,

**WHEREAS**, agencies should be required to include consumers of HIV/AIDS services as full participants with the same rights as other members; and,

**WHEREAS**, marginalized racial and economic minorities and other disenfranchised individual consumers have been excluded as full participants in the development and delivery of HIV/AIDS services; and,

**WHEREAS**, there should be a direct correlation between consumers and providers, agency boards, committee; and staff s should reflect the cultural, racial and ethnic communities that they serve; and,

**WHEREAS**, recruitment and retention of a cultural diverse organization should be included in the organization's planning process and agencies which do not meet this goal should be reviewed for continuation of funding;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL promotes and strongly encourages passage of legislation to ensure the inclusion of all consumers in the development and delivery of services to persons with HIV/AIDS.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Health  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**HEALTHCARE REFORM**



**Resolution 02-25**  
**URBAN COALITIONS**

**WHEREAS**, Black Americans state of health is directly impacted by a system of health care delivery and its accessibility that are inadequate to sustain their life's quality and longevity. Compared to White Americans, Black Americans suffer disproportionately from heart disease, strokes, cancer, diabetes and many other diseases. The persistent contrast as indicated in key health indicators, reveals eighty percent of mortality rates is shown of Black Americans and other minorities. There is an urgent need to thoroughly study the health conditions of Black Americans, including social, economic, environment, and cultural factors. The surrounding health issue and its role are paramount in this crisis.

**WHEREAS**, with the onset of America's new priorities resulting from the economic demands of the new war, governmental funding for Health and Human Services and the redirection of philanthropic resources will require strengthening independent capabilities.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, in response to these societal changes and its impact on health problems facing Black Americans, initiate the formation of coalitions would seek to implement key reform to address these results. The goal of a coalition would be solely based on the people, and would be formed to collaborate and address phenomena of health practices and outcomes for African Americans, as follows: first, to build partnerships on a local and grass roots level. Secondly, to establish an organizational stronghold with credible and viable infrastructure, and thirdly, to build consensus, and form linkage to tackle the health problems confronting Black Americans. Subsequently, such multiple partnering and inter-organization interactions would increase the chance for achievement.

**BE IT FURTHER RESOLVED**, that historically differential healthcare for Black Americans has been a prime factor motivating the organization of alliances representing health professionals, scholars, historians, government and legal sectors, faith based institutions, health advocates and the lay public. The coalition would provide strong central league, historical Black Colleges, Black Churches, Black Legislative Caucus', National Caucus on Black Aged, and others to address the lack of health promotion efforts and health inequities in predominantly Black American Communities.

**BE IT FURTHER RESOLVED**, that there be a recognition of the need for internal funding sources, the coalition will, advocate for continual state and federal governmental support of Health and Human Services budgetary line items. Moreover, if necessary, the coalition would increase its awareness and presence in political circles to empower it and the recipients of the services. Additionally, the coalition will also seek the assistance of the private sector, volunteers, and the philanthropic community for possible financial support;

**BE IT FINALLY RESOLVED**, that overall, the organization of coalitions to improve the health condition of Black Americans would foster commitment and resolution toward establishing parity with other Americans.

Sponsored by: Representative Gloria Fox (MA)

Approved Thursday, November 29, 2001 by the Task Force on Healthcare Reform  
Certified by Acting Committee Chair: Senator Roscoe Dixon (TN)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-26**  
**INFANT MORTALITY**

**WHEREAS**, based on the fact that infant mortality is a problem continuing to plague the African American community, legislation will be introduced shortly in the Pennsylvania House of Representatives establishing an Infant Mortality Reduction Fund; and

**WHEREAS**, statistics show that white Americans adults still tend to live longer than African American adults, fortunately the gap between the groups is narrowing. However, statistics also show that the gap between the death rates of African American infants and white American infants not only persists, but continues to widen; and

**WHEREAS**, according to the Department of Health, infant mortality rates are more than twice as high for African-Americans (14.6 infant deaths per 1,000 live births in 1999) than for whites (5.8 infant deaths per 1,000 live births). There were 8,822 infant deaths in 1999; and

**WHEREAS**, infant mortality is related to many factors surrounding birth, including the health of the mother, prenatal care, quality of the health services delivered to the mother and infant care; and

**WHEREAS**, education and medical advances are the best weapons to fight infant mortality and more resources targeted to those areas where unacceptably high infant mortality rates exist within the African American community are urgently needed;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL is concerned about the disturbingly high infant mortality rate within the African American community;

**BE IT, FURTHER RESOLVED**, that NBCSL members are encouraged to introduce legislation in their respective states.

Sponsored by: Ronald G. Waters (PA)

Approved Thursday, November 29, 2001 by the Task Force on Healthcare Reform  
Certified by Acting Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-27**  
**HUMAN GENOME PROJECT**

**WHEREAS**, the Human Genome Project is a federally funded effort that will help reveal some of the long-held secrets of the human body by mapping and sequencing the estimate 80,000 genes in the human gene sequence. The project further analyzes the genetic materials, or genomes, that determine individual's characteristics at the most fundamental level; and

**WHEREAS**, the Human Genome project holds significant promise in aiding in the prevention and cure of a number of diseases inflicting African Americans in disproportionate number, including sickle cell anemia, diabetes, hypertension, blood disorders, prostate, as well as breast cancer, and cystic fibrosis; and

**WHEREAS**, while well-intentioned, the discoveries involved in the Human Genome Project raises a number of question, including:

- Can insurer carriers obtain DNA information?
- Will insurers be able to obtain DNA information for those not covered by insurance?
- Could employers use gene information to hinder or prevent employment?
- Could privacy rights be easily violated?
- What regulations will affect the disclosure of individual genetic information? and

**WHEREAS**, much of the new DNA information developed from the Human Genome Project could also impact the criminal justice system -- a system slanted against minorities, who are disproportionately incarcerated throughout the nation; and

**WHEREAS**, it is important that the African American community be educated and informed of the economics, social, ethical, political and legal ramifications of genome research;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that members are encouraged to hold seminars, meeting, and/or conferences in their individual states so as to inform the African American community of the pros and cons of the Human Genome Project. Such event can be modeled after the 2001 Pennsylvania Legislative Black Caucus Annual Summit held October 4-7, 2001 in Philadelphia, PA that explore the topic;

**BE IT FURTHER RESOLVED**, that NBCSL members propose legislation in their individuals state legislatures to address the issue of the dissemination of genetic information, recognizing the potential for discrimination against African Americans in particular, including ensuring that there be legislative oversight of the business associated with Human Genome Project.

Sponsored by: Representative LeAnna M. Washington, PA

Approved Thursday, November 29, 2001 by the Task Force on Healthcare Reform  
Certified by Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-28**  
**MEDICARE DISCOUNT CARD PROGRAM**

**WHEREAS**, nearly thirty percent (30%) of senior citizens in the United States do not have any prescription drug coverage;

**WHEREAS**, an estimated 80% of retirees use a prescription drug every day;

**WHEREAS**, Medicare recipients without prescription coverage spend an average of \$546 per day for outpatient medicines;

**WHEREAS**, Medicare, the federal insurance program for seniors, does not provide coverage for most outpatient drugs; and

**WHEREAS**, Congress is currently considering proposals to ask a prescription drug benefit to Medicare, but this issue is still being debated and uninsured low-income seniors need relief now; and

**WHEREAS**, to help address this critical gap in health care coverage, GlaxoSmithKline has introduced its Orange Card program to offer savings on its outpatient prescription medicines directly to seniors and the disabled enrolled in Medicare who are low-income and have no private or public insurance coverage for prescription medicines;

**WHEREAS**, the Orange Card is designed so that participants will realize an average savings of 30% off the usual price the pay for outpatient GSK medicines and, in some cases, savings of 40% or greater;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL endorses GlaxoSmithKline's *Orange Card Prescription Savings Program*.

