

NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

NBCSL 28<sup>th</sup>  
ANNUAL LEGISLATIVE CONFERENCE

*Ensuring Liberty &  
Justice for All*



2004-2005 RATIFIED RESOLUTIONS

*Passed December 3, 2004*



# NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2004-2005 Ratified Resolutions • December 3, 2004

December 15, 2004



Dear NBCSL Members and Supporters:

I am pleased to present NBCSL's 2005 Policy Resolutions! This year's publication of the NBCSL Policy Resolutions represents the efforts of NBCSL's Policy Committees, and the Executive Committee, to address policy concerns of our nation and the international community. The work of these committees and our membership ensure that NBCSL maintains a position of leadership on national and international policy issues.

This year, NBCSL revised some of its Policy Resolution Procedures. We have received positive feedback about the implementation of the procedures manual and the processing of this year's Policy Resolutions. I offer my appreciation to NBCSL's Vice President and Rules Chair, Representative Calvin Smyre, for overseeing the streamlining of this process and to all those involved in creating our new procedures, making our organizations procedures more effective.

It is my hope that as we work to implement these policies in our various legislatures and communities, we will be reminded of the strength and value that we gain as an organization. When we work toward a common purpose, we gain immeasurable benefits for our constituents.

May God bless us in all our efforts!

Sincerely

Representative Mary H. Coleman (MS)  
President



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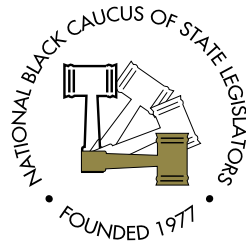
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**BUSINESS & FINANCE**

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
November 29 - December 4, 2004*





## Resolution 05 - 02

### THE MOTOR VEHICLE OWNER'S RIGHT TO REPAIR ACT

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognize the importance of a healthy independent auto repair service industry to ensuring that consumers and the driving public can receive reliable and satisfactory vehicle service wherever they choose; and

WHEREAS, the NBCSL further recognizes, that independent repair shops need information, tools and training to provide their customers with prompt and accurate diagnosis, service and repairs to their vehicles; and

WHEREAS, the NBCSL believes that auto manufacturers and the automotive service industry recognize that it is in their best interest to ensure that service information, training information and tools are available to all technicians to ensure that their customers have a positive ownership experience, including the ability to obtain proper service wherever they choose to have their vehicles repaired; and

WHEREAS, the NBCSL understands, that auto manufacturers and the automotive service industry have responded voluntarily to address and eliminate issues facing consumers and the independent repair shop industry by taking steps to facilitate the availability and accessibility of automotive service information, service training, diagnostic tools and equipment and communications for the benefit of automotive service professionals; and

WHEREAS, the NBCSL further understands, included among these voluntary steps are internet access giving quick and ready access to the same information as franchised dealer technicians, including factory service and training information covering all systems – emissions, safety, comfort and convenience; and

WHEREAS, the NBCSL understands, that such voluntary actions further include making factory diagnostic tools used by franchised dealers to diagnose and repair systems available to independent repair shops and, to reduce the cost burden to independent repair shops of having to purchase multiple tools, automakers are making diagnostic tool information available to aftermarket tool companies who can provide a single diagnostic tool that works on multiple vehicle makes and models; and

WHEREAS, in light of these voluntary actions, the NBCSL believes that federal legislation is unnecessary and specifically that H.R. 2735 and S. 2138, The Motor Vehicle Owner's Right to Repair Act, while well intended, could force the release of proprietary information unrelated to vehicle repair and could result in harm to the computer systems that control motor vehicle emissions and safety and undermine the intellectual property rights governing that computer software; and

WHEREAS, by providing access to automaker proprietary information, H.R. 2735 and S.2138 would permit aftermarket parts manufacturers to gain a significant competitive advantage by not having to make the enormous investment of resources in the design, testing and certification of parts that automakers must make in replacement parts for aftermarket use and is likely to spawn a flood of litigation to the detriment of all consumers;





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THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL members adopt this Resolution calling on all Members of Congress not to co-sponsor H.R. 2735 or S. 2138 or similar legislation and to oppose such legislation should it be brought for consideration; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators dedicate itself to educating its Members on matters of public policy and federal legislation impacting citizens and constituents at the local level; and

BE IT FINALLY RESOLVED, that copies of this Resolution be dispatched to the President of the United States, the Vice President, Members of the U.S. House of Representatives and U.S. Senate and other federal government officials as appropriate.

**Sponsored by:** Representatives James Thomas (AL)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Business & Finance

**Certified by Committee Chair:** Representative Ed Murray (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 29

### PRIVATE AND PUBLIC SUPPORT OF AFRICAN AMERICAN LOBBYISTS

WHEREAS, the demand for public relations, government relations and related services is ever-expanding as legislation and regulations proliferate, which should result in increased contracting and entrepreneurial opportunities for lobbyists; and

WHEREAS, African American lobbyists have traditionally been the primary source of critical, balanced information vital to an informed legislator and the empowerment of the African American body politic; and

WHEREAS, African American lobbyists have been systematically excluded and/or underutilized by private and public entities as a significant means of reaching African American legislators and policymakers; and

WHEREAS, neither private nor public sectors have demonstrated substantive evidence of changing these inequitable, underutilization and exclusionary practices; and

WHEREAS, nationally, the costs of public affairs, government relations and related services has or will exceed a billion dollars in 2004; and

WHEREAS, African American organizations, community activists, political and religious leaders believe that it is their responsibility to help build and sustain a balance between corporate, government and political entities;

THEREFORE, BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL recognize that significant opportunities for employment, contracting and entrepreneurial services will result from the aforementioned expansion; and

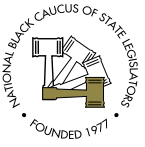
BE IT FURTHER RESOLVED, that African American lobbyists are not likely to benefit significantly from such; and

BE IT FURTHER RESOLVED, that NBCSL urge that appropriate measures be implemented to provide for greater accountability, sensitivity and inclusion of the African American lobbyists; and

BE IT FURTHER RESOLVED, that NBCSL strive to see greater efforts made to seize upon existing and/or create new opportunities to buttress the inclusion of African American lobbyists; and

BE IT FURTHER RESOLVED, that NBCSL encourage and support the holding of strategic meetings to address these and related issues; and

BE IT FINALLY RESOLVED, that NBCSL will call upon private and public entities to guarantee a fair and equitable share of public affairs and government relations resources for African American lobbyists. We



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hereby urge other leaders and leadership organizations, including, but not limited to, the Congressional Black Caucus, to join in supporting this initiative.

**Sponsored by:** Representatives Mary H. Coleman (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Business & Finance

**Certified by Committee Chair:** Representative Ed Murray (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 160

### THE AMERICAN ECONOMIC SYSTEM OF PRIVATE ENTERPRISE

WHEREAS, the National Black Caucus of State Legislators find and declare that the essence of the American economic system of private enterprise is free competition; and

WHEREAS, the opportunity for full participation in our free enterprise system by minority, small business enterprises is essential in attaining social and economic equality for those business and improving the “health” of the state economy; and

WHEREAS, only through full and free competition can free markets and entry into businesses reach its full potential without development and support; and

WHEREAS, in 1989, the United States Supreme Court, in the City of Richmond v. Croson, determined that local governments are allowed to have race conscious program if the program is based on the rigorous standard involving documenting the systematic discrimination through statistical and anecdotal evidence;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL:

- Complete the rigorous statistical analysis documenting past discrimination;
- Enact legislation that sets state participation goals consistent with the statistical analysis;
- Ensure that a fair proportion of the total purchases and contracts or commodities, supplies, technology, property and services for the technology, property and services for the state are awarded to certified minority business enterprise; and
- Declare the state policy to aid the interest of small minority, and women-owned business enterprises with fiscal issues including bonding and loans; and

BE IT FURTHER RESOLVED, that NBCSL schedule regional meetings to:

- Evaluate minority business programs;
- Share best practices; and
- Make recommendations to level the playing field for small minority and women- owned business enterprises in the public and private sectors

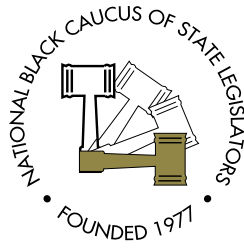
**Sponsored by:** Representative William Crawford (IN)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Business & Finance

**Certified by Committee Chair:** Representative Ed Murray (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



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# ELEMENTARY & SECONDARY EDUCATION

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
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## Resolution 05 - 01

### **NBCSL-NHCSL NATIONAL CLOSING THE GAPS CAMPAIGN FOR AFRICAN AMERICAN AND HISPANIC STUDENTS**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) and the National Hispanic Caucus of State Legislators (NHCSL) have joined forces to address issues that contribute to the education achievement gap for African American and Hispanic students in PreK-12 public schools in the United States; and

WHEREAS, both organizations share a common interest in building a broad-based coalition to engage the community in advocating for policies that support public schools and increases investment in public education; and

WHEREAS, the Closing the Gap national campaign will engage in a multi-pronged strategy intended to assist legislators in shaping the state education agenda and create a groundswell of support for legislative and political initiatives; and

WHEREAS, each state strategy will be developed within the context of the political and legislative realities in the states – with a uniform message that will resonate nationally – for their campaign (i.e. media influentials, business and community leaders, voters, parents and teachers); and

WHEREAS, the legislators will work from an Action Guide which consists of four practical tools: (1) a model action plan with a template to be customized to the target state's needs; (2) state profiles – data to help tailor action plan; (3) information and funding resources to help plan, execute and fund campaign; and (4) a five-step checklist to help legislators develop a written plan of action, and

WHEREAS, policy recommendations have been developed to focus on two general topics – recruiting and retaining quality teachers and improving the classroom experience;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL and NHCSL lobby for legislation that focus on bringing quality teachers to underserved public schools and improving classroom experience for African American and Hispanic students in the United States; and

BE IT FURTHER RESOLVED, that NBCSL implement policy and legislation pertinent to bringing quality teachers to underserved schools by:

- Increasing salary;
- Providing incentives;
- Creating induction and retention programs;
- Increasing opportunities for non-traditional routes to teaching;
- Encouraging qualified teachers to teach in minority schools; and
- Improving professional development programs.

BE IT FINALLY RESOLVED, that NBCSL also implement policy and legislation that improve the classroom experience for students by:



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- Expanding access to preschool;
- Increasing literacy rates;
- Reforming standardized testing;
- Reducing class sizes;
- Promoting research-based information on effective instruction – best practices - for linguistically and culturally diverse students;
- Eliminating differences in facilities and curriculum;
- Offering challenging classes to all students - promote access to more academically rigorous coursework;
- Addressing the cultural and language needs of Hispanic and African American students; and
- Creating programs that facilitate parental involvement.

**Sponsored by:** Senator C.J. Prentiss (OH), Senator Peter Groff (CO)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Elementary & Secondary Education

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

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05 - 11

### URGING SCHOOLS TO PROVIDE INSTRUCTION ON HEALTHY LIFESTYLE CHOICES INCLUDING PHYSICAL EDUCATION PROGRAMS

WHEREAS, schools are identified as a key setting for public health strategies to decrease and prevent overweight and obese children, as most children spend much of their time in school; and

WHEREAS, schools provide many opportunities to engage children in healthy eating and physical activity and to reinforce healthy lifestyle choices, including diet and physical activity; and

WHEREAS, schools can help build awareness among teachers, food service staff, coaches, nurses, and other staff about the contribution of proper nutrition and physical activity to the maintenance of lifelong healthy weight; and

WHEREAS, parents, teachers and staff play a critical role in teaching our children about the importance of physical activity and nutrition; and

WHEREAS, in December 2001, the U.S. Surgeon General called for every child in grades K-12 to receive 30 minutes of physical activity every day; and

WHEREAS, the American Heart Association recommends that all children ages five and older should participate in at least 30 minutes of enjoyable, moderate intensity activities every day and should also perform at least 30 minutes of vigorous physical activities at least three to four days each week to achieve and maintain a good level of cardio-respiratory (heart and lung) fitness; and

WHEREAS, national studies have reported that an increase in physical activity to three to five days per week translates into 20 percent improvement in physical fitness, 15 to 20 percent improvement in self-esteem, 20 percent improvement in school attendance, 20 percent improvement in school grades, 50 percent reduction in smoking, and 60 percent reduction in drug and alcohol use;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL adopt this Resolution for all Boards of Education in the United States and are hereby urged to provide age-appropriate and culturally sensitive instruction that help students develop the knowledge, attitudes, skills and behaviors to adopt, maintain, and enjoy healthy lifestyle habits relating to eating habits and a physically active lifestyle; and

BE IT FURTHER RESOLVED, that all Boards of Education in the United States are urged to implement a task force to study this matter and make recommendations for implementation.

**Sponsored by:** Senator Rodger Smitherman (AL), Senator Sandra Escott-Russell (AL)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Elementary & Secondary Education

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

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



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### Resolution 05 - 14

#### LABOR EDUCATION FOR ELEMENTARY AND SECONDARY SCHOOLS

WHEREAS, the history of the labor movement has played a vital role in the African American community; and

WHEREAS, state and local education agencies are required to coordinate curriculum standards to meet requirements; and

WHEREAS, the history of labor in the United States is one of progress and hope ensuring liberty and justice for all; and

WHEREAS, the National Black Caucus of State Legislators seeks to preserve, promote and celebrate African American heritage, culture and history;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL recommend, initiate, encourage, and promote teaching the history of minority labor movements to children and youths in various state school systems.

**Sponsored by:** Senator Tony Hill (FL), Senator C.J. Prentiss (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Elementary & Secondary Education

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

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 17

### RECOGNIZING NEED FOR TEACHER QUALITY IN SCHOOLS

WHEREAS, NBCSL members recognize that we cannot address the achievement gap without acknowledging the need for highly-qualified, well-trained teachers for all children; and

WHEREAS, well-regarded studies have shown teacher quality to be the single most important school-related indicator of academic success; and

WHEREAS, evidence exists that students in high-poverty schools, which are often located in high-minority districts, have higher percentages of inexperienced teachers, “out-of field” teachers, and teacher turnover rates, than their low-poverty, low-minority counterparts; and

WHEREAS, NBCSL members also believe that all children should have access to a demanding core curriculum, state-of-the art learning facilities, to prepare them to assume their civic and social responsibilities in a democratic society, to compete in a global economy, and to benefit from postsecondary educational opportunities; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL call on the nation to make a commitment to ensuring high-quality teachers for children in high-poverty, high-minority districts; and

BE IT FURTHER RESOLVED, that NBCSL call on the federal government to develop an Urban Teacher Corp for the recruitment, preparation, and support of high-quality teachers in high-poverty schools and master’s degrees in urban education; and

BE IT FURTHER RESOLVED, that NBCSL urge federal, state, and local education agencies to fund and implement recruitment and retention initiatives for teachers who agree to teach in high-poverty schools; and

BE IT FURTHER RESOLVED, that NBCSL propose state legislation that adopts and funds research-based teacher induction models to be implemented at the district level; and

BE IT FURTHER RESOLVED, that local education agencies:

- Improve physical working conditions;
- Offer job-embedded professional development;
- Ensure adequate resources to increase teacher knowledge and student achievement;
- Reduce teacher isolation;
- Increase opportunities for teacher collaboration;
- Provide opportunities for teachers to develop their leadership knowledge and skills in conjunction with occasions for them to use them from the classroom; and
- Provide teachers to have professional development and cultural competency; and



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BE IT FURTHER RESOLVED, that NBCSL call on teacher preparation institutions to:

- Maintain high entry standards;
- Require education students to have academic majors;
- Balance content and pedagogy to ensure that program graduates know what to teach and how to teach it;
- Require extended clinical experiences in multiple settings, which include high-minority districts;
- Address cultural competency in courses and clinical experiences; and
- Train supervising teachers and university coordinators who work with pre-service students; and

BE IT FURTHER RESOLVED, that NBCSL call on alternative programs and disciplinary alternative education programs to have high standards that recognize the complexity of the teaching and learning process and ensure that their program graduates demonstrate adequate content knowledge and pedagogical skills before entering the classroom.

BE IT FURTHER RESOLVED, that NBCSL urge state departments of education and licensing bodies to require that all new teachers:

- Be issued temporary licenses for a period not to exceed three years;
- Receive high-quality mentoring from experienced teachers who support candidates' development of effective teaching skills and strategies;
- Participate in an on-going mentoring program for the entire period prior to receiving full state certification.

BE IT FINALLY RESOLVED, that NBCSL call on the federal government to fund "Grow Your Own Teacher Programs" at the state level.

**Sponsored by:** Senator C.J. Prentiss (OH), Senator Peter Groff (CO)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Elementary & Secondary Education

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

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 157

### MULTI-FACETED TESTING

WHEREAS, institutions of higher education are placing less emphasis on a single testing instrument as the basis for admissions; and

WHEREAS, National Board Certification for teachers - often cited as “the gold standard” of teaching - is awarded on the basis of multiple measures of teacher quality; and

WHEREAS, the American Federation of Teachers (AFT) strongly supports standards-based reform, including appropriate testing, it is especially outrageous that this critical reform is threatened by uninformed implementation. The public and teachers are understandably deeply troubled that standardized tests are all too often being used inappropriately, are usurping too much instructional time, and are crowding out recognition of other important subject areas; and

WHEREAS, the public, parents and teachers remain solidly behind standards-based education reform, which testing reveals is paying off in solid and sometimes dramatic progress in raising all students’ achievement; and

WHEREAS, the results of external tests, along with classroom assessments, are critical professional tools for teachers, enabling them to understand more fully their students’ and their own strengths and weaknesses and thereby devise appropriate instructional and professional development strategies; and

WHEREAS, taxpayer-funded institutions must be open and accountable to the public that supports them and such openness and accountability represent key distinction between public and private institutions; and

WHEREAS, openness and public accountability are not only two of the hallmarks of democratic institutions, but they are also necessary means for assessing and furthering progress in the achievement of democratic values and goals, such as fairness, equal opportunity and the well-being of all members of society; and

WHEREAS, in education, achievement testing and the public reporting results from all schools receiving public funds are legitimate and necessary means for discharging the responsibility to be open and accountable to the public and for determining and furthering progress in the attainment of national goals such as equal educational opportunity, the elimination of achievement gap based on family background and raising the academic performance of all students; and

WHEREAS, achievement testing and reporting are also two of the necessary means for public education to fulfill its responsibility to the parents who entrust their children to our schools, and, in turn, can help parents better participate in their children’s education; and

WHEREAS, in too many instances, the public and teachers are rightly concerned that standardized tests, rather than standards-based teaching and learning, are increasingly driving standards-based reform. Most disturbing is that these tests are often not aligned to the state’s academic standards, are based on vague or weak standards or do not measure the depth and breadth of the standards; and



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WHEREAS, many states and local districts grossly misuse test results when they make high-stakes decisions affecting students, schools or school staff, based on testing and accountability systems that do not meet professional standards in testing and measurement; and

WHEREAS, it is essential that standards-based education not be hijacked by improper testing use and that tests be used responsibly and used in way that supports, rather than undermine the teaching and learning process. In particular, we must separate the poor, and sometimes punitive, implementation of some testing and accountability systems from the legitimate need for professionally sound achievement testing to measure the progress of students in meeting the standards and to diagnose problems;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL will continue to support appropriate, high-quality testing as an essential element of standards-based reform; and

BE IT FURTHER RESOLVED, that NBCSL continue to oppose the abuse, misuse and overuse of standardized testing; and

BE IT FURTHER RESOLVED, that NBCSL call upon the federal government to create an independent, nonpartisan entity to serve as a public source of information on effective testing and accountability systems and about practices that fall short of professional standards for the development and proper use of tests; and

BE IT FURTHER RESOLVED, that NBCSL shall monitor student testing practices to ensure that tests are used responsibly and in ways that support and enhance the teaching and learning process; and

BE IT FINALLY RESOLVED, that NBCSL develop and publicize guidelines for the use of standardized assessments. Such guidelines will include information regarding the need for:

- Teachers to have a voice in the development, implementation, evaluation and use of standardized tests;
- Strong standards, curriculum, extra help for struggling students;
- Appropriate funding;
- Standards-based professional development to be in place before tests are used for high-stakes decisions;
- Tests to meet professional standards if they are to be used as part of high-stakes decisions;
- Administrators and state education department officials to use tests only for the purposes, for which they are designed;
- Other pertinent information on student achievement, including teacher professional judgment to be considered in decisions using test data for purposes such as promotion between grades or determining types of intervention needed;
- Professional development for teachers in using assessment data to inform instructional decisions making;
- Accommodations for special-needs students, and individual waivers for special-needs students as determined by their IEP teams; and
- Multiple opportunities for student to retake high-stakes tests.