Sponsored by: Senator Roscoe Dixon (TN)

Approved Thursday, November 29, 2001 by the Task Force on Healthcare Reform  
Certified by Acting Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President





**Resolution 02-29**  
**AIDS AND THE HOME CARE WORKER**

**WHEREAS**, persons with AIDS are consumers of in-home community based services funded through Medicare and Medicaid, and other public and private sources; and

**WHEREAS**, persons with AIDS have the right to high quality services in the least restrictive setting, particularly one's own home; and

**WHEREAS**, personal care workers comprise one of the most dedicated, hardest working and lowest paid segments of the burgeoning health care sector workforce; and

**WHEREAS**, 90 percent of personal care workers are women and over half identified themselves as black (33.8%), Hispanic or an ethnic group other than white (17.5%); and

**WHEREAS**, the average hourly wage of \$7.50 for personal care providers, also known as home care aids, is inadequate and below the average wage for comparable health and human service occupations, including aides, orderlies and attendants who work in hospitals and nursing homes; and

**WHEREAS**, close to half of all personal care providers do not have health insurance, and many are denied basic rights under the Fair Labor Standards Act because they are labeled companions; and

**WHEREAS**, personal care providers face more on-the-job hazards than other healthcare workers. A 1998 survey of HIV and hepatitis risks among home care workers conducted by OSHA found that one in three home care workers surveyed were not given gloves by their employer and over half of home care workers face a risk of disease or infection from attending to bowel and bladder needs of clients (51.4%); and

**WHEREAS**, shortages of personal care and other long-term care workers were identified by over 40 states in a 1999 survey conducted by the State of North Carolina; and

**WHEREAS**, legislators, home care workers, and people with AIDS and other consumers with disabilities in California, Oregon and Washington have begun working to improve wages and benefits, provide appropriate training and offer a voice at work through a consumer-directed public authority.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that its members work to raise the workplace standards of personal care workers in every state by promoting a living wage, health insurance coverage, and other job-based benefits for workers and their families, and affordable, adequate training and educational opportunities through the workplace, including HIV and hepatitis protections.

**BE IT FURTHER RESOLVED** that NBCSL members support the rights of home care workers to join together to collectively bargain for improvements in wages and benefits through publicly sponsored initiatives including the public authority system in California.

Sponsored by: Healthcare Reform Committee

Approved Thursday, November 29, 2001 by the Task Force on Healthcare Reform  
Certified by Acting Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-60**

**The Prevalence of Diabetes in the African American Community**

**Whereas**, diabetes is a disease that affects the body's ability to produce or respond to insulin and is the sixth leading cause of death and fifth-leading cause of death by disease in the United States; and

**Whereas**, diabetes is a disease with serious complications including blindness, kidney disease, amputations, heart attack and stroke and has no cure; and

**Whereas**, approximately 2.3 million or 10.8% of all African Americans have diabetes, and one-third of them do not know it; and

**Whereas**, African Americans are 1.7 times more likely to have diabetes, than Non-Hispanic Whites, twenty-five percent of African Americans between the ages of 65 and 74 have diabetes. ; and

**Whereas**, One in four African American women over 55 years of age has diabetes and African Americans are twice as likely to suffer from diabetes-related blindness; and

**Whereas**, Diabetes is the most frequent cause of non-traumatic lower limb amputations and among people with diabetes, African Americans are 1.5 to 2.5 times more likely to suffer from lower limb amputations; and

**Whereas**, Ten to twenty-one percent of all people with diabetes develop kidney disease and African Americans with diabetes are 2.6 to 5.6 times more likely to suffer from kidney disease (end stage renal disease) each year; and

**Whereas**, 90 - 95 percent of African-Americans with diabetes have type 2, which is preventable, and two main risk factors increase the chance of developing type 2: Genetics components and lifestyle, including obesity. Type 2 diabetes could greatly be lowered within the African-American Community through proper diet and exercise. Education on healthy eating is crucial to fighting the current twin epidemics of diabetes and obesity with the African-American community; and

**Whereas**, the Diabetes Control and Complications Trial, a multi-million dollar clinical research effort funded by the National Institutes of Health, proved beyond a shadow of a doubt that keeping blood sugar in the normal range helps to prevent the complications of diabetes; and

**Whereas**, diabetes is a significantly self-managed disease requiring constant attention on the part of the patient and access to the tools needed to manage the disease; and

**Whereas**, appropriate insurance coverage of the necessary diabetes supplies, equipment and education is the only way to ensure that people with diabetes have access to the tools they need to prevent the deadly and costly complications of diabetes; and

**Whereas**, 43 states have already enacted state legislation mandating state-regulated insurance plans to

## THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



cover the medically necessary supplies, equipment and education needed to self-manage diabetes.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001,** that NBCSL supports efforts in the remaining states to require that insurance providers cover the necessary supplies, equipment and education needed to appropriately self-manage this deadly, serious and costly disease.

Sponsored by: Healthcare Reform Committee

Approved Thursday, November 29, 2001 by the Task Force on Healthcare Reform  
Certified by Acting Committee Chair: Senator Roscoe Dixon (TN)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**HOUSING**



**Resolution 02-30**

**NBCSL 2001 HOUSING POLICY RESOLUTION**

**WHEREAS**, African American homeownership continues to lag behind the rates of majority populations. Despite the fact that minority homeownership grew four times faster than for whites in the 1990s, the African American homeownership rate is still only 46.7 percent, lagging far behind the 73 percent rate for white families and 67 percent for the nation as a whole; and

**WHEREAS**, The Congressional Black Caucus Foundation (CBCF) has launched the new initiative, *With Ownership Wealth (WOW)*, to promote African American Homeownership; and,

**WHEREAS**, the *WOW* initiative is being launched in the 37 Congressional Black Caucus member districts covering 22 states and territories including Alabama, California, Florida, Georgia, Indiana, Illinois, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Virgin Islands, and Washington, DC. and

**WHEREAS**, this program is designed to communicate the many opportunities that exist for our people to become homeowners and has a goal to add one million African American to the roll of homeowners in the U.S. by 2005; and

**WHEREAS**, the CBCF is reaching out to the NBCSL and asking our members to join as partners to promote African American homeownership along with the Congress of National Black Churches, National Association of Urban Bankers, the National Association of Black Mayors and to encourage participation by the financial institutions, trade associations, mortgage insurance companies, realtors, and community-based organizations in our communities; and

**WHEREAS**, part of the mission of the NBCSL Housing Committee is to promote public policies that serve as a catalyst for the development of affordable, attractive and accessible housing in our communities and to communicate the opportunities of home ownership, how to achieve home ownership, and how to establish a solid credit history to build wealth and buy homes.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL will establish a formal relationship with the CBCF to promote the *WOW* initiative in cooperation with members of the Congressional Black Caucus to create homeownership opportunities for African American families and make a tangible difference in revitalizing communities throughout this country; and

**BE IT FURTHER RESOLVED**, that NBCSL recognizes the need for improved financial literacy among consumers, and the Housing and Education committees of NBCSL shall work to bring together civic, business, and community leaders to develop initiatives to ensure that consumers have access to the information and tools they need to build solid financial futures and to help African American realize their dreams.

Sponsored by: Assemblywoman Gloria Davis (NY)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Housing  
Certified by Committee Chair: Assemblywoman Gloria Davis (NY)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Ratified in Plenary Session, Friday, November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**HUMAN SERVICES**



**Resolution 02-31**  
**HUNGER IN THE UNITED STATES**

**WHEREAS**, the United States Census Bureau and Department of Agriculture (USDA) data confirm that, despite the nation's prosperity, thirty-one million Americans - twelve million of them children - still suffer from hunger or live on the edge of hunger (technically "food insecure"); and

**WHEREAS**, African-American and Hispanic households suffer higher than national average rates of food insecurity; and

**WHEREAS**, local emergency food program operators report a continuing strong need and long lines of working families, children, elderly, and legal immigrants in need of food assistance; and

**WHEREAS**, America's Second Harvest's "Hunger in America 2001" reports that their food bank network of emergency food providers served 23 million people a year (9 percent more than were served in 1997) and over 9 million of those served were children; and

**WHEREAS**, hunger is a national problem that undermines the ability of children to learn and grow, of adults to be productive, and of elderly persons to live in dignity; and

**WHEREAS**, our nation has the resources to end hunger in the United States; and

**WHEREAS**, the federal Food Stamp Program and other federal nutrition programs can be effective weapons in the fight against hunger; and

**WHEREAS**, unfortunately, in 1996, Congress made deep cuts in the Food Stamp Program, cutting eligibility for some and benefits for all; and

**WHEREAS**, current food stamp allotments are so low that recipients report they run out of benefits in the second or third week of the month; and

**WHEREAS**, statutory gaps leave the Food Stamp Program unable to serve very vulnerable populations, especially many legal immigrants, certain jobless adults willing to work, and people with drug convictions who are trying to turn their lives around; and

**WHEREAS**, many families leaving cash assistance are struggling at low-paying jobs and often remain eligible but are not receiving food stamp benefits; and

**WHEREAS**, the USDA reports that four in ten persons eligible for food-stamp benefits are not receiving them; and

**WHEREAS**, the Food Research and Action Center reports that Food Stamp Program monthly participation dropped by 7.1 million persons between August 1996 and August 2001; and

**WHEREAS**, lack of information to potentially eligible clients and overly restrictive state practices were identified by the General Accounting Office (GAO) as being factors contributing to the large drop in Food Stamp Program participation in recent years; and

**WHEREAS**, in its report released August, 1999, GAO warned, "there is a growing gap between the number of children living in poverty - an important indicator of children's need for food assistance - and





the number of children receiving food stamp assistance;" and

**WHEREAS**, the Food Stamp Program is due to be reauthorized by October 2002; and

**WHEREAS**, legislation (S. 583, H.R. 2142) introduced in the Senate by Senators Kennedy, Specter, Leahy, Jeffords, Graham, and Chafee and in the House by Representatives Walsh, Clayton, Levin, B. Thompson and others would restore food stamp benefits for needy legal immigrants, increase the monthly minimum benefit from \$10 to \$25, assist families with children, support outreach and make other nutrition investments; and

**WHEREAS**, in July 2001 FRAC, America's Second Harvest, and American Public Human Services Association identified a common agenda for improvements and investments in the Food Stamp Program; and

**WHEREAS**, on October 5th the House of Representatives approved a Farm Bill (H.R. 2646) that reauthorizes the Food Stamp Program for ten years and provides \$3.6 billion in new ten-year funding to improve the Program; and

**WHEREAS**, Senator Lugar has introduced a Farm Bill (S. 1571) that would reauthorize the Food Stamp Program for five years and provide new investments in nutrition programs totaling \$10 billion on a ten-year basis; and

**WHEREAS**, on November 14th the Senate Agriculture Committee approved the nutrition title of the Farm Bill (S. 1628) offered by Chairman Tom Harkin (D-IA), which, among other things, would reauthorize the Food Stamp Program for five years and provide new investments in nutrition programs totaling \$6.2 billion on a ten-year basis; and

**WHEREAS**, the Harkin nutrition title would provide significantly more dollars than the \$3.6 billion in the House-passed Farm Bill (H.R. 2646) but less than the \$10 billion proposed in Senator Richard Lugar's (R-IN) legislation (S. 1571); and

**WHEREAS**, 1628's Food Stamp Program provisions include restoring benefits for certain vulnerable legal immigrants (those with U.S. work history of 16 quarters; children; disabled persons; and refugees and asylees); allowing jobless, childless adults seeking work benefit eligibility for six out of 24 months; giving states an option for a six month transitional benefit for persons moving from cash assistance; reforming the quality control system that evaluates state program operation; and simplifying certain program rules.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators calls for immediate and longer term actions to further strengthen the nutrition safety net to assist families and communities:

1. NBCSL calls on lawmakers to reauthorize the federal Food Stamp Program maintaining it as a federal entitlement program and improving access to and adequacy of benefits.
2. NBCSL applauds the leadership of the above-identified Members of Congress and their additional co-sponsors for their leadership in sponsoring legislation to make significant investments in the Food Stamp Program.



3. NBCSL particularly commends Representative Clayton for her continued leadership on behalf of hungry Americans, including most recently through her work to secure at least \$3.6 billion in new ten-year funding for the nutrition title of the House Farm Bill (H.R. 2646) and for her efforts to improve on that figure when the bill goes to conference committee;

4. NBCSL finds that the nutrition funding in the Senate Agriculture Farm Bill (S. 1628) is a marked improvement over that in the House-passed Bill (H. R 2646) but falls short of meeting the full need of people and communities;

5. NBCSL urges Senators to support at least \$6.2 billion in new funding for the nutrition title; urges Senators to support even more funding to more adequately address need; and urges that strong funding for the nutrition title be made a top priority for House/Senate Farm Bill Conferees.

6. NBCSL urges the USDA Food Stamp Program Reauthorization include appropriated funding study that allocates 3.5 million R&D awards to HBCU and 1890 Land grant colleges for food, insecurity, and dietary intake studies.

Sponsored by: Senator Gwen Moore (WI)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Human Services  
Certified by Committee Chair: Senator Gwen Moore (WI)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-32**  
**REAUTHORIZATION OF TEMPORARY ASSISTANCE FOR**  
**NEEDY FAMILIES (TANF) PROGRAM**

**WHEREAS**, poverty persists even in periods of robust economic growth; and

**WHEREAS**, welfare reform has not yet proven to sufficiently meet the needs of low-income families during periods of economic recession; and

**WHEREAS**, families who have left welfare for low-wage work continue to struggle and face ongoing barriers to true self-sufficiency; and

**WHEREAS**, many families have left welfare without having obtained employment or are underemployed and lack access to other means of support; and

**WHEREAS**, many families remaining on welfare face time limits on their receipt of cash assistance in spite of multiple, substantial long-term employment barriers; and

**WHEREAS**, the nationwide reduction in welfare caseloads has not been accompanied by a corresponding precipitous reduction in poverty, nor by substantial nationwide improvement in the well-being of children in low-income families; and

**WHEREAS**, there is evidence of discrimination, racial profiling, and disparate racial outcomes within public assistance programs since the inception of TANF; and

**WHEREAS**, the federal poverty measurement grossly underestimates the real cost of basic needs (e.g. food, shelter costs, child care, energy, medical, and transportation); and

**WHEREAS**, TANF has had the unintended consequence of ending financial support of children raised by non-legally responsible relatives and creating undo financial hardship.

THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001, to call upon Congress to include the following measures in its 2002 reauthorization of Temporary Assistance for Needy Families (TANF) program:

- Increase current TANF funding levels to reflect COLA adjustments and identified needs;
- Expand resources for providing supportive services to low-income working families;
- Redefine goals and outcomes of the TANF program to emphasize poverty reduction rather than caseload reduction;
- Establish a safety net for families with severe and/or multiple barriers to self-sufficiency;
- Mandate states to include education and job training activities as fulfilling participant work requirements (minimum of high school equivalency and one year post-secondary).
- Restore all public benefits to legal immigrants abrogated as a result of PRWORA.

## THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



- Eliminate time limits on receipt of TANF assistance for all participants complying with program requirements, particularly during times of economic recession.
- Enforce existing civil rights laws to ensure TANF participants' rights are protected.
- Provide mandatory training and education for TANF caseworkers to ensure TANF participants are apprised of all services and options.
- Direct resources to further investigate, document, and remedy disparate racial outcomes.
- Adopt a new federal poverty measurement that accurately reflects the real cost of basic living expenses (e.g. food, shelter costs, child care, energy, medical, and transportation).
- Restore entitlement status to child-only cases.

Sponsored by: Senator Gwen Moore (WI)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Human Services  
Certified by Committee Chair: Senator Gwen Moore (WI)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-33**

**COLLABORATION BETWEEN BLACK AND HISPANIC LEGISLATORS  
REGARDING TANF IMPLEMENTATION**

**WHEREAS**, state legislatures have the challenge of implementing innovative programming pursuant to federal TANF guidelines; and

**WHEREAS**, the well-being of families is affected by effective implementation of TANF; and

**WHEREAS**, TANF policy has a disproportionate impact on people of color.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that National Black Caucus of State Legislators calls for immediate and long-term action:

1. To strengthen the collaboration with National Hispanic Caucus of State Legislators regarding effective implementation of TANF Programs; and
2. For NBCSL to conduct regional information seminars highlighting best practice models and providing TANF
3. Programming and services to people of color (either alone or in conjunction with NHCSL and/or NCSL).