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

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Elementary & Secondary Education

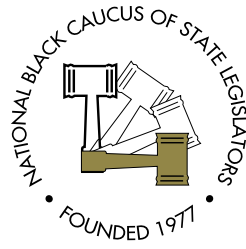
**Certified by Committee Chair:** Senator C.J. Prentiss (OH)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President







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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
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## Resolution 05 - 05

### PROMOTING DOMESTIC SOURCES OF ENERGY FOR AMERICA

WHEREAS, the United States is currently importing more than 55 percent of the petroleum our nation uses, forcing Americans to suffer from huge spikes in the price of international oil and gas; and

WHEREAS, the nation's dependence on imported oil results in the purchase of oil from nations whose foreign policy aims and human rights standards do not coincide with those of the United States; and

WHEREAS, dependence on foreign energy sources has threatened national security and put our military forces in harm's way in order to ensure that energy supplies are not disrupted; and

WHEREAS, there is high potential for oil and gas development in North America and especially Alaska, where 30 trillion cubic feet of proven reserves of natural gas are currently on the North Slope, and vast unproven reserves exist throughout Alaska; and

WHEREAS, construction of a 2,000-mile, 52-inch-diameter Alaska Natural Gas Pipeline would create thousands of good-paying jobs for American workers and fire American steel mills with the 6 million tons of steel necessary to build this pipeline; and

WHEREAS, an Alaska gas pipeline would deliver 4.5 billion cubic feet of natural gas per day to American homes and factories, almost 7 percent of domestic gas consumption at current rates; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that the National Black Caucus of State Legislators recognize the importance of fueling America's economic engine through a steady supply of inexpensive energy such as that which could be provided by Alaska; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators endorse pending completion of appropriate environmental review, a project to bring Alaska gas to market and that any such project must ensure full pipeline safety to protect the public and environment; and

BE IT FINALLY RESOLVED, that the National Black Caucus of State Legislators strongly encourages the U.S. Congress to pass legislation providing incentives for construction of an Alaska natural gas pipeline, whose construction costs are estimated at \$20 billion.

**Sponsored by:** Senator Bettye Davis (AK)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Energy

**Certified by Committee Chair:** Senator Bettye Davis (AK)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 -07

### NATIONAL ENERGY POLICY

WHEREAS, the United States is abundant in natural resources and is a global leader in advanced energy technologies, and current demands for energy places local economies and suppliers at risk and poses serious challenges for our Nation; and

WHEREAS, oil and gas availability and price stability are attributable to a growing dependence on foreign oil, along with a constrained electric power grid and other factors, are all signs that our Nation's energy situation requires immediate attention; and

WHEREAS, state and local communities, energy providers, and businesses have a common interest in assuring the availability and reliability to consumers of low-cost electric power generation and supply; and

WHEREAS, market-based solutions are needed: to assure adequate and diverse domestic energy supplies and infrastructure; to encourage development of advanced technologies, improve energy efficiency; and to meet state and local community business and consumer needs for affordable and reliable energy, while ensuring the quality of the environment;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL dedicate itself to educating its members, constituents and others on the need for a sound, rational domestic energy policy; and

BE IT FURTHER RESOLVED, that NBCSL call on Congress to enact legislation in the 109th Congress establishing a domestic energy policy that will assure adequate domestic supply of energy and the appropriate infrastructure; and

BE IT FINALLY RESOLVED, that such domestic energy policy, at a minimum, further address state and local community needs for energy assistance to low-income households, development of alternative energy sources, improvements in energy efficiency, appropriate consideration of the impact of regulatory energy policies, expansion and strengthening of critical energy infrastructure such as electric transmission, the role of other important energy options and provide incentives for contracting with underutilized businesses.

**Sponsored by:** Senator Bettye Davis (AK)

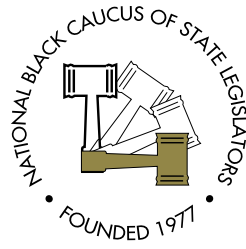
**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Energy

**Certified by Committee Chair:** Senator Bettye Davis (AK)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





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PASSED DECEMBER 3, 2004

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## Resolution 05 - 08

### EXPANDING ENVIRONMENTAL JUSTICE

WHEREAS, the Federal agencies must better focus attention on environmental quality and protection of human health in communities of color, low-income and Native American communities; and

WHEREAS, state and local communities seek to partner with Federal agencies to improve environmental quality and protection of human health in communities of color, low-income and Native American communities; and

WHEREAS, the Federal Interagency Working Group on Environmental Justice, established under Executive Order No. 12898 (February 11, 1994) and chaired by the U.S. Environmental Protection Agency (EPA), has proven the value of federal interagency coordination and of Federal, State and local agency coordination to improve environmental quality and protection of human health in communities of color, low-income and Native American communities; and

WHEREAS, the Federal Interagency Working Group on Environmental Justice, through its Environmental Justice Demonstration Projects, has proven the effectiveness of collaboration among communities, business and industry and Federal, State and local governments in improving community environmental quality and health; and

WHEREAS, the National Environmental Policy Commission, initiated by the Congressional Black Caucus Foundation Environmental Justice Braintrust, has recommended that Congress expand the number of Environmental Justice Demonstration Projects and to further develop and use a collaborative model to improve community health and environmental quality;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that Federal legislation is needed to codify the Federal Interagency Working Group on Environmental Justice; and

BE IT FURTHER RESOLVED, that such legislation should assure that all members of the Federal Interagency Working Group on Environmental Justice designate sufficient staff and resources for effective participation in the work of the Environmental Justice Demonstration Projects; and

BE IT FINALLY RESOLVED, that the U.S. Congress should provide sufficient funding to the U.S. Environmental Protection Agency to assure that no fewer than five (5) Environmental Justice Demonstration Projects be initiated in each of the ten EPA Regions for the following five years.

**Sponsored by:** Representative Bob Holmes (GA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Environment

**Certified by Committee Chair:** Representative Bob Holmes (GA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 -09

### REDUCING RISK IN COMMUNITIES

WHEREAS, many communities of color, low-income and Native American communities suffer adverse human health consequences from the cumulative effect of many environmental burdens; and

WHEREAS, the several Federal and State statutes and regulations governing protection of human health and the environment are insufficiently coordinated to assure reduction of adverse cumulative impacts in the most burdened communities of color, low-income and Native American communities; and

WHEREAS, the National Environmental Justice Advisory Council to the U.S. Environmental Protection Agency has called upon that Agency to exercise leadership in overcoming environmental regulatory and programmatic fragmentation in order to reduce adverse cumulative impacts on human health in the most burdened communities of color, low-income and Native American communities; and

WHEREAS, the National Environmental Justice Advisory Council has called upon the U.S. Environmental Protection Agency to develop a model whereby all sources of environmental burden are held accountable for their fair proportional share of adverse cumulative burden on human health;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that Congress provide to the U.S. Environmental Protection Agency specific funding for projects implementing the report of the National Environmental Justice Advisory Council entitled Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts; and

BE IT FURTHER RESOLVED, that funding also be provided to the U.S. Environmental Protection Agency to develop protocols and initiatives by which all sources of environmental burden adversely impacting human health will take responsibility for their fair, proportional share in reducing adverse cumulative impacts and burdens; and

BE IT FINALLY RESOLVED, that funding be provided to the U.S. Environmental Protection Agency to develop incentives for State and local government and business and industry to voluntarily undertake reductions in environmental emissions and impacts in communities of color, low-income and Native American communities suffering from the cumulative effect of many burdens on health from environmental sources.

**Sponsored by:** Representative Bob Holmes (GA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Environment

**Certified by Committee Chair:** Representative Bob Holmes (GA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05 - 145

### INCREASING ENFORCEMENT OF EPA REGULATION

WHEREAS, the federal government during the past four years has reduced funding and manpower to enforce environmental laws and regulations; and

WHEREAS, there have been 57 percent fewer enforcement actions filed against violators of environmental air and water quality legislation; and

WHEREAS, many new counties and regions have been designated as a non-attainment areas, thus indicating a decline in air quality and exacerbating health conditions, particularly asthma cases among African Americans; and

WHEREAS, numerous additional incidents of increased mercury have been reported in rivers and lakes throughout the United States; and

WHEREAS, the Bush Administration has adopted numerous policies and program initiatives that have diminished the protection of the environment; and

WHEREAS, a revenue source for cleaning up superfund sites has not been provided and as a result, thousands of minority and poor citizens will continue to suffer from exposure to toxic and hazardous waste; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that funding be increased to enable the Environmental Protection Agency to enforce existing EPA laws and regulations by increasing manpower and resources; and

BE IT FURTHER RESOLVED, that a revenue source of funding for superfund site cleanup be authorized and monies appropriated; and

BE IT FINALLY RESOLVED, that a copy of the resolution be sent to the President, Vice President, Speaker of the House and Chairs of the Senate and House Environmental Committees.

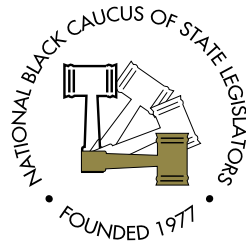
**Sponsored by:** Representative Bob Holmes (GA), Representative Omeria Scott (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Environment

**Certified by Committee Chair:** Representative Bob Holmes (GA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



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### Resolution 05 - 28

EXECUTIVE

#### TO ESTABLISH A NBCSL COMMITTEE ON VETERAN AFFAIRS

WHEREAS, African Americans constitute a significant number of United States Military personnel and the military is a microcosm of civilian society although more authoritative; and

WHEREAS, the National Guard and Military Reserve is and will continue to be activated for both long and short term military duty in these United States of America and with the United States Expeditionary Forces abroad; and

WHEREAS, the National Guard is generally under the command, both joint and otherwise, of Governors of the several states of these United States of America and subject to the command thereof; and

WHEREAS, the Military Reserve is generally assumed to be ready reserves, called upon in the time of emergencies; and

WHEREAS, the existence of local, state, and national benefits are available for service in these various units of the United States Military; and

WHEREAS, African Americans are not generally aware of the multitude of benefits and rewards for military service to include set aside contracts for Disabled American Veterans and other honorably discharged personnel, educational benefits, etc.; and

WHEREAS, a significant number of military personnel will suffer from war related maladies and given the historical reality that African Americans have been traditionally under served; and

WHEREAS, Resolution 03-127, adopted by the 26th Annual Legislative Conference of NBCSL, recognized the plight of African American veterans;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL adopt this resolution in full and hereby authorize the establishment of the NBCSL Committee on Military and Veterans Affairs; and

BE IT FINALLY RESOLVED, that NBCSL direct said Committee to work in concert with the Congressional Black Caucus Veterans Braintrust to develop, promote and implement services to the African American Community.

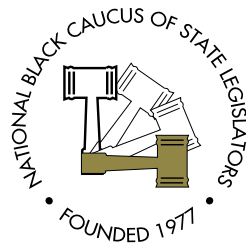
**Sponsored by:** Delegate Clarence Davis (MD), Representative Michael DeBose (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Executive

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

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



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PASSED DECEMBER 3, 2004

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## Resolution 05 - 06

### KIDNEY DIALYSIS COST-OF-LIVING MEDICAID REIMBURSEMENT RESOLUTION

WHEREAS, hundreds of thousands of people suffer from kidney disease in the United States; and

WHEREAS, diabetes and hypertension are the leading causes of chronic kidney failure, or end stage renal disease (ESRD) across all ethnic lines; and

WHEREAS, the kidney disease rate among African Americans is almost four times higher than that of Caucasians; and

WHEREAS, dialysis treatment cleans and filters a person's blood using a machine to help rid the body of harmful waste; and

WHEREAS, over 60% of African American ESRD patients require Medicare/Medicaid coverage at the outset of dialysis; and

WHEREAS, patients who require Medicaid coverage are therefore particularly vulnerable to shortfalls or cutbacks in Medicaid reimbursement from state governments; and

WHEREAS, Medicaid budget cuts will adversely affect patient access to dialysis services. Future development of dialysis clinics in urban and underserved communities is dependent on fair and adequate state reimbursement for services; and

WHEREAS, Medicaid reimbursement has not kept up with the cost of services provided by dialysis clinics; and

WHEREAS, given the increased number of patients who will require dialysis services, dialysis clinics will need to greatly expand in medically underserved communities throughout the United States;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that the NBCSL Health Committee urges all state legislatures to adopt cost-of-living indexes in their respective state budgets to ensure adequate reimbursement for kidney dialysis services.

**Sponsored by:** Senator Roscoe Dixon (TN)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

**Certified by Committee Chair:** Senator Roscoe Dixon (TN)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 10

### MINORITY PARTICIPATION IN CLINICAL TRIALS, HEALTH CARE RESEARCH AND DEVELOPMENT AND HEALTH CARE PRODUCTS AND SERVICES

WHEREAS, according to the United States Census Bureau, African Americans, Latino Americans, American Indian and Alaska Natives, Asian Americans, Native Hawaiians, and other Pacific Islanders, combined account for more than 25% of the United States population; and

WHEREAS, according to the United States Census Bureau, minorities account for 72 million Americans (African Americans - 35 million, Latino Americans - 36 million, American Indian and Alaska Natives - 3 million, Asian American - 10 million and Native Hawaiians and Other Pacific Islanders – 300,000); and

WHEREAS, according to the United States Census Bureau, the non-Hispanic Caucasian community is estimated to decline to 53% of the United States population by 2050 and minorities will encompass 47% of the population (African Americans - 14%, Latino Americans - 24%, American Indian and Alaska Natives - 1%, Asian Americans - 8%); and

WHEREAS, according to the National Black Caucus of State Legislators, National Hispanic Caucus of State Legislators, and the National Conference of State Legislators, there are approximately 604 African American, 309 Latino American and 75 other minority state Senators and Representatives/Assemblymen and women in the United States; and

WHEREAS, NBCSL occupy Chairmanships, Ranking Memberships and Committee assignments on standing Health, Ways and Means, Appropriations and Insurance committees; and

WHEREAS, based on Census data and reapportionment, the number of African Americans, Latino Americans, American Indian and Alaska Natives, Asian persons and Native Hawaiians and Other Pacific Islanders Chairmen, Ranking Members and Committee members will increase exponentially given the projected increases in percentage of state's populations and the retirement of Caucasian legislators and increases in voting strength of minorities; and

WHEREAS, according to the Centers for Medicare and Medicaid Services, more than 12% of the United States population is insured through Medicaid, a program administered by states; and

WHEREAS, according to the Centers for Medicare and Medicaid Services, 8% of the non-elderly Caucasian population, 22% of the African American population, 19% of the Latino American population and 12% of other minority populations are insured through Medicaid; and

WHEREAS, according to the Centers for Medicare and Medicaid Services, Caucasians encompass 41% or 16 million, African Americans makeup 24% or 10 million, Latino Americans represent 16% or 6 million, American Indian and Alaska Natives encompass .8% or 325,000, Asian Americans makeup 2.5% or 1 million and Native Hawaiians, other Pacific Islanders and unknown minority populations makeup 16% or 6 million Medicaid recipients; and



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WHEREAS, according to the Centers for Medicare and Medicaid Services, Caucasians utilize 54% or \$77 billion, African Americans utilize 20% or \$29 billion, Latino Americans utilize 8% or \$12 billion, American, Indian and Alaska Natives utilize 0.8% or \$1 billion, Asian Americans utilize 1.4% or \$2 billion and Native Hawaiians, other Pacific Islanders and unknown minority populations utilize 16% or \$22 billion of total Medicaid vendor payments; and

WHEREAS, according to the Centers for Medicare and Medicaid Services, Caucasians account for \$4,609, African Americans account for \$2,836, Latino Americans account for \$1,842, Indian and Alaska Natives account for \$3,297, Asian Americans account for \$1,924, and Native Hawaiians, other Pacific Islanders and unknown minority populations account for \$3,531 in per recipient of total Medicaid vendor payments; and

WHEREAS, according to the Centers for Medicare and Medicaid Services, Inpatient Hospital and Outpatient Hospitals account for 18% or \$31 billion, Nursing Homes accounts for 21% or \$35 billion, Physicians account for 4% or \$7 billion, Prescribed Drugs account for 12% or \$20 billion, Capitated Payment Services account for 15% or \$24 billion, Personal Support accounts for 7% or \$12 Billion and other health services and products 23% or \$38 billion of total Medicaid vendor payments; and

WHEREAS, according to the United States Bureau of Labor Statistics, Consumer Price Index, Medical Care accounts for the most significant contribution to the Consumer Price Index (CPI) or inflation, accounting for \$286 billion, 58% higher than the next leading industry (Housing); and

WHEREAS, according to the Centers for Medicare and Medicaid Services, the Prescription Drug Expenditure Consumer Price Index (CPI) or inflation has been consistently increasing since 1980, increasing by 16% from 2001 to 2002; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 29% of Caucasian males, 25% of Caucasian females, 38% of African American males, 41% of African American females, 31% of Mexican American males and 25% of Mexican American females are hypertensive; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 18% of Caucasian males, 19% of Caucasian females, 11% of African American males, 17% of African American females, 18% of Mexican American males and 13% of Mexican American females have high Serum Cholesterol; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 25% of Caucasian males, 21% of Caucasian females, 37% of African American males, 37% of African American females, 24% of Latino American males and 22% of Latino American females between 20 and 74 years old from 1988 to 1994 have high blood pressure; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, African Americans between the ages of 40 and 49 are 115% more likely, between 50 and 59 are 138%, between the ages of 60 and 74 are 103% more likely and 75 plus are 61% more likely to be diagnosed with diabetes; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, Hispanic-Americans between the ages of 40 and 49 are 195% more likely, between 50 and





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59 are 148%, between the ages of 60 and 74 are 104% more likely and 75 plus are 89% more likely to be diagnosed with Diabetes; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, African Americans have the highest overall death rate amongst all racial and ethnic racial groups in the United States; and

WHEREAS, according to calculations of health disparities using the United States Centers for Disease Control and Prevention, Department of Health Statistics data by the National Institute to Combat Health Disparities (NICHD), using Caucasians as a point of reference, African Americans have a 32% higher overall death rate than Caucasians; 30% higher heart disease death rate; 25% higher Cancer death rate; 41% higher stroke death rate; 11% higher influenza death rate; 114% higher Diabetes death rate; 777% higher HIV/AIDS death rate; and a 333% higher Homicide death rate than Caucasians; and

WHEREAS, according to calculations of years of life lost due to specific health conditions using the United States Centers for Disease Control and Prevention, Department of Health Statistics data by the National Institute to Combat Health Disparities (NICHD), African Americans are losing 716 or 62% more years for Heart Disease, 159 or 10% more years for Cancer, 227 or 124% more years for Stroke, 161 or 99% more years for Diabetes and 609 or 686% more years for HIV/AIDS than Caucasians; and

WHEREAS, social conditions, genetics, behavior, environmental factors, inappropriate access to health services, racism, education, poverty, unemployment, the failure to create wealth and non-involvement in clinical trials, among other factors, are a gathering convergence of forces that cause African Americans to experience health disparities; and