Sponsored by: Representative Karen Carter (LA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Human Services  
Certified by Committee Chair: Senator Gwen Moore (WI)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**INSURANCE**



**Resolution 02-34**  
**SMALL FACE LIFE INSURANCE**

**WHEREAS**, it has come to light as the result of several state insurance department investigations that some companies are marketing small amount life insurance policies (\$15,000 or less) where the total premiums paid can exceed the amount of the death benefit in a relatively short period of time (ten years or less). These so-called “upside-down” policies are frequently marketed to minorities and the poor who are often unaware that they will pay substantially more in premiums than the value of the death benefit; and

**WHEREAS**, The National Association of Insurance Commissioners (NAIC) established the Small Face Working Group to complete a regulatory analysis of this market segment to determine whether policy-holders received adequate disclosure and receive fair value in return for premium paid; and

**WHEREAS**, the NAIC Small Face Working Group in an interim meeting in August, 2001 by a 6-5 vote agreed to cease any further actuarial analysis regarding whether the relationship between the pricing of small face policies and the value received by insured’s is reasonable and opted instead for the formulation of model disclosure regulations; and

**WHEREAS**, it is strongly believed by the National Black Caucus of State Legislators that disclosure alone may not be adequate to safeguard and protect consumers in this market segment and that it is essential for regulators as well as members of the general public to know whether there is a reasonable relationship between the pricing of these policies and the value received and further whether actuarial and expense experience supports the current pricing of small face amount life insurance policies.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators urge the NAIC Small Face Working Group to reconsider its previous vote and reinstate the actuarial study of this most important issue. Further, the Caucus urges individual insurance department of the various states to implement either individually or jointly an actuarial study and to make legislative recommendations on the basis thereof, should the NAIC refuse to do so.

Sponsored by: Representative Helen Giddings (TX)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Insurance  
Certified by Committee Chair: Representative John Hilliard (AL)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-35**  
**RACE-BASED PRICING**

**WHEREAS**, up until the mid-1960's, the practice of the charging African-Americans more in premium than similarly situated Caucasian individuals in the sale of small amount or industrial life insurance policies was widespread. Beginning in the 1940's, some companies began abandoning race-based pricing. This trend accelerated in the 1960's with the passage of the Civil Rights Acts and by the early 1970's most insurers had discontinued the practice altogether; and

**WHEREAS**, although most companies had ceased race-based pricing for new life insurance sales occurring after the early 1970's, very few, if any, insurers sought to adjust African American policies sold prior years to achieve racial parity. It is this refusal, which forms the basis of the private litigation and state regulatory enforcement actions. The collection of premium tainted by race-based pricing continues to this day; and

**WHEREAS**, to date only eleven states explicitly forbid racial discrimination in connection with the sale of life insurance. CA (1969); CN (1887); DE ( ); MA (1884); MI (1893); MN (1895); NJ (1902); NM (1984); NY (1891); OH (1889); R.I. (1931); TX (1991). Passage of legislation specifically prohibiting race-based pricing and other discriminatory conduct in the sale of life insurance would materially assist in advance the efforts of those states who have initiated or intend to initiate enforcement actions to put a stop to this manifest and continuing injustice; and

**WHEREAS**, numerous companies are suspected of these practices and could owe people of color over one billion dollars in reimbursement and only one company, American General has settled for \$220 million.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators urges those states who have not already done so, to enact legislation prohibiting racial and other discrimination in the sale of life insurance and offers the following as a model to that end:

Sec 1. Prohibitions. No person shall engage in any practice of unfair discrimination, which is defined in this article or is determined pursuant to this article to be a practice of unfair discrimination in the business of insurance.

Sec. 2 Unfair discrimination defined. "Unfair discrimination" means: Refusing to insure; refusing to continue to insure; limiting the amount, extent, or kind of coverage available; or charging an individual a different rate for the same coverage because of race, color, religion, or national origin.

Sec. 3. Create awareness of the issue of race based insurance and work with state departments of insurance to see that persons who have been victimized and discriminated against by insurance companies are reimbursed and made whole.

Sponsored by: Representative Helen Giddings (TX)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Insurance  
Certified by Committee Chair: Representative John Hilliard (AL)



# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**INTERNATIONAL AFFAIRS**



**Resolution 02-36  
TOLERANCE RESOLUTION**

**WHEREAS**, NBCSL is concerned about the increasing harassment of Muslims and Arabs in the aftermath of the terrorist attacks in our country, as evidenced by the complaints that the United States Commission on Civil Rights has received from Arab and Muslim Americans who have been harassed; and

**WHEREAS**, NBCSL believes it is important not to single out any religious or ethnic community and not to compromise anyone's civil rights and civil liberties, as we continue to search for the perpetrators of the atrocious attack of September 11; and

**WHEREAS**, there have been a significant number of anti-Muslim incidents since the attacks, according to the Council of American-Islamic Relations; and

**WHEREAS**, these attacks against Muslims and Arabs include acts of violence, coercion, intimidation, discrimination; and

**WHEREAS**, NBCSL strongly believes that tolerance was one of the founding principles of our country; and

**WHEREAS**, NBCSL notes that a number of prominent leaders and the U.S. Senate have condemned the isolation and targeting of Arab and Muslims in our communities.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001, that NBCSL:**

**CALL on** Congress and state legislators to secure and guarantee the civil rights and civil liberties of all Americans.

**CALL on** federal and state lawmakers and law enforcers to ensure speedy and effective remedies if any person's civil rights or civil liberties are violated.

**CALL on** political, religious, community, union and business leaders to stand with targeted groups to speak out against bigotry and in particular issue public statements against the American Arab and Muslim backlash.

**CALL on** Congress to make the passage of the Hate Crimes Prevention Act (HCPA) a high priority.

**ENCOURAGE** state legislators to support all efforts of the Civil Rights Division's National Origin Working Group towards combating violations of federal civil and criminal rights laws affecting individuals perceived to be of Middle Eastern descent and of any other ethnicity.

Sponsored by: Representative Reginald Beamon (CT)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: International Affairs  
Certified by Committee Chair: Representative Reginald Beamon (CT)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-37  
STUDY ABROAD**

**WHEREAS**, NBCSL Resolution 00-24 called for NBCSL to use its web pages and other methods to inform students attending colleges and high schools across the nation about opportunities for study abroad in Africa and the Caribbean; and

**WHEREAS**, in April 2001 several members of NBCSL from New York State organized and attended a Summit meeting in Santo Domingo for the purpose of signing a Memorandum of Understanding between the New York State Education Department and the Ministry of Education in the Dominican Republic to collaborate on sponsoring projects to improve education for students in both countries; and

**WHEREAS**, in spring 2001 the New York State Black and Puerto Rican Legislative Association Inc., raised the money to sponsor 12 high school students to participate in the first summer pre-college study abroad scholarship program in the Dominican Republic; and

**WHEREAS**, the Vice President of the Dominican Republic who also serves as Secretary of State for Education has sent a request to President Thomas for the NBCSL to request its members to help the government of the Dominican Republic establish Memoranda of Understanding (MOUs) with Education Departments and institutions of higher education, in their respective states; and

**WHEREAS**, The Center for International Development (CID) at Harvard is launching a series of projects and collaborative activities with organizations in the Dominican Republic (DR) as well as in the U.S. to promote educational and socioeconomic development within the DR; and

**WHEREAS**, the CID and the NBCSL International Affairs Committee have several areas of mutual interest in international affairs, such as the promotion of economic development of developing countries in Africa and the Caribbean, as well as the international fight against HIV/AIDS and other infectious diseases; and

**WHEREAS**, Director of the Project for Dominican Initiatives at the Harvard University CID participated on a panel at the 25th Annual NBCSL conference and proposed that the NBCSL and the CID explore other areas of fruitful collaboration on issues of common interest along the lines of NBCSL resolution 00-24.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL recognition of the potentially powerful impact an alliance between the NBCSL; the Dominican Ministry of Education; and the Center for International Development (CID) at Harvard University can have for developing and implementing projects related to the goals of many NBCSL resolutions and the Dominican Ministry of Education that a MOU for an alliance between these three bodies be drafted which articulates the concerns of each of the partners as the rationale for cooperation; and

**BE IT FURTHER RESOLVED**, that the NBCSL Technical Assistance Center (TAC) assist its members in establishing MOU's with the State Education Departments and institutions of higher education in their respective states to develop study abroad opportunities in the Dominican Republic and other developing countries which fall under academic and career interest of students attending HBCUs. Such programs will include a challenging culturally inclusive core curriculum and provide opportunities for students attending public HBCUs to apply their classroom studies to active modes of learning in

## THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



overseas projects led by the CID at Harvard University; and

**BE IT FURTHER RESOLVED**, that NBCSL urge the introduction of legislation and public policies at the state and federal level to provide start up funds and seed money to initiate new projects to help HBCUs internationalize the curriculum on their campuses; and

**BE IT FURTHER RESOLVED**, that NBCSL seek funds through state appropriations of money as well as other types of assistance from its corporate and labor partners to develop institutionalize the TAC by covering basic operating costs for the TAC to continue providing technical assistance and advice to its members and to enable NBCSL to assist its members and partner organizations in planning and coordinating innovative study abroad programs at the high school level.

Sponsored by: International Affairs Committee

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: International Affairs  
Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-38**  
**Congratulations to the Gambia For Holding Free and Fair Elections**

**WHEREAS**, the Gambia held it's second national Presidential election October 2001; and

**WHEREAS**, President YaYa Jameh was responsible for making this election a fair, free and open process for all Gambians;

**WHEREAS**, we hereby congratulate President YaYa Jameh, not only on his re-election, but on his role in making this democratic process work well;

**WHEREAS**, NBCSL congratulates the World Conference of Mayors for including its members in observance of the electoral process.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL forward a copy of this resolution to President YaYa Jameh as thanks for his leadership.

Sponsored by: Representative E. Major (AL), Representative J. Ford (AL), and Representative J. Hilliard (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: International Affairs  
Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-39**  
**Becoming a Private Volunteer Organization**

**WHEREAS**, the NCBSL is an organization that works for the good of the community it serves; and

**WHEREAS**, NBCSL's international focus would be enhanced as a Private Volunteer Organization, that becoming a Private Volunteer Organization would allow NCBSL to better meet the needs of those we serve.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001, that** NBCSL initiate becoming a Private Volunteer Organization for NBCSL's participation in various grant programs for International programs; and

**BE IT FURTHER RESOLVED**, NBCSL authorizes its President and Executive Committee to pursue this most vital status.

Sponsored by: Representative E. Major (AL), Representative J. Ford (AL), and Representative J. Hilliard (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: International Affairs  
Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President





**Resolution 02-40**

**THE GLOBAL SULLIVAN PRINCIPLES**

**WHEREAS**, the National Black Caucus of State Legislators (NBCSL) and Rev. Leon Sullivan signed a historic memorandum of understanding:

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the NBCSL urges corporations to adopt the Global Sullivan Principles as a code of conduct; and

- Express support for universal human rights and, particularly, those of their employees, the communities within which they operate, and parties with whom they do business; and
- Promote equal opportunity for their employees at all levels of the company with respect to issues such as color, race, gender, age, ethnicity or religious beliefs, and operate without unacceptable worker treatment such as the exploitation of children, physical punishment, female abuse, involuntary servitude, or other forms of abuse; and
- Respect their employee's voluntary freedom of association; and
- Compensate our employees to enable them to meet at least their basic needs and provide the opportunity to improve their skills and capabilities in order to raise their social and economic opportunities; and
- Provide a safe and healthy workplace, protect human health and the environment and promote sustainable development; and
- Promote fair competition including respect for intellectual and other property rights, and not offer, pay or accept bribes; and
- Work with governments and communities in which we do business to improve the quality of life in those communities - their educational, cultural, economic and social well-being - and seek to provide training and opportunities for workers from disadvantaged backgrounds; and
- Promote the application of these Principles by those with whom we do business.

**BE IT FURTHER RESOLVED** that NBCSL members request adoption of these principles in their respective states.

Sponsored by: International Affairs Committee

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: International Affairs  
Certified by Committee Chair: Representative Reginald Beamon (CT)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**LABOR AND MANAGEMENT**



**Resolution 02-41**  
**Protecting Social Security**

**WHEREAS**, Social Security is an insurance plan for workers and their families that replaces a portion of lost earnings at retirement or in the event of a worker's death or disability; and

**WHEREAS**, the diversion of currently dedicated Social Security payroll taxes to private individual account would be detrimental to the millions of Americans that benefit from the social insurance programs; and

**WHEREAS**, the President's Social Security Commission goal to divert a percentage of the FICA payroll tax into private individual accounts will disproportionately affect millions of African Americans since, Social Security benefits are the only source of retirement income for 40 percent of older Americans; and

**WHEREAS**, women make up half of the overall populations but make up more than 60% of Social Security beneficiaries and are less likely than men to have pension income yet more likely to outlive retirement savings, earn less on average while in the workforce and more likely to spend more of their work years out the workforce as family caregivers; and

**WHEREAS**, most older Americans do not have substantial pensions from their employers and little to no savings, and more than two thirds of older Americans and 4 out of 5 African Americans depend on Social Security for half or more of their retirement income; and

**WHEREAS**, more than 5 million people get Social Security Benefits because they are so severely disabled that they are unable to work and nearly 4 million get benefits because a parent has died, become disabled or retired; and

**WHEREAS**, 12% of the United States population is African American, 17% of those receiving disability benefit and 22% of all children receiving survivor benefits are African American thus privatizing Social Security would provide Inadequate disability and survivor protections to this population; and

**WHEREAS**, privatizing Social Security would almost certainly lower the guaranteed monthly benefit for future retirees and would tax future workers at a higher rate than today's workers. Depending on the plan, diverting even a small percentage of the FICA payroll tax could result in at least a 30-40% cut in guaranteed retirement benefits and according to the Government Accounting Office an 18-24% cut in disability benefits; and

**WHEREAS**, Social Security has never missed a payment since its inception and is financially secure to make full payments on time until 2038 and will be able to pay 72% of its current obligations thereafter if no Social Security reform measures are implemented; and

**WHEREAS**, the cost of diverting a small percentage (1/6) of the FICA payroll tax as most plans proposed would cost an estimated 1 trillion dollars over the next 10 years;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators urge all NBCSL members to strongly oppose the privatization of Social Security. The privatizing of such a system, that has supported African Americans for so long and provides security for individuals and their families, should not be dismantled, but strengthened by modest reform measures that

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protect the social insurance model and financial well being of American citizens who pay into this insurance program to guard against poverty in retirement or in the event that they may become disable or outlived by a spouse or child and has served Americans of all ages and incomes for more than 60 years.

Sponsored by: Representative Sharon Beasley Teague (GA) and Representative Joseph Preston (PA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Labor and Management  
Certified by Committee Chair: Representative Joseph Preston (PA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-42**

**STATE COMMUNITY ECONOMIC DEVELOPMENT**

**WHEREAS**, the well-being of African American communities is a function of economic empowerment and wealth creation; and

**WHEREAS**, after an unprecedented ten year economic boom, African Americans, despite hard won advancements, continue to lag farther behind the nation in wealth creation; and

**WHEREAS**, true economic renewal and wealth creation occurs when African American communities build the capacity to control their economic future through community economic development institutions and practices; and

**WHEREAS**, community economic development also requires organizational development skills for leadership development, and effective strategic planning and decision making; and

**WHEREAS**, the devolution of federal responsibilities and programs to state government increases dramatically the role and influence of state legislatures to shape meaningful state economic development policy; and

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators request that each state Black Caucus develop a comprehensive community plan that is an integral and equal component of a state economic development plan. Such a comprehensive community economic development strategy agenda would bridge urban and rural African American people, support statewide intermediaries to build organizational capacity (state associations of CDC's); alternative financing institutions (minority community credit unions); minority business development and policy centers; and

**BE IT FURTHER RESOLVED**, that the necessary appropriation of state funds is requested to insure a statewide comprehensive minority economic program to yield measurable and substantial results in building wealth in the African American Community.