WHEREAS, according to the most recent United States Census Bureau, Economic Census, Caucasian firms encompass 84%, African American firms encompass 3%, Latino American firms encompass 4% and other minority populations encompass 1% of the Health Service firms in the United States; and

WHEREAS, according to the most recent United States Census Bureau, Economic Census, for every \$95.47 of receipts that Caucasian firms generate, African American firms generate \$0.75, Latino American firms generate \$0.98 and other minority populations generate \$2.80 of total Health Service sales in the United States; and

WHEREAS, according to the most recent United States Census Bureau, Economic Census, Caucasian firms encompass 91%, African American firms encompass 1%, Latino American firms encompass 3% and other minority populations encompass 5% of the Research and Development firms in the United States; and

WHEREAS, according to the most recent United States Census Bureau, Economic Census, for every \$94.39 of receipts that Caucasian firms generate, African American firms generate \$.89, Latino American firms generate \$1.64 and other minority populations generate \$3.08 of total Research and Development sales in the United States; and

WHEREAS, according to the National Science Foundation, Caucasians makeup 70%, African Americans represent 7%, Latino Americans makeup 6% and other minorities represent 17% of graduate students in science and engineering; and



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WHEREAS, according to the National Science Foundation, Caucasians makeup 83%, African Americans represent 3%, Latino Americans makeup 3% and other minorities represent 11% of scientists and engineers in the United States labor force; and

WHEREAS, according to the Association of American Medical Colleges, Caucasians makeup 64%, African Americans represent 7%, Latino Americans makeup 6%, Asians makeup 20%, Native Americans represent 1% and other minorities represent 3% of medical school graduates during the 2002-2003 school year; and

WHEREAS, according to the American Medical Association, Caucasians makeup 49.4%, African Americans represent 2.6%, Latino Americans makeup 2.8%, Asians/Pacific Islanders makeup 9.3%, Native Americans/Alaskan Islanders represent .1% and other minorities represent 2.5% of Medical School Graduates during the 2002-2003 school year; and

WHEREAS, the Tuskegee Syphilis Study, conducted by the U.S. Public Health Service (PHS) from 1932 to 1972, intentionally withheld treatment from 399 poor African American sharecroppers and laborers from Macon County, Alabama suffering from syphilis; and

WHEREAS, the Tuskegee Syphilis Study put medical research in a bad light for many Americans, especially minority populations; and

WHEREAS, according to the Journal of Clinical Oncology, seventy percent (70%) of National Medical Association (NMA) physicians cited mistrust of the research centers, fear of losing patients, and a lack of respect from Eastern Cooperative Oncology Group (ECOG) institutions as the most important barriers to minority cancer patient referrals, compared with 30% for ECOG physicians. Sixty-nine percent (69%) of NMA and 43% of ECOG physicians cited a lack of information about specific trials. Nearly half of NMA physicians (47%) cited a lack of minority investigators as a barrier, compared with 4% of ECOG physicians. Solutions by both groups were: Improved communication (73%), and Culturally relevant educational materials (40%). ECOG physicians cited more minority outreach staff as a potential solution (22% v 6%). NMA physicians cited increased involvement of referring physicians (44% v 4%); and

WHEREAS, NBCSL has a long history of fighting for the interests of their colleague's and their constituents;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL request that the pharmaceutical, hospital, nursing home and physician industries work with the National Institute to Combat Health Disparities, NICHD Ventures and Medimorph, LLC to address the underlying causes of health disparities, improve minority participation in pharmaceutical research, development and clinical trials, hospital employment opportunities and business development; and

BE IT FURTHER RESOLVED, that NBCSL fervently request that the Food and Drug Administration (FDA) and the National Institutes of Health (NIH) enforce its existing rules (Drug-Demographic Interaction) to appropriately include African Americans, Latino Americans, Indian and Alaska Natives, Asians, Native Hawaiians, Other Pacific Islanders and other minority populations in clinical trials; and

BE IT FURTHER RESOLVED, that NBCSL will work with NICHD and Medimorph to develop network partnerships with national legislative caucuses, medical associations, civil rights organizations, faith-based institutions and others to work together to reduce health disparities, improve minority participation in



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pharmaceutical research and development and hospital employment opportunities, increase clinical trials and business development; and

BE IT FURTHER RESOLVED, that NBCSL will work with NICHD and Medimorph to establish educational partnerships and work with health care organizations to increase the number of hospital executives, pharmacological researchers and executives, nursing home executives and other employees in the health care sector; and

BE IT FURTHER RESOLVED, that NBCSL will work with the NICHD Ventures Fund to establish a capital development plan and work with its partners to increase minority health care business development opportunities; and

BE IT FINALLY RESOLVED, that NBCSL members will be encouraged to develop relationships with the NICHD Ventures Fund to increase capital and business development opportunities for minority organizations in NBCSL.

**Sponsored by:** Representative Shirley Nathan-Pulliam (MD), Senator Peter Groff (CO)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

**Certified by Committee Chair:** Senator Roscoe Dixon (TN)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 12

### CHILDHOOD OBESITY HEALTH DISPARITIES

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 78% of African American females, 60% of African American males, 74% of Hispanic American females and 72% of Hispanic American males are overweight or obese; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 29% of Caucasian males, 25% of Caucasian females, 38% of African American males, 41% of African American females, 31% of Mexican American males and 25% of Mexican females are hypertensive; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 29% of Caucasian males, 25% of Caucasian females, 38% of African American males, 41% of African American females, 31% of Mexican American males and 25% of Mexican females are hypertensive; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 18% of Caucasian males, 19% of Caucasian females, 11% of African American males, 17% of African American females, 18% of Mexican American males and 13% of Mexican females have high Serum Cholesterol; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 25% of Caucasian males, 21% of Caucasian females, 37% of African American males, 37% of African American females, 24% of Hispanic-American males and 22% of Hispanic American females between 20 and 74 years old from 1988 to 1994 have high blood pressure; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, African Americans between the ages of 40 and 49 are 115% more likely, between the ages of 50 and 59 are 138%, between the ages of 60 and 74 are 103% more likely and 75 plus are 61% more likely to be diagnosed with diabetes; and

WHEREAS, many of these conditions are caused by disproportionately high rates of obesity;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, partnerships are developed with state school systems to encourage increased physical activity, reduced vending machines and enhanced dietary lunches for children in elementary, secondary, middle and high schools throughout the United States.

**Sponsored by:** Delegate Shirley Nathan-Pulliam (MD), Senator Peter Groff (CO)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

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**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 15

### HEALTH CARE COVERAGE FOR WORKING AMERICANS

WHEREAS, the health care system for workers in the United States is an employer provided benefit-based system; and

WHEREAS, this health care system is continually diminishing as a benefit provided to American workers; and

WHEREAS, the workers losing health care are being forced to seek health care through direct or indirect publicly-financed programs; or services such as public assistance or hospital emergency room visits for non-emergency illnesses; and

WHEREAS, government and taxpayers are compelled to subsidize an increasing financial burden due to the inability of employers to offer affordable health care coverage; or reluctance on the part of profitable employers to cover their employees with health care due to an increasing market share of employers stopping medical coverage; and

WHEREAS, some of these profitable employers facilitate their employees entry into government health programs by actively advising employees of the availability of programs rather than to make health care available to the employee; and

WHEREAS, these same employers also seek tax abatements, deferrals, zoning variances and public service improvements, thereby effectively acquiring subsidization on two economic avenues; and

WHEREAS, the National Black Caucus of State Legislators believes the deprivation of health care for employees by extremely profitable employers to be immoral, unethical and contributing to the lowering of standards for all working Americans and should be immediately halted; and

WHEREAS, the National Black Caucus of State Legislators supports affordable, comprehensive health care for every American;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that profitable employers who set a health care benefit policy that has the effect of depriving workers from accessible health care in appropriate cases should refund any tax abatement or deferrals; and

BE IT FURTHER RESOLVED, that it is recommended that the employer make whole the local and state government in appropriate cases comparable cost.

**Sponsored by:** Delegate Shirley Nathan-Pulliam (MD), Representative Omeria Scott (MS), Senator Peter Groff (CO)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

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**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 19

### ADDRESSING ASTHMA HEALTH DISPARITIES

WHEREAS, according to the Centers for Medicare and Medicaid Services, 8% of the non-elderly Caucasian population, 22% of the African American population, 19% of the Latino American population and 12% of other minority populations are insured through Medicaid; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 34 Americans die every day from asthma; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, approximately 465,000 Americans were hospitalized due to asthma and 1.8 million emergency room visits; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, Department of Health Statistics, 9 million children were diagnosed with asthma; and

WHEREAS, according to the 2000 United States Centers for Disease Control and Prevention, National Asthma Surveillance Survey, African Americans have a 14% higher episode rate of asthma Attacks, a 55% higher rate of Outpatient Visits, a 145% higher rate of Emergency Room visits and 230% higher rate of Hospitalization than Caucasians; and

WHEREAS, according to the 2000 United States Centers for Disease Control and Prevention, National Asthma Surveillance Survey, African Americans have a 173% higher asthma death rate than Caucasians; and

WHEREAS, according to the 2002 Centers for Medicare and Medicaid Services, Caucasians accounted for 54% of the Medicaid expenditures, African Americans makeup 20%, Latino Americans account for 8% and others represent 16%; and

WHEREAS, childhood asthma or other respiratory conditions are the number one reason children go to the emergency rooms and are admitted to the hospital; and

WHEREAS, Preferred Drug Lists are pharmacy programs designed to save costs by instituting a drug formulary based on more on costs than effectiveness; and

WHEREAS, over thirty state Medicaid programs have implemented or have implemented Preferred Drug Lists; and

WHEREAS, restricting drugs that may be more beneficial to the patient is an attempt to save money on states' Medicaid pharmacy budget and exempt children who only make up 7% of the drug spend from drugs that may prevent them from needing further medical help i.e. visits to the emergency room; and

WHEREAS, prior authorizations require Medicaid patients, in particular asthma patients, to be on potentially ineffective therapy for an extended period of time, which may lead to declining health or poor health outcomes, otherwise known as "failure" or "fail-first." This "failure" can be described as undue side



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effects or lack of effectiveness by a particular drug regimen, which can lead to non-compliance, or further deterioration of the patient's health. Ultimately a "failed" status will lead to increased emergency hospital visits, increased inpatient stays and increased health care costs to the state; and

WHEREAS, asthma disproportionately affects minority children;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that State Medicaid Programs which have Preferred Drug Lists, should not require recipients to "fail-first" in any manner, on any preferred drug, before providing a prior authorized to Lists, should not require recipients to "fail-first" in any manner, on any preferred drug, before providing a prior authorization to treat the emergency medical condition of acute respiratory bronchospasms (an asthma attack) or other respiratory failure.

**Sponsored by:** Representative Mary H. Coleman (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

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**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05 - 31

### ACCESS AND QUALITY OF PATIENT MEDICAL CARE/ELIMINATING RACIAL/ETHNIC BIAS

WHEREAS, there has been notable progress in overall health in the United States, there are still continuing health disparities in the occurrence of illnesses, conditions, and deaths experienced by African Americans and Latino Americans, Native Americans, Alaskan Natives, Asian Americans, and Pacific Islanders, compared to the Caucasian population; and

WHEREAS, the burden of chronic and disabling diseases is significant among African Americans and Hispanics, death rates due to cardiovascular disease are 50% higher for African American men and 67% higher for African American women than their Caucasian counterparts and African Americans have an AIDS death rate that is 10 times greater than Caucasians; and

WHEREAS, there is a recognized need to address the impact of gender and race/ethnicity on disease incidence and progression. Diseases such as diabetes, cancer, cardiovascular, lupus, and obesity continue to harm women. African Americans are about 30% more likely to die of cancer than Caucasians and African Americans are twice as likely to have diabetes than Caucasians; and

WHEREAS, researchers are developing and the Food and Drug Administration is approving new medicines to treat those diseases that were not treatable or were not well treated in the past, including medicines for chronic conditions such as prostate cancer (44 new medicines in development), diabetes (41 new medicines in development), high blood pressure (10 new medicines in development), stroke (18 new medicines in development), and HIV/AIDS and related conditions (83 new medicines in development); and

WHEREAS, many new medicines are being developed for diseases and conditions that affect those populations likely to lack health insurance and likely to be eligible for Medicaid and other state funded programs including the elderly (15 new medicines in development for heart attacks/arrhythmia and 10 in development for hypertension); and

WHEREAS, there are many existing medicines being tested for use by children, and new formulations are being developed to make consumption easier or taste better so children's treatment plans are more consistent, including medicines for diabetes (2 medicines in development), asthma (9 medicines in development), Cancer (32 medicines in development), and juvenile arthritis (3 medicines in development); and

WHEREAS, some patient populations face greater health risks as a result of poorer quality health care for some diseases and conditions, such as African Americans who are likely to receive less aggressive treatment for cancer and who are more likely than Caucasians to develop serious complications from diabetes and high blood pressure. Limitations on physicians' choice of treatments, or on patient's access to the treatment of choice, through venues such as prior authorization of prescription medicines, may interfere with physicians' treatment plans or patients' compliance with those treatment plans; and

WHEREAS, prior authorization and other limitations on care that require health care providers to spend additional time justifying their treatment choices results in discouraging healthcare providers from serving





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people enrolled in Medicaid and other state-funded programs. In 1999, Medicaid was the leading source of drug coverage for under-65 disabled beneficiaries across racial/ethnic groups; and

WHEREAS, research has proven that drug metabolism, clinical effectiveness, and tolerability differ based upon the racial and ethnic composition of the patient. Preferred Drug Lists (PDL) pose a threat to the quality of patient care by challenging the drug selections of treating physicians and prescribers and ignoring racial and ethnic patient characteristics that influence the drug's clinical effectiveness; and

WHEREAS, during times of state budget crises, legislatures and state agencies often disregard the treatment and care of patient's and utilize cost as the sole determining factor when qualifying drugs as preferred or prior authorized in the Medicaid program; and

WHEREAS, there is a significant need for a comprehensive and collaborative effort to eliminate treatment disparities and increase access to all drugs approved by the Federal Drug Administration to all patient populations on a local, state, and national level; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that the National Black Caucus of State Legislators is concerned that, in an effort to resolve budget shortfalls, certain racial and ethnic patient populations will experience declining access to necessary health care treatments and prescription drugs; and

BE IT FURTHER RESOLVED, the National Black Caucus of State Legislators and the National Institute to Combat Health Disparities will form a Health Disparities Consortium devoted to addressing the disparities and the social, economic, and environmental conditions that create these disparities; and

BE IT FINALLY RESOLVED, that it is the responsibility of the elected officials to advise key stakeholders about the harmful impact of any type of restriction to access, including Preferred Drug Lists, prior authorizations, and step therapy, on specific patient populations and the importance of protecting the physician's authority to select a patient specific treatment program including prescription drug selection.

**Sponsored by:** Senator Roscoe Dixon (TN)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

**Certified by Committee Chair:** Senator Roscoe Dixon (TN)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 133

### CHRONIC KIDNEY DISEASE AS A HEALTH DISPARITY

WHEREAS, today more than 20 million Americans, approximately one in nine adults, have a form of Chronic Kidney Disease (CKD). Of these, more than 8 million have seriously reduced kidney functions that, if left untreated, may progress to a more severe level, Stage 5, or End Stage Renal Disease (ESRD). In Stage 5 (ESRD), the patient must undergo kidney dialysis several times a week or receive a kidney transplant; and

WHEREAS, African Americans suffer from chronic kidney disease at four times the overall rate of chronic kidney disease in the United States; and

WHEREAS, African Americans make up about 13 percent of the U.S. population, but account for 32 percent of all people treated for kidney failure; and

WHEREAS, chronic kidney disease, which is a major health care burden, is projected to cost \$20 billion for the National Health Care System by the year 2010; and

WHEREAS, ESRD is usually the result of years of Chronic Kidney Disease caused by diabetes mellitus, high blood pressure, inherited conditions, or other insult to the kidneys; and

WHEREAS, cost-effective means are available and can determine the level of kidney function and provide information for clinicians about therapeutic interventions that may preserve kidney function, delay progression of End Stage Renal Disease (ESRD) and/or renal transplantation and sustain life; and

WHEREAS, evidence-based clinical guidelines have been developed by scientists and renal experts, are published in numerous peer-reviewed journals, and if implemented, could save the lives of countless Americans; and

WHEREAS, public policy initiatives targeted at early identification of individuals at risk for CKD (those that have diabetes, high blood pressure, or a family history of kidney disease) can reduce the serious long-term effects of CKD on the affected population thereby potentially lowering the significant economic burden on the healthcare system while improving the quality of life for numerous Americans;

THEREFORE, BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29-DECEMBER 3, 2004, that NBCSL adopt Chronic Kidney Disease (CKD) as a health disparity and urges all state legislators to encourage licensed healthcare providers to develop a plan for early identification and implementation of an appropriate clinical management program for individuals at highest risk for Chronic Kidney Disease (CKD).

**Sponsored by:** Senator Roscoe Dixon (TN), Representative Omeria Scott (MS), Representative Michael DeBose (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

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**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 136

### URGING CONGRESS TO REINSTATE COVERAGE UNDER MEDICARE FOR REHABILITATIVE SERVICES FOR PERSONS WHO ARE HOMEBOUND

WHEREAS, there have been many changes made to the laws governing Medicare during the past few years, some of which have had positive impacts and some of which have been less than positive; and

WHEREAS, one of the less than positive changes to Medicare has been the discontinuance of providing coverage for rehabilitative services for those persons who are homebound; and

WHEREAS, these persons often face additional difficulties in gaining access to medical care and must rely on the provision of such vital care by others to them at their homes rather than traveling to a facility to receive such medical care;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members urge Congress to make the necessary changes to the Medicaid laws to reinstate the coverage for rehabilitative services for persons who are homebound in order to improve the quality of life of these persons.

**Sponsored by:** Representative David Lucas (GA), Representative Omeria Scott (MS), Representative Michael DeBose (OH)

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## Resolution 05 - 137

### **PROPOSED RESOLUTION ON THE UNINSURED AND COMMENDING PFIZER FOR PROVIDING A MEANINGFUL SOLUTION THROUGH THE HELPFUL ANSWERS AND PFIZER PFRIENDS INITIATIVES**

WHEREAS, providing access to healthcare is one of the pre-eminent public policy challenges facing elected officials in statehouses across America; and

WHEREAS, approximately 45 million people do not have access to health insurance that can enable them to seek preventive care and medical treatment; and

WHEREAS, the challenges of accessing and receiving high quality healthcare has a disparate and harmful impact on African Americans and persons of color; and

WHEREAS, finding a long term solution to the challenge of providing access to healthcare for all those who need it is a worthwhile goal that will require input from public and private interests, and policymakers of both parties; and

WHEREAS, certain pharmaceutical companies are taking a proactive role in addressing the problems facing the uninsured, by providing pharmaceutical assistance programs for people without health insurance or coverage for prescription medicines; and

WHEREAS, Pfizer has taken such a leadership role, through two new initiatives, Pfizer Helpful Answers and Pfizer PFriends, announced earlier this year with a statement of support by NBCSL; and

WHEREAS, these two initiatives provide Pfizer medicines to all American's uninsured for free or at significant savings, through a toll free number and website; and

WHEREAS, more than 30 elected officials at every level of government and from both parties, and more than 45 organizations representing patients and the uninsured, including NBCSL, The National Medical Association, The California Black Health Network, the California Black Women's Health Project, and the Black Women's Health Imperative have voiced their support for Pfizer PHelpful Answers and Pfizer PFriends;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members commend Pfizer for providing a meaningful and easy to use benefit for American's uninsured through the Helpful Answers and PFriends programs.

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators encourages its members to use their leadership positions within their communities to educate uninsured constituents about the availability of Helpful Answers and Pfizer PFriends, as well as other industry prescription assistance



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programs, so that they can receive medications at no cost or at significantly reduced prices through these private sector programs.