Sponsored by: Senator Sandra Escott-Russell (AL), Representative William Crawford (IN)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Labor and Management  
Certified by Committee Chair: Representative Joe Preston (PA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-43**  
**ECONOMIC STIMULUS**

**WHEREAS**, Since the September 11th terror attacks on New York City, Washington, D.C., and Somerset County, Pennsylvania, the growth of the United States' economy has taken a dramatic downturn; and

**WHEREAS**, in such uncertain economic times, America's working families need security they can count on; and

**WHEREAS**, the wages of working families should be maintained and they should be treated as equally as the wealthiest individuals who are poised to receive massive and permanent tax breaks; and

**WHEREAS**, the Bush Administration proposes \$5 billion for Unemployment Insurance, falling short of the estimated \$30 billion that will be needed; and

**WHEREAS**, by comparison, during the recession of the early 1990s, the federal government enacted UI extensions that totaled \$35 billion; and

**WHEREAS**, H.R. 3090 provides \$9 billion for distribution to the states with no requirement that states maintain their current spending on UI and use these funds for additional or extended benefits to workers; and

**WHEREAS**, Both the House passed bill (H.R. 3090) and the Bush Administration proposal allocate an inadequate amount of funding to health security for displaced workers; and

**WHEREAS**, neither H.R. 3090 nor the Bush Administration proposal offers any aid to state governments, despite the fact that the National Governors Association found that the State's cumulative revenue shortfall of \$10 billion is rapidly growing.

**THEREFORE BE IT RESOLVED BY THE ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA NOVEMBER 26 - DECEMBER 1, 2001** memorializes the United States to take action and get our economy moving again by passing an economic stimulus package that looks out for the needs of working families; and

**BE IT FURTHER RESOLVED**, the legislation passed by the Senate must include Federal aid to states so that they may continue to deliver vital public services such as health, safety, and security; and

**BE IT FURTHER RESOLVED**, the legislation passed by the Senate must include affordable health insurance for workers, who get laid off, become sick, disable, retire or work part-time.

**BE IT FURTHER RESOLVED**, legislation passed by the senate should subsidize 75% of the cost of COBRA health care payments for unemployed and laid-off works.

**BE IT FURTHER RESOLVED**, the legislation passed by the Senate should provide an additional 26 weeks of benefits and should expand unemployment insurance to part time workers.

Sponsored by: Representative Joe Preston (PA)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Approved Thursday, November 29, 2001, Committee of Jurisdiction: Labor and Management  
Certified by Committee Chair: Representative Joe Preston (PA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**LAW AND JUSTICE**





**Resolution 02-44**  
**WILLIAM A. BORDERS RESOLUTION**

**WHEREAS**, A Presidential Pardon has the effect of wiping away the very guilt of the citizen receiving it and fully restoring that person's civil rights; and

**WHEREAS**, Upon the granting of a pardon to a member of the bar, the order of disbarment may be vacated; and

**WHEREAS**, In Ex Parte Garland (71U.S.333 [1866]), a Presidential Pardon is considered total, releasing the punishment and blotting out the existence of the guilt, making the offender in the eye of the law as innocent as if he had never committed the offense; and

**WHEREAS**, Ex Parte Garland has never been reversed or effectively narrowed by the courts; and

**WHEREAS**, Mr. William A. Borders, Jr. received a Presidential Pardon;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the Law and Justice Committee of the National Conference of Black Legislators hereby recommend that William A. Borders, Jr. be readmitted to the bar.

Sponsored by: Representative J. Hilliard (AL), Sen. N. Exum (MD), and Representative E. Major (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-45**  
**REPEAL MINIMUM MANDATORY SENTENCING**

**WHEREAS**, African Americans represent the majority of persons incarcerated in our local, state and federal prisons; and

**WHEREAS**, Louisiana legislature has passed Act No. 403 during their 2001 Regular Session to remove minimum mandatory sentence for certain offenses for non-violent crimes; and

**WHEREAS**, Act 403 reduces the length of incarceration in the penalty provisions for certain offenses; and

**WHEREAS**, Act 403 provides that certain offenses can be subject to parole, probation or suspension of sentence; and

**WHEREAS**, Act 403 provides suspension of sentences for certain crimes; and

**WHEREAS**, Act 403 created a Risk Review Panel; and

**WHEREAS**, the absence of a minimum mandatory sentence law is detrimental to African American citizens; and

**WHEREAS**, the Law and Justice Committee of the National Black Caucus of State Legislators recommends that each state review the distension of cocaine and crack cocaine.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, the National Black Caucus of State Legislators (NBCSL) urge Congress to create and pass a minimum mandatory sentence law on the federal level.

**CALL** on Congress and state legislators to make the repeal of the minimum mandatory sentencing a high priority; and

Encourage state legislators to support Congress in the creating and passing a new minimum mandatory sentencing law.

Sponsored by: Sen. Charles D. Jones (LA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Sen. Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-46**  
**PROGRAMS FOR RE-ENTRY TO SOCIETY**

**WHEREAS**, prisoners are in need of programs and certain necessities to return to their community; and

**WHEREAS**, the public is ready for reformed prisoners upon leaving prison; and

**WHEREAS**, programs are needed to prevent re-incarceration by training prisoners in the practical and social skills; and

**WHEREAS**, transitional planning should begin at least six months prior to any expected release date and should be performed by trained personnel, who are informed about the individual inmate's needs; and

**WHEREAS**, the Parole Board shall participate in the planning process; and

**WHEREAS**, discharge planning services must be promoted through the use of educational training programs to increase awareness and education regarding the availability of resources available to parolees/releases; and

**WHEREAS**, upon successful participation and completion of their rehabilitation program, the individual records of certain non-violent, non-sexual conviction shall be sealed; and

**WHEREAS**, upon return to their communities, prisoners shall be provided with a copy of their birth certificate, social security card and a state identification card.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001,** Legislator's calls on all state Black Caucus committees to adopt such policies.

Sponsored by: Sen. Charles D. Jones (LA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-47**

**COMPENSATION FOR WRONGFUL CONVICTION AND IMPRISONMENT**

**WHEREAS**, a cause of action shall be created against the state for wrongful conviction and imprisonment; and

**WHEREAS**, a person shall be entitled to compensation if the person serves in whole or in part, a sentence in prison under the laws of the state for the crime for which the person was convicted and imprisoned wrongfully; and

**WHEREAS**, that person shall receive a full pardon on the basis of innocence; and

**WHEREAS**, that person shall be granted relief on the basis of actual innocence of the crime for which he was sentenced.

**WHEREAS**, the law suit shall be brought in district court either in the parish (county) of the petitioner's residence or the judicial district court in each state capitol; and

**WHEREAS**, the petition shall be served on the attorney general who shall represent the state in the proceeding; and

**WHEREAS**, the petitioner shall establish by a preponderance of the evidence that he is entitled to compensation and the amount of compensation to which he is entitled; and

**WHEREAS**, expenses incurred by the petitioner in connection with all associated criminal proceedings and appeals and in connection with obtaining the petitioner's discharge from imprisonment shall be incurred by the state; and

**WHEREAS**, wages, salaries and other earned income that was lost as a direct result of the arrest, prosecution, conviction or wrongful imprisonment shall be incurred by the state; and

**WHEREAS**, medical and counseling expenses incurred by the petitioner as a direct result of the arrest, prosecution, conviction or wrongful imprisonment shall be incurred by the state; and

**WHEREAS**, compensation of twenty-five thousand dollars for each full year that the petitioner was wrongfully imprisoned for each part of a year that the petitioner was wrongfully imprisoned, a prorated share of twenty-five thousand dollars shall be given.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL calls on all state Black Caucuses to adopt such policies so that each person shall be entitled to compensation for wrongful conviction and imprisonment.

Sponsored by: Sen. Charles D. Jones (LA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Sen. Charles Jones (LA)

# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-48  
MEDICAID RECORDS**

**WHEREAS**, an individual who is arrested and test positive for drug use is usually sentenced to serve time in prison; and

**WHEREAS**, an individual who test positive for drug use should be required to participate in a drug treatment program; and

**WHEREAS**, the Law and Justice Committee recommends that each individual arrested and who tests positive for drug use, should participate in a drug treatment program and upon successful completion of the program his record of arrest and conviction should be expunged and identified as a medical record that is privileged.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, believes that any individual arrested and who tests positive for drug use should participate in a drug treatment program and upon successful completion of the program, his or her record of arrest and conviction should be expunged and identified as a medical record that is privileged.