**Sponsored by:** Senator Roscoe Dixon (TN), Representative Michael DeBose (OH)

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**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 139

### CERVICAL CANCER ELIMINATION TASK FORCES

WHEREAS, following breast cancer, cervical cancer is the second most common cancer in women worldwide; and

WHEREAS, 99.7% of cervical cancer cases are linked to HPV (human papillomavirus); and

WHEREAS, HPV is a very common infection; and

WHEREAS, according to federal governmental statistics, cervical cancer is the third most common gynecological cancer among American women, with approximately 12,200 new cases diagnosed annually, 4,100 of which result in fatalities; and

WHEREAS, cervical cancer disproportionately affects minority women, in the U.S., African American women have the highest age-adjusted mortality rate from cervical cancer and are followed by Latino American women. Among women 30-54 years old, Vietnamese women have the highest incidence, followed by Latino American women and African American women; and

WHEREAS, with regular and accurate screening, cervical cancer is highly preventable; widespread screening programs have helped to reduce death rates of women from cervical cancer, but women are still dying even with such advanced medical techniques and evaluate procedures; and

WHEREAS, experience shows that increasing cervical cancer awareness among women, significantly reduces the probability of mortality; and

WHEREAS, approximately half of all cervical cancer cases are in women who have never been screened, and 10 percent of cases are in women who have not been screened within the last 5 years; and

WHEREAS, new screening technologies now available and vaccines that are in development, offer new methods in preventing and controlling the risk of cervical cancer; and

WHEREAS, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society and the Association of Reproductive Health Professionals, have recently updated their screening guidelines to include FDA-approved testing for the human papillomavirus; and

WHEREAS, women are entitled to proper cervical cancer information so that they can be empowered to make healthcare decisions;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members support the creation by all states and U.S. territories of special Cervical Cancer Elimination Task Forces, and encourages existing state and territorial cancer programs to take the lead in reviewing data regarding cervical cancer and



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human papillomavirus of women within all states and U.S. territories, and evaluating current methods used to provide women with information regarding cervical cancer, access to regular screening and options for increasing use of new technology to test for and prevent HPV. Further duties of said task forces or existing cancer programs should include the identification of pockets of need, priority strategies and new technologies, including newly introduced therapies and preventative vaccines which are effective in preventing and controlling the risk of cervical cancer.

**Sponsored by:** Representative Kathryn Bowers (TN), Representative Omeria Scott (MS), Representative Michael DeBose (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

**Certified by Committee Chair:** Senator Roscoe Dixon (TN)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 142

### AIDS

WHEREAS, nationally it is estimated that between 25% and 40% of inmates incarcerated in state prison settings are infected with Hepatitis C; and

WHEREAS, Hepatitis C is a virus that is spread through contact with infected human blood and can lead to life threatening liver damage, liver cancer or liver failure; and

WHEREAS, HIV is a virus that is spread through contact with infected human blood;

WHEREAS, Hepatitis C kills 10,000 Americans annually and the death toll is expected to triple by 2010; and

WHEREAS, public health experts agree that Hepatitis and HIV, in or near epidemic proportions, is our state prison settings; and

WHEREAS, a high number of inmates entering the system are infected with Hepatitis C and do not know it; and

WHEREAS, the risk of transmission within this population is very high and once released inmates may unknowingly spread this virus to family members and friends;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that the State Department of Corrections at the direction of the state legislatures develop a comprehensive Hepatitis C and Human Immunodeficiency Virus (HIV) program for inmates including a mandatory blood test for Hepatitis C and a screening test for Human Immunodeficiency Virus (HIV); and

BE IT FURTHER RESOLVED, that inmates should be tested upon arrival into the custody of the state department of corrections and upon completion not more than sixty (60) days or less than thirty (30) days before their release.

**Sponsored by:** Representative William Crawford (IN), Representative Omeria Scott (MS), Representative Michael DeBose (OH)

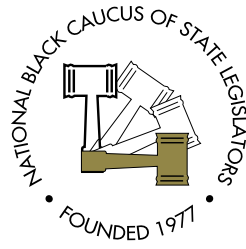
**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Health

**Certified by Committee Chair:** Senator Roscoe Dixon (TN)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





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# HOUSING

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
November 29 - December 4, 2004*



## Resolution 05 - 21

### REVITALIZING NEIGHBORHOODS AND RECLAIMING ABANDONED PROPERTIES

WHEREAS, abandoned property in neighborhoods decreases property values of the remaining properties; a Philadelphia study found that the presence of one abandoned property on a block reduced the value of the other properties on the block by nearly \$6,500 each; and

WHEREAS, abandoned property creates public safety concerns often becoming venues for a wide range of criminal activity, including prostitution and drug trafficking, and increases the risk of fire, particularly hazardous in high-density urban areas. The National Fire Protection Agency reports that, in 1999, an estimated 11,400 structure fires in vacant properties caused 24 civilian deaths, 66 civilian injuries, and \$131.5 million in direct property damage; and

WHEREAS, abandoned property jeopardizes public health creating opportunities for infestation by rats and vermin, and becoming dump grounds for construction debris and garbage; abandoned industrial sites may create further health hazards by exposing neighbors to environmental contamination and toxic materials; and

WHEREAS, abandoned property imposes a massive fiscal burden on local taxpayers; and over the past five years, the City of St. Louis has spent \$15.5 million, or nearly \$100 per household, to demolish vacant buildings. Detroit spends an average of \$800,000 per year just to clean vacant lots; and

WHEREAS, transforming the urban landscape in neighborhoods via creative land use projects, such as parks areas, playgrounds, and small businesses, is an effective strategy for using empty spaces, which prevents the likelihood of the abovementioned problems;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL work with their local housing agencies and community leaders to build a market for its abandoned property by attracting a larger share of regional growth, cultivating niche markets, or using education, counseling, and mortgage assistance programs to increase the pool of potential home buyers; and

BE IT FURTHER RESOLVED, that NBCSL address the systemic problem of abandoned property, especially in low-income, minority neighborhoods, with three (3) critical techniques:

- 1) Prevent abandonment by analyzing the causes of abandonment and developing programs to preserve viable buildings.
- 2) Minimize the period between abandonment and reuse to prevent harmful effects on the surrounding community.
- 3) Reuse abandoned properties in ways that benefit the community immediately and over the long term.



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BE IT FURTHER RESOLVED, that NBCSL develop legislation that provides incentives for the owner to maintain the property financial assistance, typically through loan programs or tax abatements or develop legislation that transfers the property to a new owner who can manage the property better; and

BE IT FURTHER RESOLVED, that NBCSL work with their communities to create an efficient internal system for reusing abandoned property; and

BE IT FINALLY RESOLVED, that NBCSL collaborate with local communities and housing agencies to develop a strategic vision that analyzes their assets and liabilities.

**Sponsored by:** Representative Larry Womble (NC), Representative Omeria Scott (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Housing

**Certified by Committee Chair:** Representative Larry Womble (NC)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 22

### IMPROVING HOMEOWNERSHIP OPPORTUNITIES FOR AND PREVENTING DISCRIMINATION IN MORTGAGE LENDING

WHEREAS, on June 24-25, 2004, the National Black Caucus State Legislators and National Hispanic Caucus State Legislators (NBCSL and NHCSL) met at Fannie Mae headquarters in Washington, DC, to hear mortgage lending specialists and Congressional representatives explain the process of securing home loans and credits; and

WHEREAS, NBCSL and NHCSL discussed with Fannie Mae representatives various strategies, which they plan to share with potential homebuyers in their states; and

WHEREAS, the past three years have been among the best in history for American homeowners. However, affordability of houses have not reached America's minority communities; and

WHEREAS, Fannie Mae is committed to increasing the minority homeownership rate to 55% over the next decade as a significant step forward in ultimately closing the homeownership gap between minorities and the general population; and

WHEREAS, the HOPE VI (Housing Opportunities for People Everywhere) program's aim is to stop concentrating troubled low-income households in large public housing developments yet there have been mixed results in the success of the program, including new neighborhoods created by the HOPE VI program that remain extremely poor and racially segregated, and residents continue to report significant problems with crime and drug trafficking; and

WHEREAS, many of those who relocated through the HOPE VI Program using vouchers say they have struggled to find and keep housing in the private market, and only a few residents have been able to move to the new mixed-income housing on the HOPE VI sites, while about half have moved to other public housing developments; and

WHEREAS, findings show that at the beginning of 2004, a median-income, first-time home buyer with a 10 percent down payment will no longer qualify for a mortgage on the median-priced home. The national data also show that even repeat home buyers with a 20 percent down payment will not qualify for a mortgage on the median-priced house; and

WHEREAS, predatory lending is a danger to neighborhoods and homeownership, and borrowers must have the tools to make smart decisions to reject these practices and lenders and to manage their money wisely in our complex marketplace; and

WHEREAS, research shows that adults in the United States have disturbingly low levels of economic, financial, and consumer literacy and consumers need to be knowledgeable to make informed choices; and

WHEREAS, information available to borrowers to make decisions is far from perfect, and there are often imbalances in information resources between lenders and borrowers; and



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WHEREAS, regional councils provide services that have profound influence on a region's stock of affordable homes, for example, regional housing authorities, housing revolving loan funds, and Section 8 housing programs, often operate under the aegis of a regional council. In addition, some regional councils run job-access and training programs to help local governments ensure an adequate labor force near jobs; and

WHEREAS, the Department of Housing and Urban Development commissioned a Housing Discrimination 2000 Study to measure discrimination by real estate agents and rental agents against African Americans and Hispanic Americans. This study found that there were differences in the responses to inquiries about the availability of houses and apartments that were just advertised in the Sunday classifieds of the major metropolitan newspaper, and in their responses to how much minority potential homeowners can afford to borrow and how much they should think about buying; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL ensure that potential African American homebuyers are treated fairly in the credit rating process and are empowered with various techniques and strategies in securing a home at an affordable rate vis-à-vis financial assistance from housing agencies and mortgage lenders to close the homeownership gap; and

BE IT FURTHER RESOLVED, that NBCSL urge the Department of Housing and Urban Development to exclude refinance transactions for single family homes; and

BE IT FURTHER RESOLVED, that NBCSL urge the Department of Housing and Urban Development as well as local housing authorities to give credit for financing affordable rental housing for the nation's poorest families; and

Be IT further resolved, that NBCSL introduce effective legislation that prevents predatory lending practices and improves financial literacy through the following measures:

- 1) Provide prohibitions on balloon payments, call provisions, and negative amortization;
- 2) Prohibit prepayment penalties after the first three years of the loan, increased interest rates after a default, and improper payments to home improvement contractors;
- 3) Prohibit fees to modify, renew, extend or amend the loan when it is in default;
- 4) Prohibit refinancing of a home loan unless there is a net benefit to the customer;
- 5) Establish incentives for lenders to provide financial education and homeownership counseling in our schools and communities; but especially for their customers before and after the loan is made, particularly for those with difficulty in credit ability; and,
- 6) Design the real estate loan application and closing process so that it provides critical information for customer comparison and good decision-making, is less complicated and understandable, and is less costly.

BE IT FURTHER RESOLVED, that NBCSL collaborate with Fannie Mae and Freddie Mac to support reasonable housing goals that do not foster an artificial allocation of credit in a way that could harm lower and middle income class Americans, especially those living in high cost states; and

BE IT FURTHER RESOLVED, that NBCSL work with Regional Councils in their districts to increase transparency in the homeownership process; and



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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BE IT FURTHER RESOLVED, that NBCSL investigate the discrimination in hiring practices by local housing agencies and mortgage lenders to ensure that policies of affirmative action are implemented and minorities are represented, especially on the executive level; and

BE IT FURTHER RESOLVED, that NBCSL investigate the levels of mortgage lending discrimination in local housing agencies and banks based on loan approval rates compared between Caucasians and minorities; and

BE IT FURTHER RESOLVED, that NBCSL educate minorities about how to report cases of discrimination in the mortgage lending process to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED, that NBCSL work with community-based organizations engaged in asset-building programs to help identify factors that may promote or discourage the transfer of benefits from individuals to neighborhoods, and increase the likelihood of positive neighborhood spillovers through legislation that ensures the following practices:

- Management of returns from the individual asset;
- Retention of asset holders;
- Creation of reinvestment conduits;
- Track local purchasing power; and
- Creation opportunities for collective action.

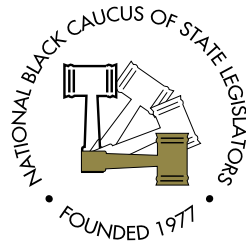
**Sponsored by:** Representative Larry Womble (NC), Representative Omeria Scott (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Housing

**Certified by Committee Chair:** Representative Larry Womble (NC)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



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**HUMAN SERVICES**

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
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## Resolution 05 - 125

### **KINSHIP CAREGIVER SUPPORT ACT (CLINTON BILL-S. 2706)**

WHEREAS, nearly 6 million children—or one in 12—were living with grandparents or other relatives, according to the 2000 Census; and

WHEREAS, more than 2.5 million of these children were living in grandparent or other relative-headed households without either parent present in 2000; and

WHEREAS, more than one in five children living in relative-headed households (nearly 1.3 million children) live in poverty; and

WHEREAS, over the last decade, child welfare agencies have become increasingly reliant on relatives as the first option when a foster care placement is needed for a child who has been abused or neglected; and

WHEREAS, the Kinship Caregiver Support Act establishes a Kinship Navigator Program to:

- Help link relative caregivers, both inside and outside the formal child welfare system to a broad range of services and supports that they need for their children and themselves
- Help agencies more effectively and efficiently serve kinship care families
- Empower state or local agencies that serve large metropolitan areas and Indian tribal organizations, to apply for competitive grants; and

WHEREAS, 35 states and the District of Columbia have laws establishing subsidized guardianship payments; and

WHEREAS, the Kinship Caregiver Support Act establishes a Kinship Guardianship Assistance Program which will:

Give states the option to use federal funds for subsidized guardianship payments to relative caregivers on behalf of the children they are raising in foster care, provided the children are eligible for federal foster care payments;

- Help ensure permanent homes for these children; and
- Require state agencies to take steps to ensure that this placement is the best permanency alternative for the child; and

WHEREAS, the Kinship Caregiver Support Act requires state child welfare agencies to provide notice within 60 days of the removal of a child from the custody of the child's parents to all adult grandparents and other relatives of the child, subject to exceptions due to family or domestic violence;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL support adoption of the Kinship Caregiver Support Act in the U.S. Senate, and a companion bill yet to be introduced in the U.S. House of Representatives.





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**Sponsored by:** Representative Erik R. Fleming (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Human Services

**Certified by Committee Chair:** Representative Erik R. Fleming (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 127

### HOUSING FOR GRANDPARENT AND OTHER RELATIVE CAREGIVERS

WHEREAS, the availability of safe and affordable housing is a major concern for many grandparents and other relative caregivers who often begin caring for children without warning or preparation and may have difficulty accommodating children in their current residence; and

WHEREAS, caregivers' residences may be too small to add one or more children, and the presence of additional occupants may violate lease agreements; and

WHEREAS, grandparents living in public housing with occupancy restrictions may face eviction if children move in, and this is also true of older relative caregivers living in senior housing where children are not allowed; and

WHEREAS, finding safe and affordable housing is a challenge everywhere and may be particularly difficult for low-income relative caregivers to access; and

WHEREAS, the LEGACY Act (Living Equitably, Grandparents Aiding Children and Youth), planned for reintroduction in the 108th Congress, would improve access and increase the supply of housing for relative caregiver families;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL support creating national demonstration programs, based on Grand Families House in Boston, MA, to address the housing needs of grandparents and other relatives; and

BE IT FURTHER RESOLVED, that NBCSL encourage training Housing and Urban Development (HUD) personnel on the special circumstances that may affect grandparents and other relatives raising children in subsidized housing; and

BE IT FURTHER RESOLVED, that NBCSL request allocation of additional Fair Housing Initiatives Program (FHIP) funds to grandparent education and outreach; and

BE IT FURTHER RESOLVED, that NBCSL support providing assistance to grandparents and other relative caregivers (who own and live in their own homes) to build additional bedrooms and bathrooms to accommodate the children who have unexpectedly come into their care; and

BE IT FURTHER RESOLVED, that NBCSL urge clarifying that grandparents and other relatives raising children qualify for Family Unification housing assistance, thereby, preventing the children from entering foster care due to a housing problem; and

BE IT FURTHER RESOLVED, that NBCSL encourage conducting a nationwide survey of the housing and service needs of grandparents and other relatives raising children; and



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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BE IT FINALLY RESOLVED, that NBCSL support passage of the federal LEGACY (Living Equitably, Grandparents Aiding Children and Youth) bill to provide access to safe and affordable housing for grandparents and other relative-headed households.

**Sponsored by:** Representative Erik R. Fleming (MS), Representative Omeria Scott (MS), Representative Michael DeBose (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Human Services

**Certified by Committee Chair:** Representative Erik R. Fleming (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 128

### KINSHIP NAVIGATOR PROGRAMS

WHEREAS, grandparents and other relative caregivers at all income levels often report that what they need most is accurate information about the existing programs and services that are available to their families; and

WHEREAS, statewide kinship navigator programs have toll-free hotlines or help desks that guide families toward and connect them to existing benefit programs, local support groups, respite care programs, and other helpful government and non-profit services; and

WHEREAS, navigator programs also publish materials and offer helpful websites to share key information; and

WHEREAS, funding for state navigator programs can be a cost-effective means of helping kinship care families better utilize existing programs; and

WHEREAS, navigator programs provide a centralized mechanism for creating partnerships among government at various levels, non-profit, community and faith-based agencies to better serve the needs of kinship caregiver families; and

WHEREAS, application forms and program notices can be simplified to make them less intimidating and easier to understand; and

WHEREAS, legal concepts, such as the Privacy Act requirements or legal definitions, should be written in plain language and materials should be available in large type and in both English and other languages;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL support establishing Kinship Navigator programs in the states to streamline the process kinship caregivers must undergo in seeking assistance for their families. States are encouraged to pass legislation and implement regulations to streamline and coordinate application and other procedures to inform potential beneficiaries about the range of benefits for which they may be eligible; and

BE IT FURTHER RESOLVED, that NBCSL support training for all who work on relevant supportive programs so that they have basic knowledge about the availability of all related programs and resources for kinship care families.