Sponsored by: Representative Ron Waters (PA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-49**  
**RACIAL GENDER DISPARITY**

**WHEREAS**, the Pennsylvania Supreme Court Committee of Jurisdiction: Racial Gender Bias is conducting a study on racial gender disparity in the Criminal Justice System; and

**WHEREAS**, the National Black Caucus of State Legislators Committee of Jurisdiction: Law and Justice urge each Black Caucus to study the Pennsylvania Supreme Court Committee of Jurisdiction: Racial Gender Bias' model to see if it can be conducted in their states.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that National Black Caucus of State Legislators urge each state's Black Caucus to study the Pennsylvania Supreme Court Committee of Jurisdiction: Racial Gender Bias' model and duplicate in their states.

Sponsored by: Representative Harold James (PA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Senator Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-50  
PROSECUTORS**

**WHEREAS**, some prosecutors refuse to bring direct charges and/or charges to the grand jury for criminal behavior of law enforcement officers; and

**WHEREAS**, the Law and Justice Committee recommends that each state's Black Caucus review, examine, and bring private criminal complaints when the prosecutor refuses to bring direct charges and/or charges to the grand jury for criminal behavior of law enforcement officers.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that National Black Caucus of State Legislators recommends that each state's Black Caucus should review, examine and bring private criminal complaints when the prosecutor refuses to bring direct charges and/or charges to the grand jury for criminal behavior of law enforcement officers.

Sponsored by: Representative Lee Ann Washington (PA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Sen. Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President





**Resolution 02-51**

**MINIMUM STATE TRAINING STANDARDS FOR PRIVATE SECURITY GUARDS**

**WHEREAS**, most states do not have mandatory minimum state standards training requirements for private security guards; and

**WHEREAS**, private security guards are employed to enforce state and local laws with force or without force; and

**WHEREAS**, each state should have mandatory minimum state standards training requirements for private security guards; and

**WHEREAS**, the Law and Justice Committee recommends that each state enact minimum state standards training requirements for private security guards.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators believes that each state should enact legislation mandating minimum state standards training requirements for private security guards.

Sponsored by: Sen. Charles D. Jones (LA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Sen. Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-52**  
**IN MEMORY OF PINKIE WILKERSON**

**WHEREAS**, Louisiana State Representative Pinkie Wilkerson's life was taken on August 1, 2000; and

**WHEREAS**, in the State of Louisiana the Bossier City Police Department conducted an investigation and determined Burton Schieffler of Arcadia, Louisiana to be at fault for the crash; and

**WHEREAS**, Schieffler was charged with negligent homicide, negligent injury and reckless operation of a motor vehicle; and

**WHEREAS**, Schieffler has not been prosecuted due to the lack of action by Louisiana District Attorney James M. Bullers of the 24th Judicial District; and

**WHEREAS**, the Law and Justice Committee of the National Black Caucus of State Legislators requests that submission be made to the grand jury to prosecute Burton Schieffler with charges of negligent or vehicular homicide.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that the National Black Caucus of State Legislators request that Louisiana District Attorney James M. Bullers of the 24th Judicial District present evidence to the grand jury for prosecution of Burton Schieffler for the death of Pinkie Wilkerson.

Sponsored by: Sen. Charles D. Jones (LA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Sen. Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-53**  
**ANTI-TERRORISM LEGISLATION**

**WHEREAS**, the ACLU of Pennsylvania recently released a well-received memorandum regarding the problem of defining terrorism that stated, in part, that legislators should be cautious in defining terrorism so that it does not cover acts of civil disobedience or non-violent demonstrations or picketing by groups that are passionate, but non-violent, about civil rights and controversial issues such as abortion, gun control, the environment, free trade and/or animal rights;

**WHEREAS**, great care should be given to a definition of terrorism that is not too broad, but instead should focus on conduct that causes or creates substantial risk of death injury;

**WHEREAS**, a definition of terrorism should not include acts of civil disobedience, or non-violent demonstrations, or picketing by organizations that take positions of any side of controversial political issues such as abortion, gun control, animal rights, and free trade. It should not cover criminal acts that do not cause or attempt to cause or threaten injury to persons;

**WHEREAS**, a good definition of terrorism will allow law enforcement to effectively move against terrorism while minimizing the loss of basic freedoms and liberty;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL supports the ACLU of Pennsylvania's definition of terrorism and concurs that, in member states, any definition of terrorism should neither be too broad nor over-inclusive. Any new crimes or police powers directed at stopping and punishing terrorism should not become vehicles for silencing or punishing legitimate political dissent;

**BE IT, FURTHER, RESOLVED**, that NBCSL members are encouraged to propose legislation in their individual state legislatures to come up with a legally sound and understandable definition of terrorism that protects the basic civil rights and liberties of Americans.

Sponsored by: Reps. Harold James and LeAnna Washington (PA)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Law & Justice  
Certified by Committee Chair: Sen. Charles Jones (LA)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**POST SECONDARY EDUCATION**



**Resolution 02-54**

**ADVANCING EQUAL EDUCATIONAL OPPORTUNITIES IN POSTSECONDARY  
EDUCATION FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)  
RECIPIENTS**

**WHEREAS**, America's world-class system of higher education remains pre-eminent in the advancement of human development;

**WHEREAS**, America's higher education system serves as the great social equalizer, reinforcing economic prosperity and the American values of freedom, equality and individual rights; and

**WHEREAS**, America's public colleges/universities educate the masses and enrich the lives of citizens from all social and economic classes; and

**WHEREAS**, Social and economic equality are profoundly illusory for those locked in poverty; and

**WHEREAS**, The correlation between postsecondary education and the reduction of poverty is well documented; and

**WHEREAS**, States possess some discretion to tailor welfare programs to provide equal educational opportunities for TANF recipients, beyond existing Federal mandates.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL supports; and that Federal legislation defines postsecondary education as an allowable work activity for TANF recipients;

**BE IT FURTHER RESOLVED THAT**, such legislation would allow a reasonable amount of study time as a work activity; and

**BE IT FURTHER RESOLVED THAT**, such legislation would "stop the clock" for TANF recipients, so that they continue to receive assistance while trying to achieve the long term economic security that postsecondary education can provide; and

**BE IT FURTHER RESOLVED THAT**, such legislation would promote education and economic equality for TANF recipients; and

**BE IT FURTHER RESOLVED THAT**, beyond Federal measures, states should use their discretion to further reform.

Sponsored by: Representative Barbara Boyd, Vice Chair (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Post-Secondary Education

Certified by Committee Chair: Representative Barbara Boyd, Vice Chair (AL)



**Resolution 02-55**  
**1890 STATE MATCHING FUNDS**

**WHEREAS**, The 1862 and 1890 Justin Smith Morrill Acts extended federal and state assistance to public land-grant colleges/universities for the purpose of promoting liberal and practical education of the industrial classes and for the purpose of serving as economic instruments of the state, the nation and the world in carrying out their tripartite mission of teaching, research and extension and public service; and

**WHEREAS**, The 1862 Act lead to the founding of white land-grant institutions in all 50 states, the District of Columbia and U.S. territories and the 1890 Act lead to the founding of black land-grant institutions in 17 states; and

**WHEREAS**, 1862 institutions receive an average of 5:1 in state matching land-grant funds, 1890s receive less than a 1:1 state match; and

**WHEREAS**, Historically, 1890 institutions have been denied the full benefits of the essential partnership between the state and the federal government; and

**WHEREAS**, The lack of parity in state matching funds compounded by inequities in federal land grant funding, creates nearly insurmountable structural barriers to growth and opportunities for the 1890s.

**THEREFORE, BE IT RESOLVED, BY THE 25TH Annual Legislative Conference of the National Black Caucus of State Legislators Assembled in Atlanta, Georgia, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL supports: Equity in the distribution of non-federal state matching funds to 1862 and 1890 colleges/universities;

**BE IT FURTHER RESOLVED**, that States should provide not less than 100 percent non-federal state matching funds to 1890 land-grant colleges/universities; and

**BE IT FNALLY RESOLVED THAT**, states should redress historic inequities in all state appropriations to 1890 land-grant colleges/universities and other public black institutions of higher education.