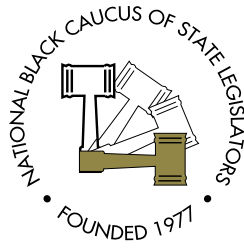
**Sponsored by:** Representative Erik R. Fleming (MS), Representative Omeria Scott (MS), Representative Michael DeBose (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Human Services

**Certified by Committee Chair:** Representative Erik R. Fleming (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



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## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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### Resolution 05 - 23

#### SUDAN RESOLUTION

WHEREAS, members of the Illinois Senate are concerned with the plight of innocent victims of genocide around the world and recognize that stable and peaceful international conditions provide benefits and opportunities for the citizens of this State; and

WHEREAS, since seizing power through a military coup in 1989, the government of Sudan has repeatedly attacked and dislocated the civilian population in southern Sudan in a coordinated policy of ethnic cleansing that has cost the lives of more than 2,000,000 people and that has dislocated more than 4,000,000 people; and

WHEREAS, Sudanese government forces and government-supported militia forces have used the rape of women, the abduction of children, and the destruction of food and water resources as weapons of war; and

WHEREAS, the United States Agency for International Development believes that the violence and the obstruction of the delivery of food, shelter, and medical care to the people in the Darfur region of Sudan will result in the death of an estimated 320,000 people between April 1, 2004 and December 31, 2004; and

WHEREAS, H.R. 5061 is a bi-partisan bill currently under consideration in the 108th United States Congress to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that in a demonstration of our commitment to freedom, liberty, and justice, NBCSL condemn the government of Sudan for its participation in atrocities committed in the Darfur region of Sudan and declare those atrocities to be genocide; and

BE IT FURTHER RESOLVED, that NBCSL call upon members of the United States Congress and upon the federal executive branch to support H.R. 5061 in an effort to end the human rights abuses occurring in Sudan; and

BE IT FURTHER RESOLVED, that NBCSL call upon the National Islamic Front in Khartoum to make all restitution necessary to allow the victims of its state-sponsored atrocities to return to their peaceful and cultural way of life; and

BE IT FINALLY RESOLVED, that a suitable copy of this resolution be presented to the Secretary General of the United Nations, the President of the United States, the President Pro Tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

**Sponsored by:** Senator Jacqueline Y. Collins, Senator (IL), Senator Mattie Hunter (IL)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Representative LeAnna Washington (PA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 113

### RECOGNIZING THE STRUGGLE OF AFRO-LATINOS IN LATIN AMERICA AND THE CARIBBEAN

WHEREAS, Latin America has a legacy of slavery, colonialism, and Afro-Latinos fighting for civil rights and land rights, and struggling against discrimination and poverty; and

WHEREAS, a lack of political and social representation of Afro-Latinos in Latin America has resulted in benign neglect by government officials and laws that fail to advance the educational aims, social mobility or economic stability of Afro-Latinos; and

WHEREAS, Afro-Latinos were forcibly enslaved in Latin America for centuries and have settled into coastal areas now being reclaimed by the government in an effort to facilitate commercial development of prime real estate and expand the tourism industry; and

WHEREAS, Afro-Latino communities have been directly affected by the drug trade and have experienced drug-related crimes and violence similar to the African American community in the United States; and

WHEREAS, Afro-Latino farmers have been driven from their lands due to coca-spraying programs implemented by the Colombian government under the U.S. funded anti-drug program, Plan Colombia; and

WHEREAS, Afro-Latinos in the United States, with a population of 3.9 million, have formed organizations, such as the Global Afro-Latino and Caribbean Initiative (GALCI) and the Caribbean Cultural Center, that improve their social conditions and represent their political and economic interests; and

WHEREAS, Congressional Black Caucus members have introduced House Resolution 47 to aid the increasingly vocal communities of Afro-descendants in Latin America; and

WHEREAS, the offices of Representative Conyers and Rangel have held press conferences in conjunction with local universities and colleges to encourage people to contact their Congressional representatives and press them to vote on the House Resolution 47;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members assist in fighting for the human rights and interests of Afro-Latinos who experience racism, isolation, and neglect from their government; and

BE IT FURTHER RESOLVED, that NBCSL members meet with Afro-Latino organizations in the United States to better understand the language and cultural needs/identities of Afro-Latinos in the Americas; and

BE IT FURTHER RESOLVED, that NBCSL members convene representatives of the Afro-Latino communities in a public forum to increase awareness of their interests, share strategies that affect change, and draw parallels between them and African Americans as it relates to politics, economics and social similarities.



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BE IT FURTHER RESOLVED, that NBCSL members assist Afro-Latino groups in countries, such as Honduras, Colombia, Brazil, and Cuba, who are organizing to keep ancestral lands they have lived on since enslavement; and

BE IT FINALLY RESOLVED, that NBCSL members collaborate with and urge House Congressional members and community activists to vote for and support House Resolution 47..

**Sponsored by:** Delegate Emmett Burns, Jr. (MD)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Representative LeAnna Washington (PA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05 - 114

### NORMALIZING U.S. GOVERNMENT AND SOCIAL RELATIONS WITH CUBA

WHEREAS, the United Nations General Assembly on October 28, 2004, called on the U.S. to end its Economic, Commercial, and Financial Embargo against Cuba, with an overwhelming victory of 179 votes, only 4 against and one abstention; and

WHEREAS, the United Nations has voted for its thirteenth consecutive time to approve a Cuban project urging the United States government to stop blocking the island's ability to trade with third parties under the U.S. Helms-Burton Law, which violates the principles of international law; and

WHEREAS, there is a huge disconnect between American public opinion and U.S. foreign policy in regards to the level of interests in ending the embargo on Cuba and normalizing relations between the U.S. and the Cuban government; and

WHEREAS, the U.S. government has cancelled academic study abroad programs that encourage sharing of knowledge and expertise despite the fact that Cuba has one of the highest literacy rates in Latin America and the Caribbean and an internationally renowned educational system that has made innovations in technical fields, such as health, science, medicine, engineering, and education, and has trained students and faculty from across the world at its institutions; and

WHEREAS, the people of the United States of America have been subject to delays in processing travel licenses and fined up to \$10,000 by the Office of Foreign Assets Control of the U.S. Department of Treasury; and

WHEREAS, the U.S. government has prevented humanitarian efforts that help the people of Cuba gain access to medicines, foods, and other basic needs to survive the longest ever 45-year old embargo imposed by the U.S. government; and

WHEREAS, U.S. companies and entrepreneurs are limited in their trade with Cuban neighbors, who have a huge demand for American goods and products, and are only 90 miles from the coast of Florida; and

WHEREAS, the U.S. government prevents U.S. citizens, corporations, and former Cuban-American property owners who had land expropriated by Cuban Revolution from reaching property settlements with the Cuban government; and

WHEREAS, Cuba has been denied access to credit from international financial institutions, such as the World Bank and the International Monetary Fund, and is unfairly required to pay in cash for consumer goods and agricultural foodstuffs, resulting in \$79 billion in losses for the country and affecting the whole population; and

WHEREAS, Cuba has been falsely included on the Department of State's List of Terrorist States, and as a result, there has been limited coordination between the U.S. and Cuban governments in preventing the illegal trafficking of drugs and fighting crime; and

WHEREAS, on May 20, 2004, the Bush administration's newly-formed commission, The Commission for Assistance to a Free Cuba (CAFC), severely violates the rights of Cuban-Americans with family members on the



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island of Cuba, limiting them to only one visit to Cuba in three years (down from one visit per year), and \$300 in remittances for each visit (down from \$3,000), depriving Cuban patients with cancer - including children - from much needed alternative sources of income for medicines abroad, which could save or prolong their lives; and

WHEREAS, a foreign policy of an embargo has never resolved conflicts in the international arena, but rather, it has only exacerbated the problem for both parties involved;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN PHILADELPHIA, NOVEMBER 29 – DECEMBER 3, 2004, that the National Black Caucus of State Legislators urge Congressional members of the House International Affairs Committee and the Senate Foreign Relations Committee to repeal the illegal Helms-Burton Law and oppose the new measures proposed by the Commission for Assistance to a Free Cuba (CAFC); and

BE IT FURTHER RESOLVED, that NBCSL call on the United States Department of Defense to engage in greater cooperation with the Cuban government, military and custom agents to protect our countries from drug traffickers and help prevent the crime, violence, money laundering, and dysfunctions in society associated with the abuse and distribution of controlled substances; and

BE IT FURTHER RESOLVED, that a NBCSL delegation travel to Cuba on a fact-finding mission to investigate the weight of evidence given by the U.S. Department of State accusing Cuba as a “Terrorist State” and its inclusion in the Department of State “List of Terrorist States;” and

BE IT FINALLY RESOLVED, that NBCSL urge the U.S. Department of Treasury to expeditiously process and grant license requests for travel to and from Cuba for the purpose of academic studies, people-to-people exchanges, and humanitarian relations that mutually benefit both countries; and

BE IT FURTHER RESOLVED, that NBCSL continue to promote travel to Cuba in cooperation with Historically Black Colleges and Universities and with companies for business conferences, and athletic trips; and

BE IT FURTHER RESOLVED, that NBCSL demand that the U.S. Department of Treasury remove measures that restrict the amount of remittances allowed from Cuban-Americans and Americans, in general, to family members and friends in Cuba; and

BE IT FURTHER RESOLVED, that NBCSL urge the Securities and Exchange Commission to investigate political bribes by Cuban-American sugar companies, and require the U.S. Department of Agriculture to tax millionaire sugar producers in Florida two cents (2¢) per pound to clean up the contamination they themselves have created in the Everglades, rather than deduct \$34 billion from the food aid program (food stamps) for poor children; and

BE IT FINALLY FURTHER RESOLVED, that NBCSL encourage African American businesses to establish and develop potential trade relations with the Cuban government and local Afro-Cuban farmers and businesses.

**Sponsored by:** Delegate Emmett Burns, Jr. (MD), Senator Peter Groff (CO)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Representative LeAnna Washington (PA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 115

### ECONOMIC DEVELOPMENT AND EMERGENCY FUNDS FOR COMBATING DISEASE IN AFRICA

WHEREAS, U.S. President George Bush signed into law the Africa Growth and Opportunity Act III (AGOA III) legislation on July 13, 2004, extending provisions that increase capacity of countries and build infrastructure for trade and economic development in Africa from 2008 to 2015, and allowing African countries to continue importing “third party” raw materials for a further three years; and

WHEREAS, Africa has 700 million consumers that purchase a total of \$99 billion in products (1995) and consumes 30 to 35% on investments; and

WHEREAS, civil strife, drought, stagnating or declining movements in commodity prices, as well as the HIV/AIDS pandemic, have affected the productivity levels of African countries; and

WHEREAS, a lack of human capacity in the health sector in many African countries and severe labor shortages have caused health facilities to close down; and

WHEREAS, many countries in Africa will have lost 20 percent or more of their agricultural labor force to HIV/AIDS, according to the Food and Agriculture Organization, reducing the area under cultivation and crops grown, which further exacerbates the hunger and nutrition problems in Africa;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL members develop trade and development policy for the countries of Africa that support sustainable economic development in the region and quicken the pace of U.S. funding for trade and AIDS prevention and treatment in Africa; and

BE IT FURTHER RESOLVED, that NBCSL members establish and strengthen partnerships with government and non-government development organizations, such as the World Cocoa Foundation and the Opportunities Industrialization Centers International (OICI), as well as organize Legislative delegations to travel to African countries to establish those partnerships; and

BE IT FURTHER RESOLVED, that NBCSL members investigate and invest in the products and services that are currently in demand in the emerging markets of Africa and use their influence to gain financial assistance for starving populations on the continent; and

BE IT FURTHER RESOLVED, that NBCSL members investigate advancements in biotechnology to produce stronger crops in Africa; and

BE IT FURTHER RESOLVED, that the United States government pressure drug companies to lower the price of HIV/AIDS drugs and permit countries in Africa to develop their own antiretroviral drugs and save lives more immediately; and



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BE IT FURTHER RESOLVED, that NBCSL urge the President to consider the global HIV/AIDS pandemic a crisis and speedily and effectively implement the Emergency Plan for AIDS Relief, which is a \$15 billion initiative that provides, over a period of 5 years, treatment to 2 million HIV-infected people and prevent 7 million new infections, and care for 10 million HIV-infected individuals and AIDS orphans; and

BE IT FINALLY RESOLVED, that NBCSL encourage trained doctors, students and faculty in the sciences to work in Africa and assist in the disbursement of antiretroviral drugs provided by U.S. grants to HIV/AIDS patients.

**Sponsored by:** Delegate Emmett Burns, Jr. (MD)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Representative LeAnna Washington (PA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 116

### IMPLEMENTING STRATEGY FOR ENDING GENOCIDE IN DARFUR, SUDAN

WHEREAS, America's Congress has declared the killings in Darfur to be a "genocide;" and

WHEREAS, a first round of African Union-sponsored peace talks between the government and the rebels, held in Abuja, broke up last month without a deal; and

WHEREAS, Darfuri people who are not murdered by militiamen face a famine worse than any in living memory and the conflict's toll is far higher than that reported by the Sudanese government; and

WHEREAS, after more than 18 months of killing, rape, looting and starvation in the Darfur region of Sudan, the Sudanese government has admitted to arming some Janjaweed militiamen to fight rebels, but denies having links to the Janjaweed, and continues to claim it is taking firm action to rein the militiamen, despite evidence to the contrary; and

WHEREAS, the UN's World Health Organization reported that up to 10,000 Darfuris were dying each month in the squalid refugee camps where they seek protection from attacks by the Janjaweed; and

WHEREAS, the 53-country African Union is sending thousands of troops to the Darfur region of Sudan, in the hope of ending the genocide there, however, the organization is woefully short of what is needed to curb the violence across an area the size of France, especially since many of those troops are unarmed observers; and

WHEREAS, America's ambassador to the United Nations, John Danforth, recently called the catastrophe in Darfur "the largest humanitarian disaster in the world," with an estimated 70,000 Darfuris having already died from violence, hunger and disease, and around 1.5 million fleeing their homes, of whom some 200,000 have fled into neighboring Chad; and

WHEREAS, on September 18, 2004, the UN's Security Council passed a resolution threatening sanctions against Sudan's oil industry if its government fails to end the violence;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL encourage the U.S. government to send troops to assist in the African Union's peacemaking process and ensure the cease-fire agreements are maintained in the Sudan region of Darfur; and

BE IT FURTHER RESOLVED, that NBCSL analyze the agricultural damage caused by the Sudanese civil war and assist in providing food to the starving populations in the region; and

BE IT FINALLY RESOLVED, that NBCSL urge the United Nations and the International Criminal Court to reprimand and bring to trial the Sudanese political leaders and militiamen who participated in the genocide.



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**Sponsored by:** Delegate Emmett Burns, Jr. (MD), Senator Peter Groff (CO)

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**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 144

### DECLARING GENOCIDE IN DARFUR, SUDAN

WHEREAS, Article 1 of the 1948 United Nations Convention on the prevention and punishment of the crime of genocide states that “the contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish;” and

WHEREAS, Article 2 of the Convention on the prevention and punishment of the crime of genocide declares that “in the present convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group;” and

WHEREAS, Article 3 of the Convention on the prevention and punishment of the crime of genocide affirms that the “following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (d) attempt to committed genocide”; and (e) complicity in genocide; and

WHEREAS, in Darfur, Sudan, an estimated 30,000 innocent civilians have been brutally murdered, more than 130,000 people have been forced from their homes and have fled to neighboring Chad, and more than 1,000,000 people have been internally displaced; and

WHEREAS, in March 2004, the United Nations Resident Humanitarian Coordinator stated: “[T]he War in Darfur stated off in a small way last year but it has progressively gotten worse. A predominant feature of this is that the brunt is being borne by civilians. This includes vulnerable women and children... The violence in Darfur appears to be particularly directed at a specific group based on their identity and appears to be systemized.

THEREFORE, BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004 that the National Black Caucus of State Legislators declare that the atrocities unfolding in Darfur, Sudan, are genocide; and

BE IT FURTHER RESOLVED, that NBCSL remind the international community, including the United States Government, of their international legal obligations, as affirmed in the 1948 United Nations Convention on the prevention and Punishment of the crime of genocide; and

BE IT FURTHER RESOLVED, that NBCSL urge the Bush Administration to call the atrocities being committed in Darfur, Sudan by its rightful name: ‘genocide;’ and

BE IT FURTHER RESOLVED, that NBCSL call on the Bush Administration to lead an international effort to prevent genocide in Darfur, Sudan and urge the Bush Administration to seriously consider multilateral or even unilateral intervention to prevent genocide should the United Nations Security Council fail to act; and





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BE IT FURTHER RESOLVED, that NBCSL demand that the Bush Administration impose targeted sanctions, including visa bans and the freezing of assets of the National Congress and affiliated business and individuals directly responsible for the atrocities in Darfur, Sudan; and

BE IT FINALLY RESOLVED, that NBCSL call on the U.S. Agency for International Development to establish a Darfur Resettlement, Rehabilitation, and Reconstruction Fund so that those driven off their land may return and begin to rebuild their communities.

**Sponsored by:** Representative LeAnna M. Washington (PA), Chair

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Representative LeAnna Washington (PA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05 - 146

### URGING THE UNITED STATES COMMITMENT TO THE UNITED NATIONS GLOBAL FUND FOR AIDS, TUBERCULOSIS, AND MALARIA

WHEREAS, the United Nations Global Fund is an international financing institution established in January 2002 at the initiative of UN Secretary General Kofi Annan to finance a dramatic turnaround in the worldwide fight against HIV/AIDS; and

WHEREAS, the United Nations Global Fund for AIDS, Tuberculosis and Malaria has infrastructures in over 100 countries to fight HIV/AIDS and other preventable diseases; and

WHEREAS, the United Nations has received commitments of \$4.7 billion dollars in pledges from international donors; and

WHEREAS, the United States has made a funding commitment to only 14 countries; and

WHEREAS, civil strife, drought, stagnating or declining movements in some commodity prices, and the HIV/AIDS pandemic have affected the productivity levels of African countries; and

WHEREAS, many countries in Africa will have lost 20 percent or more of their agricultural labor force to HIV/AIDS, according to the Food and Agriculture Organization, reducing the area under cultivation and crops grown, which further exacerbates the hunger and nutritional problems in Africa; and

WHEREAS, a lack of human capacity in the health sector in many African countries and severe staff shortages has caused many health facilities to close down.

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL members urge the President of the United States and the United States Congress to provide direct funding to the United Nations Global Fund to fight AIDS, Tuberculosis and Malaria; and

BE IT FURTHER RESOLVED, that NBCSL members urge the President to consider the global HIV/AIDS pandemic a crisis and speedily and effectively implement the Emergency Plan for AIDS Relief, which is a \$15 billion initiative that provides, over a period of 5 years, treatment to 2 million HIV-infected people and prevent 7 million new infections, and care for 10 million HIV-infected individuals and AIDS orphans; and

BE IT FURTHER RESOLVED, that NBCSL members work with the U.S. Department of State's Global AIDS Program (GAP), which helps prevent HIV infection, improve care and support and build capacity to address the global HIV/AIDS pandemic. GAP also provides financial and technical assistance through partnerships with communities, governments, and national and international entities working in resource-constrained countries; and



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BE IT FURTHER RESOLVED, that the United States government pressure drug companies to lower the price of AIDS drugs and/or permit countries in Africa to develop their own antiretroviral drugs and save lives more immediately; and

BE IT FURTHER RESOLVED, that NBCSL members encourage trained doctors, students and faculty in the sciences to work in Africa and assist in the disbursement of antiretroviral drugs provided by U.S. grants to HIV/AIDS patients; and

BE IT FINALLY RESOLVED, that NBCSL send certified copies of this resolution to the President of the United States and the United States Congress.

**Sponsored by:** Representative LeAnna Washington (PA), Chair

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Representative LeAnna Washington (PA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 147

### MEMORIALIZING THE 10TH ANNIVERSARY OF THE RWANDA CONFLICT IN MEMORY OF RWANDESE GENOCIDE VICTIMS

WHEREAS, on April 6, 1994, a plane carrying Rwandan President Juvenal Habyarimana and Burundi President Cyprien Ntaryamira was shot down over the Rwandan capital, Kigali, and the next day Rwandan soldiers murdered Rwandan Prime Minister Agathe Uwinlingiyimana and ten Belgian peacekeepers; and

WHEREAS, a genocidal civil war between Tutsi rebels and the Hutu-dominated government in Rwanda, which ensued through July, resulted in the premeditated killing by Hutu soldiers, officers and militiamen of 800,000 Rwandans, including three-quarters of Rwanda's Tutsi population as well as politically moderate Hutus and other unarmed civilians; and

WHEREAS, the Rwandan government and the international community continue to confront intertribal and ethnic tensions, the turmoil and destruction of civil war and genocide, the displacement of civilians, and the withdrawal of peacekeepers from Rwanda ten years ago; and

WHEREAS, mass human rights violations carried out at that time have caused continuing pain for Rwandese civilians who were maimed, raped, orphaned or otherwise victimized or scarred by the atrocities and have haunted war-affected peacekeepers and other persons who tried to aid victims; and

WHEREAS, the International Criminal Tribunal for Rwanda was established in 1994 to prosecute persons responsible for the atrocities and violations of international humanitarian law, provide justice to victims and promote reconciliation and the rule of law; and

WHEREAS, created by the United Nations and its member states and based in Arusha, Tanzania, the tribunal delivered the first-ever verdict on the crime of genocide by an international court;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29-DECEMBER 3, 2004, that NBCSL members recognize the 10th Anniversary of the Rwanda conflict in memory of the hundreds of thousands of people who died and in recognition of the survivors and witnesses; and

BE IT FURTHER RESOLVED, that NBCSL members collaborate with U.S. Congressional members and the international community to prevent genocide and human rights violations in the future that are in abrogation of International law.

**Sponsored by:** Representative LeAnna Washington (PA), Chair

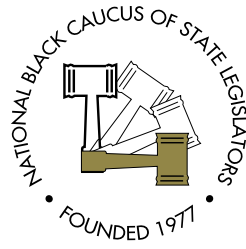
**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Representative LeAnna Washington (PA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
November 29 - December 4, 2004*



## Resolution 05 - 16

### LIVING WAGE FOR ALL

WHEREAS, no one who works hard everyday to provide for their family should have to live in poverty; and

WHEREAS, a day's work deserves a fair day's pay; and

WHEREAS, the current minimum wage of \$5.15 an hour is disgracefully inadequate; and

WHEREAS, the cost of major necessities such as food, housing, transportation and child care continues to increase, making it increasingly difficult for low-wage workers to make ends meet; and

WHEREAS, Congress has received seven wage increases since the minimum wage was last raised in 1996; and

WHEREAS, by increasing family-supporting jobs that pay a living wage would decrease the need for public assistance programs; and

WHEREAS, a living wage will assure social and economic benefits for the community as a whole and a supportive environment for employers who try to maintain fair wages; and

WHEREAS, a living wage will increase consumer spending thereby increasing sales tax revenues, and will help stabilize the local economy; and

WHEREAS, the business community and their allies in Congress have been attempting to pass legislation that would eliminate the right of local governments to enact living wage ordinances; and

WHEREAS, such legislation would undermine both the efforts of working families to rise above the poverty level and the ability of local governments to exercise local control over their own affairs; and

WHEREAS, these efforts are part of a growing national effort;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that the NBCSL support the payment of living wages to all workers paid through government contracts or grants; and

BE IT FURTHER RESOLVED, that these wages should be set at 110% of the federal poverty level for a family of four and provide affordable health care benefits and shall serve as a floor. Additional local adjustments should be included as necessary.

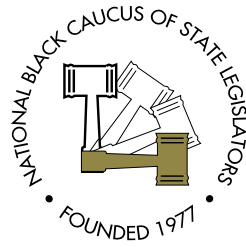
**Sponsored by:** Senator Tony Hill (FL), Representative Omeria Scott (MS), Representative Michael DeBose (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Labor

**Certified by Committee Chair:** Representative Tony Hill (FL)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



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PASSED DECEMBER 3, 2004

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## Resolution 05 - 18

### A RESOLUTION TO INVESTIGATE THE REAL COST OF THE WAR ON DRUGS

WHEREAS, the “war on drugs” has failed: every community in the U.S. contends with the harmful effects of drug misuse and related problems, and while states have continually increased their expenditures to wage the war on drugs, policies which rely heavily on arrest and incarceration have proved costly and ineffective at addressing these issues; and

WHEREAS, the war on drugs is a major force driving the incarceration of over 2.1 million people in the United States, with African Americans disproportionately represented in our country’s overflowing jails and prisons; and

WHEREAS, the war on drugs perpetuates mandatory minimums, felony disfranchisement, disproportionate over-incarceration, poor access to healthcare, under funded public education, widespread unemployment, and the general criminalization of communities of color in the U.S.; and

WHEREAS, paying for the war on drugs means spending limited tax dollars on failed policies instead of proven solutions. Americans spend approximately \$140 billion annually on prisons and jails including \$24 billion spent on incarcerating over 1.2 million non-violent offenders. In many states, such as New York and California, spending on prisons far surpasses spending on education; and

WHEREAS, harm reduction strategies, including access to affordable community-based drug treatment, along with educational and economic opportunities, have shown to be successful at reducing the harms of drug misuse, yet more than half of those Americans in need of drug treatment do not have access to it; and

WHEREAS, African Americans are less likely to sell or misuse illicit drugs than Caucasian Americans, yet African Americans experience highly disproportionate levels of death, disease, crime and suffering due both to drug misuse and to misguided drug policies. African Americans comprise only 12.2 percent of the population and 13 percent of drug users, yet they make up 38 percent of those arrested for drug offenses and 59 percent of those convicted of drug offenses; and

WHEREAS, our common goal is to advocate those policies which increase the health and welfare of our communities, and to reduce the unacceptable racial disparities both in criminal justice and in access to drug treatment and other services; and

WHEREAS, taking steps to reduce the incarceration of non-violent offenders and increasing the availability of treatment not only makes fiscal sense, but is sound public policy that is being implemented in states throughout the country, such as Maryland and California; and

WHEREAS, we believe that nonviolent substance abusers are not menaces to our communities but rather a troubled yet integral part of our community who need to be reclaimed;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA,





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PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL commit to the following:

- Introduce and support legislation which will repeal mandatory minimum sentences, divert nonviolent drug offenders out of prison and into community-based treatment, and stop the flow of people needing treatment or transitional services from recidivating solely for positive urines.
- Ensure that this new legislation includes quantifiable, measurable goals, and is measured by a standard that reduces the effects of substance abuse and addiction and the harm of unjust drug policies while increasing public safety, thereby creating a New Bottom Line.
- Create state task forces to research and report on the allocation of state expenditures for all public education and health services and the war on drugs so that states can understand the real cost of the war on drugs in the state budgets and in their communities.
- Work with the Drug Policy Alliance to create NBCSL seminars that provide a thorough overview on harm reduction principles and legislative initiatives.

BE IT FURTHER RESOLVED, that this resolution seeks to advance a drug policy agenda that prioritizes a public health—not a criminal justice—approach to drug policy.

**Sponsored by:** Delegate Salima Marriott (MD)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

**Certified by Committee Chair:** Senator Charles D. Jones (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 120

### EDUCATING PRISON INMATES ON VOTING RIGHTS

WHEREAS, voting is one of the most important tools Americans have to influence the policies that the U.S. government adopts; and

WHEREAS, many African Americans are disproportionately denied their right to vote through registration counter-measures and discriminatory practices; and

WHEREAS, prisoners are denied the right to vote because they either served time in prison or are currently imprisoned; and

WHEREAS, State Board of Elections' officials have told former felons false information that they could not vote; and

WHEREAS, as many as 3 million current or ex-convicts can vote but may not know it; and

WHEREAS, felon-voting advocates have found that at least half of qualified ex-offenders are confused about their voting rights; and

WHEREAS, allowing inmates to exercise their right to vote promotes responsible citizenship and fosters the development of law-abiding, responsible citizens;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL members pressure Board of Elections officials and State Corrections departments to send letters to ex-offenders advising them of their right to vote; and

BE IT FURTHER RESOLVED, that NBCSL members canvass neighborhoods with information about the voting rights of ex-felons.

**Sponsored by:** Senator Charles D. Jones (LA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

**Certified by Committee Chair:** Senator Charles D. Jones (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 121

### PRESIDENTIAL ELECTION DAY AS A NATIONAL HOLIDAY

WHEREAS, the United States is ranked 139th in average voter turnout among the 172 nations that have held competitive elections since 1945; and

WHEREAS, by giving people the day off we would be making it easier for people who have less free time between work and family life to contribute to democracy. We would also be sending a national message that choosing our government is important enough to take time off; and

WHEREAS, several other countries have declared the Presidential Election Day a National Holiday; and

WHEREAS, there are concerns about votes not being counted due to incomplete information and flawed voter registration databases; and

WHEREAS, the voting rights of members of the U.S. armed services, Americans living abroad, and American citizens who vote in absentee ballots have been abused and miscounted; and

WHEREAS, there are numerous flaws in the voting process, such as long lines at voting sites, shortages in poll workers, faulty machines that do not provide paper records to review ballots, and the denial of voter's "due process" via provisional ballots, which provides for a procedure to verify registered voters; and

WHEREAS, there remains obscure obstacles to registration and voting, such as jammed phone lines to the elections offices and absentee ballots that have not been received by state election offices; and

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL members propose legislation that establishes Election Day as a National Holiday in order to increase voter participation; and

BE IT FURTHER RESOLVED, that NBCSL members propose legislation allowing employees the right to vote without deductions from their paycheck; and

BE IT FURTHER RESOLVED, that NBCSL members urge private employers to provide their employees flexibility on Election Day to enable them to vote; and

BE IT FURTHER RESOLVED, that NBCSL members cooperate with the federal government to evaluate and address administrative flaws in the election process; and

BE IT FURTHER RESOLVED, that NBCSL members actively and vigorously enforce laws that protect the voting rights for ethnic and racial minorities, citizens who do not speak English fluently, the elderly, and people with disabilities; and

BE IT FURTHER RESOLVED, that NBCSL members educate African American voters in their states about procedures to follow prior to Presidential Election Day such as:



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- Register to vote early and complete all information on the application clearly
- Verify that your name is on the voter list;
- Verify the location of your polling place before Election Day at <http://www.mypollingplace.com/find.php> or call 1-866-OUR-VOTE;

BE IT FINALLY RESOLVED, that NBCSL members educate African American voters in their states about procedures to follow on Presidential Election Day such as:

- Bring identification to the poll (government issued ID, phone or utility bill, paycheck with your name and correct address);
- Ask a poll worker if you need assistance;
- Before you cast a provisional ballot, ask for the location of your polling place. If you cannot get there, then cast a provisional ballot and be sure to complete the form clearly and sign your name;
- If you encounter any problem, bring it to the attention of a poll worker or call the toll free voter protection hotline 1-866-OUR-VOTE for immediate assistance.

**Sponsored by:** Senator Charles D. Jones (LA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

**Certified by Committee Chair:** Senator Charles D. Jones (LA)

Ratified in Plenary Session, Ratified Date is December 3, 2004.

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 122

### ADDRESSING THE REENTRY CRISIS OF EX-PRISONERS AND PROVIDING ASSISTANCE FOR EX-PRISONERS

WHEREAS, nearly 650,000 are released from prison to communities nationwide each year, and even more come back from county jails; and

WHEREAS, an estimated two thirds of men and women leaving prison will be re-arrested for a felony or serious misdemeanor within three years of release; and

WHEREAS, seventy to eighty percent of people coming home from prison or jail have histories of alcohol or drug dependence; and

WHEREAS, as many as 84% were under the influence of drugs or alcohol at the time of the offense; and

WHEREAS, an increasing number of offenders have mental health problems and without treatment relapse; and

WHEREAS, significant portions of state and local government budgets are now invested in the criminal justice system; and

WHEREAS, incarceration costs averages \$22,650 a year per person, with some states spending as much as \$44,000; and

WHEREAS, according to the Bureau of Justice Statistics, expenditures on corrections alone increased from \$9 billion in 1982 to \$44 billion in 1997; and

WHEREAS, one of the most significant consequences of failed re-entry and cycling people in and out of prison is the harmful impact on children and communities; and

WHEREAS, in 1991, approximately 900,000 children had at least one incarcerated parent; today there are two million kids with at least one incarcerated parent and 10 million who have had a parent imprisoned;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN PHILADELPHIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL members help to ease the transition and reintegration of ex-offenders back into communities, as stated in the proposed Second Chance Act, by providing them with jobs, housing, mental health, substance abuse treatment and by strengthening families; and

BE IT FURTHER RESOLVED, that NBCSL members urge the local judges and the Department of Justice to implement alternative treatment programs rather than incarcerating offenders; and

BE IT FURTHER RESOLVED, that NBCSL members work with other state legislators, service providers, faith based organizations, corrections and community organizations to collect and disseminate best practices to provide reentry training and support; and



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BE IT FURTHER RESOLVED, that NBCSL members implement programs that provide structured post release, transitional and supportive housing, including group homes for recovering substance abusers; and

BE IT FURTHER RESOLVED, that NBCSL members develop law that expands family-based comprehensive treatment services for parents and their children as a complete family unit; and

BE IT FURTHER RESOLVED, that NBCSL members will implement law that uses federal appropriations to facilitate collaboration among prison and community corrections, technical schools, community colleges and workforce development employment services; and

BE IT FINALLY RESOLVED, that NBCSL members will use their influence as legislators to avert high recidivism rates through improved prison reentry efforts and thereby, reduce the number of new crimes each year.

**Sponsored by:** Senator Charles D. Jones (LA), Representative Omeria Scott (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

**Certified by Committee Chair:** Senator Charles D. Jones (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 123

### PLIGHT OF THE BLACK FARMERS ON THE USDA LOAN AND CREDIT POLICIES TOWARD AFRICAN AMERICAN FARMERS

WHEREAS, the Black Farmers and Agriculturalists Association, Incorporated in conjunction with the resolutions from the National Black Caucus of State Legislators (NBCSL), the City of Compton California and individual State Legislators urged Congress to conduct hearings on the plight of the Black Farmer and on the United States Department of Agriculture's (USDA) loan and credit policies toward African American farmers; and

WHEREAS, the USDA office of Civil Rights Enforcement and Adjudication (OCREA) was created to provide a system through which African American farmers could formally lodge complaints and seek redress of racial discrimination claims; and

WHEREAS, according to a USDA Inspector General report issued in 1997; many discrimination complaints processed at the Farm Service Agency lacked "integrity, direction, and accountability;" and

WHEREAS, in 1997 three African American farmers consolidated their racial discrimination claims into one class action lawsuit which included as the certified class, all African American farmers operating between 1981 and 1996 who applied for credit benefits with the USDA and were discriminated against in the USDA's response to the application, and who filed discrimination complaints before July 1997 regarding the USDA's response to the application; and

WHEREAS, in January 1999, the African American farmers and the USDA entered into a five year Consent Decree, and in April 1999 the court approved the settlement and assigned four entities to facilitate implementation of the consent decree; and

WHEREAS, on September 28, 2004 the United States House Judiciary Committee Constitution Subcommittee conducted an oversight hearing on the Pigford v. Glickman Consent Decree between a class of African American farmers and the United States Department of Agriculture; and

WHEREAS, the purpose of the September 28, 2004 subcommittee hearing was to examine those issues that are of the most importance and will enable the subcommittee to make substantive recommendations to remedy the injustices that have occurred; and

WHEREAS, the Honorable Representative Steve Chabot, Chairman of the House Judiciary Committee Constitution Subcommittee stated in his opening remarks, "when slavery was ended in the United States, our government made a promise – a restitution of sorts – to the former slaves that they would be given 40 acres and a mule. While we can debate whether this allotment was intended to compensate the freed slaves for their involuntary service, what is clear is that this promise was intended to help freed slaves be independent economically and psychologically, as holders of private property rights;" and

WHEREAS, Chairman Chabot also stated, "what is clear is that the government that made this promise, "the people's Agency," established in 1862 under President Abraham Lincoln, has sabotaged it by creating conditions that make sovereign and economically – viable farm ownership extremely difficult;" and





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WHEREAS, the USDA was designated to assist Black Farmers in a swift and timely manner, this Agency has been instrumental in causing their decline. Since the early 1900's, the number of Black Farmers has decreased from nearly one million to 18,000; and

WHEREAS, on November 18, 2004, Mr. Thomas Burrell, President of the Black farmers and Agriculturalists Association, Incorporated was invited to testify before the second United States House Judiciary Committee Constitution Subcommittee oversight hearing on the "Notice Provision" in the Pigford v. Glickman Consent Decree; and

WHEREAS, Chairman Chabot noted in his opening statement that "from the time this Subcommittee began examining this issue, we have had more reasons than not to believe that the government has failed to "do the right thing. I strongly believe, however, that with all of the information we are gathering in our oversight investigation, including through these hearings, we will have the understanding from which to develop a full and just solution;" and

WHEREAS, Chairman Chabot also noted in his opening statement that "...as we continue to examine more closely certain aspects of the settlement and its administration, it has become increasingly apparent that certain Due Process protections, fundamental to the Constitution, are lacking in this case. Due Process of the law is the legal concept that the Framers of our Constitution created to ensure that the government respects all - not some, or even most - of an individual's right to life, liberty, and property. The Due process Clause places limits on the government's ability to deprive citizens of these rights - guaranteeing fundamental fairness to all individuals. One of the most important safeguards that has evolved from this Clause is the right to life, liberty and property may be reasonably designed to ensure that those individuals will, in fact, be notified to the proceedings;" and

WHEREAS, Chairman Chabot also noted in his opening statement that "this fundamental to notice applies to the 1999 Pigford Consent Decree and all those who had a viable claim of discrimination, impacting their lives, liberty and property, against the Department of Agriculture. Tragically, recent statistics released on the Consent Decree suggest to this Subcommittee that this Constitutional right was not safeguarded in the construction and administration of the Consent Decree. Although the notice campaign design was deemed to be effective by the court in a fairness hearing held on April 4, 1999, the determination was made using advertising tools designed to measure the likely effectiveness of a campaign, not the actual effectiveness of a campaign. Reports indicate the approximately 66,000 potential class members submitted their claim late - most because they did not know that they were required to submit a claim sooner - losing their right to sue the USDA for past wrongs. It is hard for us to accept that 66,000 farmers would consciously wait to file a claim that would impact their right to life, liberty, and property - knowing that they were required to do so earlier. Further investigation into the circumstances surrounding the late claims reveals that many farmers failed to get any notice whatsoever - or failed to understand the contents of the notice. These facts lead this Subcommittee to conclude that the notice implemented in the Pigford case was either ineffective or defective - given the nearly two-thirds of the putative class failed to be effectively notified of the class requirements; and

WHEREAS, Chairman Chabot announced that "the oversight hearing would focus on the actual effectiveness of the notice campaign. As we learn more about this aspect of the Consent Decree, we will consider the appropriate remedy in order to protect the safeguards afforded by the Constitution and uphold Lincoln's vision that every Black American who wants to farm has the tools available to do so. It is my sincerest hope that this hearing will help us all get a better understanding of what precisely the problems are, what potential solutions there may be, and what we can do to ensure that the government never finds





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itself in a similar situation again. Too much has been lost and too much is at stake for Black Farmers to just accept that the solution in 1999 has failed more people than it has helped;”

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that the undersigned Legislators individually and as elected representatives of our individual Legislative districts and our constituencies, support the Black Farmers and Agriculturalists Association, Incorporated and the United States House Judiciary Committee Constitution subcommittee in their efforts to obtain recognition of African American farmers rights and remedies for violations of those rights pursuant to the United States Constitution, Title VI of the 1964 Civil Rights Act, the Civil Rights Restoration Act of 1987 and the Equal Credit Opportunity Lending act; and

BE IT FURTHER RESOLVED, that a copy of this resolution be submitted to all individual NBCSL State Caucus Chairpersons urging contact with their respective congressional delegations regarding the plight the Black Farmers and their heirs; and

BE IT FURTHER RESOLVED, that NBCSL urge Congress to create, with all deliberate speed, a separate independent entity to be charged with handling African American Farmers Affairs including past and present discrimination claims; and

BE IT FINALLY RESOLVED, that a copy of this resolution shall be sent to the United States Congressional Black Caucus, the United States Senate and the United States House of Representatives.