Sponsored: Representative Barbara B. Boyd, Ed D. (AL)

Approved Thursday on:, November 29, 2001 by the Committee of Jurisdiction: Post-Secondary Education

Certified by Committee Chair: Representative Barbara Boyd, Vice Chair (AL)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by: Representative James Thomas (AL), President



**TRANSPORTATION AND ENVIRONMENT**



**Resolution 02-56**  
**CONGRESS PLAYING POLITICS WITH THE**  
**LIVELIHOOD OF LAID-OFF AIRLINE WORKERS**

**WHEREAS**, in recent weeks, transportation labor has worked to enact relief legislation that protects laid-off aviation industry workers by extending unemployment and health care benefits and providing training and retraining assistance. Senator Jean Carnahan (D-MO) and House Minority Leader Dick Gephardt (D-MO) have both introduced legislation (S. 1454/H.R. 2955) as have Representative Alcee Hastings (D-FL) and Melissa Hart (R-PA) (H.R. 2946) to do just that. These bills have strong bipartisan support and yet Congress has failed to act as airline workers and their families suffer.

**WHEREAS**, the same rationale that led Congress to enact an emergency \$15 billion relief package for the nation's airlines within days of the terrorist attacks should inspire politicians to do the right thing for the workers in this industry who are enduring economic hardship of unprecedented proportions. Working men and women in the transportation industry have grown weary of broken promises by politicians who made bold statements on the floor of the House and Senate that action on worker relief legislation would be swift.

**WHEREAS**, first, commitments were made that laid-off airline workers would receive assistance in the airline bailout bill; that promise was broken. Then workers were greeted with one speech after another from lawmakers who said the aviation security legislation would be joined with the Carnahan-Gephardt-Hart-Hasting legislation; unfortunately, a minority bloc of Senators successfully filibustered attempts by 56 Senators, including five courageous Republicans, to include the airline worker relief bill in the recently passed aviation security legislation. The House has yet to take up its airline security bill. Airline workers cannot wait a day longer for this political charade to end.

**WHEREAS**, congress should stop playing politics with the livelihoods of more than 150,000 working families who, through no fault of their own, are bearing the brunt of the economic consequences of the brutal acts of terror against the United States several weeks ago. Congress and the President must rise above partisan politics and take appropriate emergency action to assist a mounting number of airline, airport, Boeing and other workers who are hurting with no hope of a quick economic turnaround in the slumping airline and related industries.

**WHEREAS**, one thing is certain; a cold-hearted decision by Congress to force out of work airline employees to fend for themselves will not go unnoticed by the nation's transportation workers, who see these same elected officials proposing billions in business tax cuts, corporate subsidies and other expensive actions advanced as remedies for our failing economy.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL support the Carnahan-Gephardt-Hart-Hasting Aviation Worker Relief Bills; and

Demand swift action by Congress to provide government assistance for laid-off airline and related industry workers.

Sponsored by: Representative Bob Holmes (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Transportation & Environment



# THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



Certified by Committee Chair: Representative Bob Holmes (AL)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President



**Resolution 02-57**  
**TRAFFIC CRASHES**

**WHEREAS**, traffic crashes have been a major cause of death among African American males, ranking first for those 0-5 years and second for those 15-24 years; and

**WHEREAS**, automobile crashes can be prevented and lives can be saved through proper education, primary seat belt legislation and fair and effective law enforcement; and

**WHEREAS**, there is a need to conduct research concerning the attitudes, beliefs and perceptions of African Americans so that intervention strategies can be developed to change behavior and reduce traffic related deaths in African American communities; and

**WHEREAS**, in the year 2000 there were 78,000 pedestrians injured and 4,739 were killed in traffic crashes which resulted, on average, in a pedestrian injury every 111 minutes or a pedestrian death every 7 minutes; and

**WHEREAS**, unsafe pedestrian practices have led to a number of deaths, and getting data can increase dramatically the availability and accessibility of safety education, training, research and information about health and traffic safety issues to African Americans; and

**WHEREAS**, there is a need to view traffic deaths as a health disparity and requires that NBCSL develop a sense of urgency regarding how to address this epidemic threat to our constituency, the Committee of Jurisdiction: Transportation and Environment hereby proposes that the Black Legislative Caucus in each state undertake the following steps:

1. Increase dramatically the availability and accessibility of safety education, training, research and information about health and traffic safety issues to African American:
2. Create a program of research and evaluation that focuses on specific urban and rural African American populations with initiatives that include effective safety education, technical assistance and outreach programs, which utilize Historical Black Colleges and Universities;
3. Create and distribute through collaborative relationships a comprehensive set of traffic safety education materials on seat belt safety for use by community based organizations such as churches, schools, civil rights and other civic entities.
4. Recommend that efforts by NBCSL continue to be made in 34 states, where there are no seatbelt regulations, to get such legislation enacted.

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001**, that NBCSL support the recommendations of the Committee of Jurisdiction: Transportation and Environment.

Sponsored by: Representative Bob Holmes (AL)

Approved Thursday, November 29, 2001 by the Committee of Jurisdiction: Transportation & Environment

Certified by Committee Chair: Representative Bob Holmes (AL)





**GENERAL SUBMISSIONS**



**Resolution 02-58**

**A RESOLUTION TO URGE THE CONGRESS OF THE UNITED STATES  
TO DECLARE SEPTEMBER 11 AS A NATIONAL DAY OF OBSERVANCE  
FOR PRAYER AND RECOGNITION**

**WHEREAS,** Tuesday, September 11, 2001 marks the occasion of perhaps the most infamous attack on the people of this nation, on this horrible day four commercial airline flights were high jacked by religious fanatics of an international terrorist organization and were used as weapons against the Twin Towers of the World Trade Center in the lower Manhattan area of New York City and the Pentagon in Washington, D.C; and

**WHEREAS,** The hijackers intended to fly the planes and their innocent passengers and crews into selected targets early in their transcontinental flights while the planes were still heavily loaded with aviation fuel; three flights found their targets, a plane hitting each of the Twin Towers and a third striking the Pentagon; and

**WHEREAS,** Only the heroic actions of brave passengers and crew members on the fourth flight prevented that plane from reaching another target in Washington, D.C., bringing the plane down in a rural area of southwestern Pennsylvania; and

**WHEREAS,** The loss of life was horrendous, in the hundreds at the Pentagon and in the thousands at the World Trade Center; most of the loss of life occurred among civilians – ordinary citizens and foreign nationals working in the Twin Towers; and

**WHEREAS,** In the minutes after the planes struck the World Trade Center, hundreds of uniformed officers of the New York City Police Department, emergency medical technicians, physicians, nurses, first responders and the Fire Department of New York, converged on the stricken buildings; firemen rushed up smoke-filled stairwells to aid those in need, moving against a tide of building tenants streaming down the stairwells in an attempt to escape; and

**WHEREAS,** Minutes later, weakened by the intense heat of burning aviation fuel, the buildings' superstructure collapsed, driving the structures down into a pile of rubble, killing most of those still in the buildings and many just outside; and

**WHEREAS,** Once Americans absorbed the initial shock and horror, citizens rallied in support of the victims' families and the police, fire and emergency medical personnel who lost comrades in the aftermath of the attacks; the nation gained a new appreciation for the institutions and principles that bind us together, and a renewed sense of unity, resolve and patriotism was manifested across the land; and

**WHEREAS,** It is important that the victims and sacrifice involved in the events of September 11, 2001 not be forgotten; The Tennessee Black Caucus of State Legislators and the National Black Caucus of State Legislators urge all state legislators from each state to petition the Congress of the United States to take prompt action to insure that September 11, 2001 be remembered and appropriately commemorated;

**THEREFORE, BE IT RESOLVED BY THE 25TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN ATLANTA, GEORGIA, NOVEMBER 26 - DECEMBER 1, 2001; THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING,** That the Congress of the United States of American is hereby urged to

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declare September 11, of each year as a national day of observance devoted to prayer for the families of the victims and the rescuers who lost their lives, and recognition of the heroism of the passengers and crew who resisted the hijackers and the valiant efforts of the police, fire and emergency medical personnel who risked all to aid the injured and trapped.

**BE IT FURTHER RESOLVED**, That enrolled copies of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of each states Congressional delegation.

Sponsored by: Rep. Larry Miller (TX)

Ratified in Plenary Session, Friday November 30, 2001. Ratification certified by:  
Representative James Thomas (AL), President