**Sponsored by:** Representative Henri E. Brooks (TN)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

**Certified by Committee Chair:** Senator Charles D. Jones (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 124

### BANNING STERILIZATION OF PERSONS

WHEREAS, eugenics was, quite literally, an effort to breed better human beings -- by encouraging the reproduction of people with “good” genes and discouraging those with “bad” genes; and

WHEREAS, eugenicists had effectively lobbied for social legislation to keep racial and ethnic groups separate, to restrict immigration from southern and eastern Europe, and to sterilize people considered “genetically unfit”; and

WHEREAS, the eugenics movement has worked in several areas, promoting caucasian supremacy, forced sterilization and immigration control; and

WHEREAS, according to a study funded by the United States Holocaust Memorial Museum and the Merck Co. Foundation, 22,000 persons underwent sterilization from the mid-1940s to 1963, despite weakening public support and revelations of Nazi atrocities; and

WHEREAS, by 1941, 33 U.S. states had endorsed sterilization policies, allowing people to be sterilized without their consent by leaving the decision to a third party. However, the practice ended in the 1960s after being overwhelmed by court challenges and the civil rights movement; and

WHEREAS, on April 7, 2003, North Carolina Representative Larry Womble, Chair of the NBCSL Housing Committee, passed House Bill 36 banning the involuntary sterilization of persons who are mentally ill or mentally retarded unless there is a medical necessity; and

WHEREAS, House Bill 36 states that no medical operation shall be performed without the consent of an inmate, or, in the case of juveniles, without the consent of a responsible member of the inmate’s family, a guardian, or a legal custodian of the minor;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL ban procedures taken by mental institutions that sterilize patients.

**Sponsored by:** Representative Larry Womble (NC)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

**Certified by Committee Chair:** Senator Charles D. Jones (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 126

### ILLEGAL SUPPRESSION OF EVIDENCE AND UNCONSTITUTIONAL RULINGS BY THE JUDGE IN REFERENCE TO MUMIA ABA-JAMAL

WHEREAS, Mumia Abu-Jamal's 1982 trial in Philadelphia was characterized by illegal suppression of evidence, police coercion, illegal exclusion of Black jurors, and grotesquely unfair and unconstitutional rulings by the judge; and

WHEREAS, the trial judge, Albert Sabo, has been quoted by court stenographer, Terri Maurer-Carter, in a sworn statement to have vowed at the time of the trial to help the prosecution 'fry the n-'; and

WHEREAS, subsequent appellate rulings have bent the law out of shape to sustain the guilty verdict of that trial; and

WHEREAS, the appellate courts have also refused to consider strong evidence of Mumia Abu-Jamal's innocence, most notably a confession by Arnold Beverly to the crime; and

WHEREAS, Mumia Abu-Jamal's still is incarcerated on Death Row and still faces a death sentence; and

WHEREAS, Mumia Abu-Jamal's case is now on appeal before the federal Third Circuit and the state court system; and

WHEREAS, Mumia Abu-Jamal has for decades as a journalist fought courageously against racism and for the human rights of all people; and

WHEREAS, the continued unjust incarceration of Mumia Abu-Jamal represents a threat to the civil rights of all people;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL demand the U.S. Supreme Court to consider the evidence of innocence of Mumia Abu-Jamal and that he be released from prison; and

BE IT FURTHER RESOLVED, that NCBSL demand that Pennsylvania Governor Edward Rendell instruct his Attorney General to take over the case of Mumia Abu-Jamal from the Philadelphia county District Attorney's office and actually pursue justice; namely, go to court, make a legal confession of error, and stipulate that the conviction be vacated; and

BE IT FURTHER RESOLVED, that NCBSL communicate its views on this matter to Governor Rendell, 225 Capitol Building, Harrisburg, Pennsylvania 17120, and to the appropriate courts in consultation with the legal defense team of Mumia Abu-Jamal; and

BE IT FINALLY RESOLVED, that NCBSL work with the legal defense team of Mumia Abu-Jamal to petition the courts to file any necessary friend of the court brief on behalf of Mumia Abu-Jamal.



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**Sponsored by:** Delegate Salima Siler-Marriott (MD), Senator C.J. Prentiss (OH)

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**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 130

### URGING THE CONGRESS OF THE UNITED STATES TO REPEAL MANDATORY MINIMUM SENTENCES

WHEREAS, the rising cost of incarceration at all levels is placing an increased fiscal burden on state and local governments; and

WHEREAS, studies continue to indicate that incarceration is not always the answer or the cure all for crime and its consequences in the nation; and

WHEREAS, alternatives to incarceration, such as pre-trial intervention programs, drug courts, and restorative justice, are proving to be more effective in rehabilitation of offenders as well as in lowering incidents of recidivism; and

WHEREAS, only through rehabilitation, educational opportunities, and re-entry and acceptance into the community can an offender make the transition from societal dropout to community contributor; and

WHEREAS, each offense and each offender's potential must be judged individually by the court system to determine, within statutory guidelines, the consequence which will be most beneficial to society; and

WHEREAS, realizing the expense and the limitations placed on sentencing options by minimum mandatory sentencing, the several states such as Louisiana has removed minimum mandatory sentencing for non-violent crimes in the state through passage of Senate Bill 239 during the 2001 Regular Session; and

WHEREAS, the repeal of mandatory minimum sentencing on a national level is necessary to fully address the issue;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL adopt this Resolution calling on all Members of Congress to repeal mandatory minimum sentences; and

BE IT FURTHER RESOLVED, that copies of this Resolution be dispatched to the President of the United States, the Vice President, Members of the U.S. House of Representatives and U.S. Senate and other federal government officials as appropriate.

**Sponsored by:** Senator Charles D. Jones (LA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

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**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 131

### **TO URGE AND REQUEST THE FEDERAL SENTENCING COMMISSION REVISE AND REPEAL THE FEDERAL SENTENCING GUIDELINES AND THEIR OVERALL EFFECT ON THE FEDERAL CRIMINAL JUSTICE SYSTEM**

WHEREAS, the Federal Sentencing Commission was created to assist the judiciary by creating advisory sentencing guidelines to be considered when determining sentences; and

WHEREAS, the guidelines are intended to provide rational and consistent criteria for imposing criminal sanctions in a uniform and proportionate manner, thus helping to alleviate sentencing disparity; and

WHEREAS, the sentencing judge, after properly considering the guidelines, retains the discretion to reject the sentencing guidelines provided the sentencing judge states for the record the reasons for the sentence and a factual basis justifying the sentence imposed; and

WHEREAS, the revising and repealing of federal sentencing guidelines on a national level is necessary to fully address the issue;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL adopt this Resolution calling on all Members of Congress to revise and repeal the federal sentencing guidelines; and

BE IT FURTHER RESOLVED, that copies of this Resolution be dispatched to the President of the United States, the Vice President, Members of the U.S. House of Representatives and U.S. Senate and other federal government officials as appropriate.

**Sponsored by:** Senator Charles D. Jones (LA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

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**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 132

### COMPENSATING SURVIVORS OF FORCED STERILIZATION

WHEREAS, the term eugenics can be defined as an effort to breed better human beings – by encouraging the reproduction of people with “good” genes and discouraging those with “bad” genes; and

WHEREAS, eugenicists in the United States had effectively lobbied for social legislation to keep racial and ethnic groups separate, to restrict immigration from southern and eastern Europe, and to sterilize people considered “genetically unfit”; and

WHEREAS, according to a study funded by the United States Holocaust Memorial Museum and the Merck Co. Foundation, 65,000 persons from 33 states had underwent forced sterilization from the mid-1940s to 1963, and by the late 1960s, more than 60% of those sterilized were black, and 99% were female; and

WHEREAS, in North Carolina, researchers estimate that more than 7,600 people were sterilized between 1929 and 1974, ranking North Carolina third among the states operating eugenic sterilization programs; and

WHEREAS, on April 7, 2003, North Carolina Representative Larry Womble, Chair of the NBCSL Housing Committee, passed House Bill 36, banning the involuntary sterilization of persons who are mentally ill or mentally retarded unless there is a medical necessity; and

WHEREAS, House Bill 36 states that no medical operation shall be performed without the consent of an inmate, or in the case of juveniles, without the consent of a responsible member of the inmate’s family, a guardian, or a legal custodian of the minor;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members urge the Department of Health and Human Service (DHHS) to identify survivors of forced sterilization programs and consider compensation for the survivors in the form of medical benefits, counseling and educational opportunities; and

BE IT FURTHER RESOLVED, that NBCSL members support efforts to monitors the procedure of mental institutions and ensure that sterilizations do not take place; and

BE IT FURTHER RESOLVED, that NBCSL members urge the Department of Health and Human Services create and ethics program, which includes information on the Eugenics Board and requires DHHS professionals to take this course of action; and

BE IT FINALLY RESOLVED, that NBCSL members collaborate with the NAACP, the Urban League, community groups, and disabilities groups to reach out to survivors of eugenics program.

**Sponsored by:** Representative Larry Womble (NC)

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## Resolution 05 - 134

### EX-POST FACTO CLAUSE PROHIBITING RETROACTIVE APPLICATION OF LAW

WHEREAS, the United States Constitution adamantly holds that every law that changes the punishment already imposed by a court of law, and inflicts a greater punishment than the law annexed to the crime when the judgment was made, is an ex-post facto law; and

WHEREAS, the ex-post facto clause prohibits retroactive application of law; and

WHEREAS, the U.S. Constitution has adamantly held that every law that changes the punishment already imposed by a court of law, and inflicts a greater punishment than the law annexed to the crime when the judgment was made, is an ex-post facto law; and

WHEREAS, there is absolutely no exception to this prohibition; and

WHEREAS, when a policy is applied retroactively to the disadvantage of an offender it is unconstitutional, as in the case of denying parole to parole-ready offenders based solely on a politically and economically motivated agenda by the state's executive office in order to promote a "tough on crime" image and receive increased federal funding; and

WHEREAS, Caucasian prisoners frequently receive lighter sentences, have sentences commuted and/ or are released on parole, African American prisoners' human rights are being violated daily, with many of the men and women who are entitled to parole serving life sentences instead;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL urge for prisoners sentenced to life sentences with the possibility for parole, who have met all requirements set forth by the sentencing judge, prison authorities and parole board, be given the opportunity to obtain their earned parole and return to society as reformed, productive citizens; and

BE IT FURTHER RESOLVED, that NBCSL will carefully examine the new unconstitutional parole reforms in their states, and the impact on the freedom of black men and women who are being held for extended punishment for political and economic reasons, and all same representatives call upon the Free Mumia Abu-Jamal Coalition (NYC) to supply them with the names of men and women who have been held far beyond their parole dates because of the political and economic agendas of the state and federal governmental structures.

**Sponsored by:** Delegate Salima S. Marriott (MD)

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## Resolution 05 - 141

### URGING CONGRESS TO REAUTHORIZE THE “SPECIAL PROVISION OF THE VOTING RIGHTS ACT

WHEREAS, following the Civil War, Congress adopted the Thirteenth Amendment, abolishing slavery, the Fourteenth Amendment, establishing the citizenship rights of all persons born in the United States, and requiring that no one be denied due process or equal protection of the laws; and the Fifteenth Amendment securing the right to vote for all citizens regardless of a person’s race, color or former condition of servitude; and

WHEREAS, despite the enactment of these significant constitutional commands, for nearly 100 years, states and local jurisdictions passed laws and instituted practices designed to circumvent the Civil War amendments, many states erected barriers to African Americans’ access to the polls, including infamous poll taxes and literacy or good character tests. African Americans and, those who advocated on their behalf, often were subjected to severe violence and intimidation, or in some cases death, if they attempted to register to vote or cast a ballot; and

WHEREAS, confronted with aggressive and relentless defiance of the Constitution, Congress enacted the Voting Rights Act of 1965 in order to ensure that the rights guaranteed by the Fourteenth and Fifteenth Amendments were enforced; and

WHEREAS, the Voting Rights Act of 1965 is widely viewed as one of the most successful civil rights statutes ever enacted. It bans literacy tests and poll taxes, outlaws intimidation during the electoral process, authorizes federal election monitors and observers and creates various means for protecting and enforcing racial and language minority voting rights; and

WHEREAS, although the struggle to ensure fairness in the electoral process continues, as a result of the Voting Rights Act, racial and language minorities have enjoyed enhanced opportunities to participate in the electoral process, cast votes, and elect their candidates of choice; and

WHEREAS, in 2007, certain “special provisions” of the Voting Rights Act that were enacted to address discriminatory voting practices, and the present effects of those practices, could expire if not renewed by Congress; and WHEREAS, these provisions include:

- Section 5: The federal pre-clearance of voting changes provisions, which requires covered jurisdictions to prove that voting changes are not discriminatory before they may legally take effect;
- Section 4: The coverage provision, which determines which states and jurisdictions must seek Section 5 pre-clearance, the coverage formula reaches states and jurisdictions with some of the most active histories of discrimination;
- Sections 6-9: The Federal Examiner/Observer provisions, which set forth criteria for election monitoring by the Department of Justice;
- Section 203: The bilingual voting materials provisions, which mandate that certain voting materials must be translated for language minorities in certain jurisdiction; and

WHEREAS, by 2007, Congress will vote on whether to extend these “special provisions” of the Voting Rights Act, the effects of the long history of voting discrimination persist; the “special provisions” of the Voting



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Rights Act continue to be extremely important tools for protecting minority voting rights. During the reauthorization process, Congress will compile a record that sets forth the continuing effects of the nation's widespread voting discrimination; and

WHEREAS, during this reauthorization process, the Congress, and individuals and organizations concerned with maintaining the protections that the Voting Rights Act of 1965 provides, will have an opportunity to present the evidence necessary to support renewal of the "special provisions" of the Voting Rights Act of 1965. In the meantime, all eligible voters should register, confirm their registration status, and exercise the right to vote so that the long struggle to expand the franchise yields meaningful results; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 4, 2004, that NBCSL urge Congress to reauthorize the "special provisions" of the Voting Rights Act of 1965; and

BE IT FURTHER RESOLVED, that NBCSL collaborate with the NAACP to ensure that the Voting Rights of 1965.

**Sponsored by:** Senator Velmanette Montgomery (NY), Representative Omeria Scott (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Law & Justice

**Certified by Committee Chair:** Senator Charles D. Jones (LA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 143

### URGING STATE AND MUNICIPAL LEADERS TO INSURE ADEQUATE AFRICAN AMERICAN MEDIA PARTICIPATION IN STATE AND MUNICIPAL ADVERTISING CONTRACTS SIMILAR TO THAT REQUIRED UNDER FEDERAL LAW

WHEREAS, the Executive Order 13170 directed federal agencies to take an aggressive role in insuring minority-owned entities' participation in advertising contracts and that each department insure that all creation, placement and transmission of federal advertising is fully reflective of the nation's diversity; and it further directed that every federal office which advertises should take special attention to see that ethnic media is used and that payment to such media is commensurate with fair market rates in the relevant market; and

WHEREAS, Executive Order 13170 also directs federal offices and agencies to insure that goals set for use of minority and smaller contractors by prime contractors in federal advertising are enforced; and

WHEREAS, during 2003 the federal government spent in excess of \$1.4 billion on advertising and of this amount less than .025% was allocated to African American media outlets by federal agencies and large prime contractors; and

WHEREAS, Executive Order 13170 also highlighted the importance of developing and maintaining a diverse workforce among those companies that are prime contractors on federal government advertising accounts;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members urge the Governors of the states and the Mayors of our cities to insure compliance, similar to that called for in Executive Order 13170, for state and municipal advertising contracts; and

BE IT FURTHER RESOLVED, that NBCSL urge the Congressional Black Caucus to convene public hearings in New York City and Chicago with regard to the discriminatory redlining of African American media by prime contractors of federal advertising accounts in violation of Executive Order 13170; and

BE IT FINALLY RESOLVED, that NBCSL request our respective Attorney Generals to prohibit prime contractors acting in violation of Executive Order 13170 from participating in state and municipal advertising and other contracts.

**Sponsored by:** Senator Ernest Newton (CT)

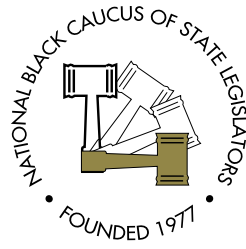
**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Telecommunication

**Certified by Committee Chair:** Representative Tyrone Ellis (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

*2004-2005 Ratified Resolutions*

POST-SECONDARY  
EDUCATION

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
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## Resolution 05 - 25

### FIGHTING BANS ON AFFIRMATIVE ACTION AND EQUAL OPPORTUNITIES FOR SUCCESS

WHEREAS, the quality of schooling, unequal treatment by teachers, weak or complete absence of educational support at home, parent's educational attainment, low household income, peer pressure, "stereotype vulnerability," inadequate preparation for the SAT in the curriculum, segregated living and schooling conditions, and inadequate support from guidance counselors play a large role in the low test score results among African American students; and

WHEREAS, the traditional argument in support of affirmative action's constitutionality is that it creates diversity and reverses the adverse effects of slavery and social discrimination, thereby improving the social conditions of African Americans as described in the opinion by Justice Powell in *Regents of the University of California v. Bakke* case; and

WHEREAS, the argument against affirmative action policies is that states are protected by the Fourteenth Amendment of the Constitution that prohibits state action denying equal protection of the laws, and the Title VI of the 1964 Civil Rights Act and other civil rights laws impose the same obligation on all institutions that receive federal funds; and

WHEREAS, after 1996, in *Hopwood v. Texas* (*Hopwood I*), *Bakke* had been in effect overruled in Texas, Louisiana, and Mississippi, by later decisions stating that affirmative action denied equal protection of the laws to non-minority applicants; and

WHEREAS, in Florida, Governor Jeb Bush has signed an executive order entitled "One Florida" that would prohibit all consideration of race in admission to the University of Florida system, and instead, guarantee admission to college to all students who graduate in the top fifth of their high school classes; and

WHEREAS, the United States Court of Appeals for the Fourth Circuit has struck down a scholarship program for African American students at the University of Maryland; and

WHEREAS, two anti-affirmative action suits have been brought against the University of Michigan, resulting in a verdict that struck down affirmative action policies at the University's Undergraduate level, but upholds affirmative action policies at the University's Law school; and

WHEREAS, the United States Supreme Court has now heard the appeals of the University of Michigan verdicts, and has held both that diversity is a compelling educational interest, and that race may be taken into account in college and university admissions as one factor in a carefully crafted affirmative action program; and

WHEREAS, the US Court of Appeals for the Eleventh Circuit has held the University of Georgia's affirmative action program unconstitutional because it "mechanically awards an arbitrary 'diversity' bonus to each and every non-Caucasian applicant...and severely limits the range of other factors relevant to diversity..." and



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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WHEREAS, many schools admit children of alumni (“legacies”), which is a tilt towards Caucasianness since a generation ago few or no African Americans had the opportunity to attend college, and these children’s scores were below other students with better academic credentials; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL survey states that have prohibited affirmative action and evaluate how the elimination or modification of affirmative action plans, such as using race as a factor in admissions policy, would affect the acceptance of African Americans; and

BE IT FURTHER RESOLVED, that NBCSL collaborate with community organizations, such as the Applied Research Center, that are pressuring for racial justice policies in education and are organizing research projects and national campaigns in defense of affirmative action; and

BE IT FURTHER RESOLVED, that NBCSL evaluate the testing measures that impede African Americans from being accepted for admission to highly and very selective schools, and also ensure that students receive test preparation at their high schools; and

BE IT FINALLY RESOLVED, that NBCSL implement policy that ensure every student has the opportunity to improve their social conditions through quality education, which includes enrollment in Advanced Placement courses, and special after-school, weekend, and summer learning programs.

**Sponsored by:** Representative Barbara Boyd (AL), Representative Michael DeBose (OH), Senator Peter Groff (CO)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Post-Secondary Education

**Certified by Committee Chair:** Representative Barbara Boyd (AL)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 26

### AFFORDABILITY AND TUITION COSTS OF POST-SECONDARY EDUCATION

WHEREAS, approximately three-fourths of the nation's 12 million college students attend public institutions; and

WHEREAS, formulas for interest rates on student loans are set by law and depends on whether the borrower is in school, in a grace period, or has received a temporary deferment from repayment; and

Whereas, the cost of tuition continues to rise in public and private universities by 18% and 7% respectively; and

WHEREAS, thirteen million students, from middle-class families earning \$40,000 to \$100,000 a year, have applied for federal student aid and in 2004 yet only 7 million students and families expect to receive new loans totaling an amount of \$52 billion from the Department of Education; and

WHEREAS, interest rates on federal student loans have dropped to 3.37 percent – the lowest point in nearly 35 years – saving money for millions of borrowers; and

WHEREAS, the current administration's proposed Fiscal Year 2005 budget includes several initiatives to help students pursue a higher education. Among these items are:

- \$73.1 billion in available student aid, a 6 percent increase over the 2004 level;
- \$12.9 billion for the Pell Grant program, an increase of \$856 million for low- and middle-income students;
- \$395 million for Historically Black Colleges and Universities and Hispanic Serving Institutions;
- An increase in loan limits for first-year students, from \$2,625 to \$3,000; and

WHEREAS, new federal tax breaks and massive increase in state and federal grants, totaling \$22 billion annually, to most students and their families have lowered the amount paid by students on average for tuition at public universities by nearly one-third since 1998;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL encourage the U.S. Department of Education to assist African American families and students in finding sources of funding for tuition; and

BE IT FURTHER RESOLVED, that NBCSL contact University counselors in School Admissions and Financial Aid Offices to increase the recruitment of and financial support for African American students; and

BE IT FURTHER RESOLVED, that NBCSL educate African American parents about the process of applying for federal grants and scholarships for their children; and

BE IT FINALLY RESOLVED, that NBCSL collaborate with the Association of American State Colleges and Universities (AASCU) to provide affordable and quality education for their African American students.





## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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**Sponsored by:** Representative Barbara Boyd (AL), Representative Michael DeBose (OH) Representative Omeria Scott (MS), Senator Peter Groff (CO)

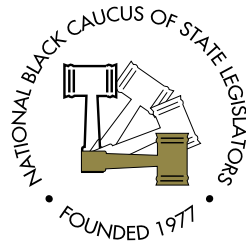
**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Post-Secondary Education

**Certified by Committee Chair:** Representative Barbara Boyd (AL)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





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SCIENCE &  
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PASSED DECEMBER 3, 2004

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## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2004-2005 Ratified Resolutions • December 3, 2004

### Resolution 05 - 151

#### TASK FORCE ON IMPLEMENTATION OF HELP AMERICA VOTE ACT

WHEREAS, Congress passed the Help America Vote Act of 2002 (HAVA) in response to the widespread voting irregularities that occurred during the 2000 presidential election in Florida and elsewhere; and

WHEREAS, in response to the widespread voting irregularities that occurred during the 2004 presidential election to include, but not be limited to, the documented voting irregularities that occurred in Sandusky County, Ohio; Sarpy County, Nebraska; Grays Harbor County, Washington; Gahanna, Ohio; Franklin County, Indiana; and Collin County, Texas; and

WHEREAS, under HAVA Congress appropriated \$3.9 billion for states to upgrade their voting technology and improve election administration, including establishing computerized statewide voter databases; and

WHEREAS, HAVA mandates that all states must provide a provisional ballot to a voter whose name does not appear on the voter rolls or whose eligibility to vote is questioned. HAVA then left it up to state law to determine what constitutes a valid provisional ballot and whose votes will be counted; and

WHEREAS, in the 2004 election tens of thousands of provisional ballots were thrown out nationwide because there were no uniform standards for counting provisional ballots; and

WHEREAS, in the 2004 election many voters had to stand in long lines for hours to vote due to an inadequate number of voting machines; and

WHEREAS, there is inadequate oversight on how states are implementing HAVA and allocating funds and other resources to local jurisdictions;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL consent to the establishment of a Task Force to monitor implementation of the Help America Vote Act to ensure equitable distribution of resources and uniform implementation of HAVA mandates, including, but not limited to, provisional ballots. The Task Force will assess whether funds are being allocated to jurisdictions where voting irregularities and election administration problems have occurred, the impact of early voting, and the feasibility of same-day voter registration. The Task Force will report back its findings to NBCSL in Washington, D.C., at its 29th Annual Legislative Conference.

**Sponsored by:** Representative Omeria Scott (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Science & Technology

**Certified by Committee Chair:** Senator John Horhn (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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### Resolution 05 - 152

#### NBCSL SUPPORTS DISTANCE LEARNING TO CLOSE ACHIEVEMENT GAP

WHEREAS, the National Black Caucus of State Legislators is addressing issues that contribute to the education achievement gap for African American students in pre K-12 public schools in the United States; and

WHEREAS, there is a shortage of mathematics and science teachers in rural and urban schools; and

WHEREAS, schools that have been labeled failing or marginal are faced with the challenge of recruiting mathematics and science teachers;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL supports the use of distance learning and distance instruction to bring qualified mathematics and science teachers to underserved rural and urban schools nationwide.

**Sponsored by:** Representative Omeria Scott (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Science & Technology

**Certified by Committee Chair:** Senator John Horhn (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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### Resolution 05 - 153

#### VERIFIED PAPER AUDIT TRAIL

WHEREAS, in the 2004 general election, nearly 40 million voters cast their ballots on electronic voting machines that do not produce an independent voter-verified paper audit trail; and

WHEREAS, in the 2004 election, the Election Incident Reporting System documented reports of hundreds of electronic voting machines malfunctioning nationwide, including Catheret County, North Carolina, where more than 4,000 paperless votes were permanently lost; and

WHEREAS, one of the fundamental principles of our democracy is that every vote counts and every vote must be counted; and

WHEREAS, paperless electronic voting machines do not permit an independent audit to verify that votes were recorded and counted accurately; and

WHEREAS, concerns about the accuracy and security of paperless electronic voting systems undermine voters' confidence in the integrity of the electoral process;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL support requiring all voting systems produce a voter-verified paper trail to safeguard against machine malfunctions and to conduct independent audits.

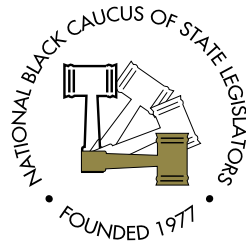
**Sponsored by:** Senator John Horhn (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Science & Technology

**Certified by Committee Chair:** Senator John Horhn (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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PASSED DECEMBER 3, 2004

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## Resolution 05 - 04

### ACCESS TO TELECOMMUNICATIONS LIFELINE SERVICES

WHEREAS, “Lifeline” is a federal-state, low-income support mechanism that reimburses telephone companies for discounting monthly telephone service prices and enables low-income consumers to save at least \$5.25 per month and up to \$10.00 per month on their telephone service costs; and

WHEREAS, the National Black Caucus of State Legislators recognizes and supports Lifeline’s key role in ensuring universal access by all consumers to an evolving level of telecommunications services, including wireless services, at rates that are just, reasonable and affordable, and that such access is guaranteed by the Communications Act; and

WHEREAS, the total number of mobile telephone subscribers in the United States is now over 170 million, which includes almost 10 million subscribers to wireless services offered by resellers, according to a 2004 report by the Federal Communications Commission (“FCC”); and

WHEREAS, the Federal Lifeline program remains significantly underutilized, according to data compiled by the FCC, only thirty-three percent of households eligible to receive Lifeline support are enrolled in the Lifeline program, and in some states, fewer than ten percent of persons eligible for Lifeline support participate; and

WHEREAS, a reseller of mobile telephone services is a “telecommunications carrier” and a “commercial mobile radio service” provider under the Communications Act that does not own transmission facilities and obtains wireless telecommunications services from another carrier for resale to the public. The services offered by such resellers often meet or exceed the standards of price, quality and availability offered by other carriers to their customers; and

WHEREAS, prepaid wireless resellers now serve over five million customers, many of whom are low-income, low volume users (including students, the elderly, immigrants, minorities and the credit-challenged) who utilize wireless services, not just as a matter of personal convenience, but to run small businesses, perform job responsibilities, search for employment, serve as community leaders, provide for personal safety communications and other purposes; and

WHEREAS, although the FCC has ordered that mobile telephone providers may be designated as “Eligible Telecommunications Carriers” (“ETC”) entitled to participate in the Lifeline program, certain legal barriers, which could be lifted by the FCC, currently preclude a wireless reseller from receiving ETC designation; and

WHEREAS, as long as wireless resellers, who serve over 10 million customers, remain ineligible for participation in Lifeline, substantial numbers of low-income wireless customers are being denied the benefits of Lifeline universal service assistance which are guaranteed by the Communications Act;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that the NBCSL urge the Federal





## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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Communications Commission and the state public utility commissions to promptly forbear from applying or enforcing the provision of the Communications Act which precludes wireless resellers from offering Lifeline service as Eligible Telecommunications Carriers and to promptly approve current and future ETC applications by such qualified prepaid wireless resellers filed with the FCC and the states; and

BE IT FURTHER RESOLVED, that NBCSL call on the FCC, the Universal Service Administrative Company, and the state public utility commissions to expand outreach programs to enroll more eligible low-income wireless customers in Lifeline, including customers of prepaid wireless services offered on a resold basis; and

BE IT FINALLY RESOLVED, that NBCSL will provide copies of this resolution to each member of the Federal Communications Commission and each member of the state public utility commissions.

**Sponsored by:** Representative Bobby Singleton (AL)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Telecommunication

**Certified by Committee Chair:** Representative Tyrone Ellis (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 20

### **NBCSL CALLS ON THE FEDERAL COMMUNICATIONS COMMISSION TO CAREFULLY WEIGH THE IMPACT OF ANY INTENDED REFORMS TO THE UNIVERSAL SERVICE FUNDING METHODOLOGY TO OUR NATION'S MOST VULNERABLE**

WHEREAS, the Universal Service Fund was established by the federal government to subsidize telephone service in low income communities, as well as rural areas of the country where the cost of providing basic telephone service is high, and expanded by Congress in 1996 to provide support for rural health care providers, schools and libraries; and

WHEREAS, the Federal Communications Commission is currently considering changing the way the Universal Service Fund ("USF") is funded from the current funding mechanism which charges on a usage basis (revenue), where long distance users are charged by their carriers based on the minutes of long distance they use, while the proposed new funding mechanism would charge by subscriber (connection), meaning that each long distance customer would pay their long distance carrier the same amount regardless of minutes used; and

WHEREAS, a drastic shift in USF funding support would hardest hit low-income, residential and low-volume long distance users, a disproportionate number of whom are constituents represented by the National Black Caucus of State Legislators; and

WHEREAS, a drastic shift in USF funding support from usage basis to subscriber base would mean that residential customers would pay the same as business customers and low volume callers would pay the same as high volume callers, which is particular unfair and burdensome to consumers on fixed-incomes who may see witness their phone bills increase even when they budget to make few or no long distance calls; and

WHEREAS, in addition to unfairly impacting minorities who may be low volume long distance users; low income; consumers on fixed incomes, residential; or have multiple phones- a switch to a connection-based methodology would impact a special category of minority consumers who utilize pre-paid wireless services for:

- Limited use such as emergency or security purposes (traveling, coming/going late at night, etc.);
- Children who are away (at college, on a trip, etc.);
- Elderly parents who may live alone or travel; and

WHEREAS, the current revenue-based funding methodology provides a very equitable, nondiscriminatory, and competitively neutral approach to funding the USF fund and the proposed alternative connection based methodology does not;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL urge the President, the United States Congress and the Federal Communications Commission to carefully weigh the impact of any intended reforms to the universal service funding methodology to our nation's most vulnerable as we work together to find better ways to increase resources to such a valuable program; and



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BE IT FURTHER RESOLVED, that NBCSL encourage its Members to communicate to the African American community and federal, state and local elected officials the importance of maintaining a USF funding methodology that will not harm the very people that the USF was created to protect; and

BE FINALLY RESOLVED that this Resolution be dispatched to the President of the United States, Vice President of the United States, Members of Congress and other local and state elected officials as appropriate.

**Sponsored by:** Representative Bobby Singleton (AL)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Telecommunication

**Certified by Committee Chair:** Representative Tyrone Ellis (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 143

### URGING STATE AND MUNICIPAL LEADERS TO INSURE ADEQUATE AFRICAN AMERICAN MEDIA PARTICIPATION IN STATE AND MUNICIPAL ADVERTISING CONTRACTS SIMILAR TO THAT REQUIRED UNDER FEDERAL LAW

WHEREAS, the Executive Order 13170 directed federal agencies to take an aggressive role in insuring minority-owned entities' participation in advertising contracts and that each department insure that all creation, placement and transmission of federal advertising is fully reflective of the nation's diversity; and it further directed that every federal office which advertises should take special attention to see that ethnic media is used and that payment to such media is commensurate with fair market rates in the relevant market; and

WHEREAS, Executive Order 13170 also directs federal offices and agencies to insure that goals set for use of minority and smaller contractors by prime contractors in federal advertising are enforced; and

WHEREAS, during 2003, the federal government spent in excess of \$1.4 Billion on advertising and of this amount less than .025% was allocated to African American media outlets by federal agencies and large prime contractors; and

WHEREAS, Executive Order 13170 also highlighted the importance of developing and maintaining a diverse workforce among those companies that are prime contractors on federal government advertising accounts;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL urge State Governors and Mayors of our cities to insure compliance, similar to that called for in Executive Order 13170, for state and municipal advertising contracts; and

BE IT FURTHER RESOLVED, that NBCSL urge the Congressional Black Caucus to convene public hearings in New York City and Chicago with regard to the discriminatory redlining of African American media by prime contractors of federal advertising accounts in violation of Executive Order 13170; and

BE IT FINALLY RESOLVED, that NBCSL request our respective Attorneys General to prohibit prime contractors acting in violation of Executive Order 13170 from participating in state and municipal advertising and other contracts.

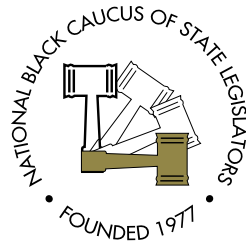
**Sponsored by:** Senator Ernest Newton (CT)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Telecommunication

**Certified by Committee Chair:** Representative Tyrone Ellis (MS)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

*2004-2005 Ratified Resolutions*

TRANSPORTATION

**Resolution 05-13** Hours of Service Regulation..... 122

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
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## Resolution 05 - 13

### HOURS OF SERVICE REGULATION

WHEREAS, the National Black Caucus of State Legislators (NBCSL) support Department of Transportation (DOT) efforts to enhance public safety through hours of service rules; and

WHEREAS, on April 24, 2003, the DOT issued its final rule intending to improve highway safety and help reduce the number of truck crashes by limiting the hours of service for commercial motor vehicles; and

WHEREAS, the final rule classifies drivers of utility service vehicles the same as delivery and long haul, over-the-road commercial truck drivers; and

WHEREAS, the final rule reduces the total number of hours that utility workers can be on duty for any reason; and

WHEREAS, the rule as implemented on January 4, 2004 highly impacts utility companies negatively by delaying routine maintenance of the distribution and transmission systems, restricting emergency response efforts, impairing mutual assistance to other utility companies in times of regional outages, increasing costs to operations and decreasing public safety; and

WHEREAS, utility service crews play a vital role in responding to emergencies and must be able to restore service when outages occur and perform critical infrastructure maintenance and, as such, must be able to drive their vehicles to their varied work sites whenever needed; and

WHEREAS, the DOT Hours of Service regulation compromises public safety by delaying and complicating the emergency dispatch of utility crew, undermines the ability of utility crews to restore electrical service in a timely manner, undermines the ability to maintain reliability, and dramatically increases the cost of utility vehicle related services to the detriment of urban/rural communities;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL dedicate themselves to educating its Members, constituents and others on the important public safety issues related to the DOT Hours of Service regulation; and

BE IT FURTHER RESOLVED, that any exemption hours of service should not jeopardize these worker's rights to overtime pay; and

BE IT FURTHER RESOLVED, that the Teamsters Union respectfully requests the Transportation Committee of the National Black Caucus of State Legislators consider and approve this amendment; and

BE IT FURTHER RESOLVED, that NBCSL urge that utility service crews and drivers be exempted from this regulation; and



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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BE IT FINALLY RESOLVED, that this Resolution 05 – 13 be dispatched to the President of the United States, the Vice President of the United States, the Secretary of Transportation and Members of Congress as appropriate.

**Sponsored by:** Representative Steve Jones (AR)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Transportation

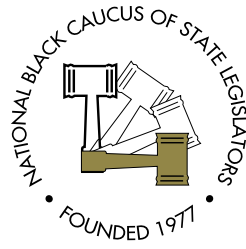
**Certified by Committee Chair:** Representative Steve Jones (AR)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President







## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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# YOUTH

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
November 29 - December 4, 2004*



## Resolution 05 - 154

### OBESITY AWARENESS MONTH

WHEREAS, American leaders have a responsibility to encourage and promote healthy lifestyles for the citizens of this country including communicating information about healthy diet and the importance of physical activity; and

WHEREAS, obesity is a serious medical condition and approximately 30.3 percent of children (ages 6 to 11) are overweight and 15.3 percent are obese. For adolescents (ages 12-19), 30.4 percent are overweight and 15.5 percent are obese. African American, Hispanic American, and Native American children and adolescents have particularly high obesity prevalence. Among female youth, the highest overweight and obesity prevalence is found in African American (non-Hispanic) girls ages (6 to 11), 37.6 percent; and

WHEREAS, overweight and obese adults are at increased risk for cardiovascular disease, diabetes, stroke, hypertension, gall bladder disease, osteoarthritis, and some cancers; and

WHEREAS, overweight children are at increased risk for hypertension, asthma, sleep apnea, and diabetes as well as poor psychosocial functioning and decreased well being; and

WHEREAS, obesity ranks second only to smoking as a preventable cause of death; and

WHEREAS, a study by the Centers for Disease Control estimates that U.S. obesity-attributable medical expenditures reached \$75 billion in 2003, and that taxpayers financed about half of these costs through Medicare and Medicaid; and

WHEREAS, it is in the best interests of Americans to continue to implement effective existing methods of treatment and prevention of adult and childhood obesity and to reduce the potential for other serious medical conditions caused or exacerbated by obesity; and

WHEREAS, education, prevention and proper treatment of obesity can reduce health care costs and improve the quality of life for a significant number of adults and children in Georgia;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA NOVEMBER 29-DECEMBER 3, 2004, that NBCSL members of the Youth Committee urge communities, business and schools throughout this country to develop awareness campaigns and voluntary programs appropriate to their settings which focus on the causes of obesity, the symptoms and long-term consequences associated with obesity, and the healthy alternatives for food choices and appropriate programs of physical fitness, which lead to control of weight and improved lifestyle; and

BE IT FINALLY RESOLVED, that the month of November is declared Obesity Awareness Month.

**Sponsored by:** Representative LaNett Stanley Turner (GA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Youth

**Certified by Committee Chair:** Representative LaNett Stanley Turner (GA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 156

### OBESITY IN YOUTH

WHEREAS, obesity is one of the most or the most frequent chronic conditions in US children and adolescents; and

WHEREAS, about 80% of obese adolescents will become obese adults; and

WHEREAS, obesity has health and social consequences during youth: type 2 diabetes, high blood pressure, sleep apnea, cardiac hypertrophy, social isolation, depression, and suicide attempts; and

WHEREAS, Mexican American and non-Hispanic African American children and adolescents are more frequently affected than non-Hispanic Caucasian children and adolescents; and

WHEREAS, among non-Hispanic Caucasian adolescents, obesity is inversely associated with family income; and

WHEREAS, among non-Hispanic African American adolescents, obesity is not or positively associated with family income; and

WHEREAS, obesity has increased two to three folds in every pediatric age group in the past 30 years; and

WHEREAS, although at the individual level genetic and physiologic factors predispose to obesity, the increase in the past years can only be explained by environmental factors; and

WHEREAS, there is strong scientific evidence (observations and experiments) that television and other sedentary activities increase the risk for obesity in youth; and

WHEREAS, television seems to increase obesity through inactivity and exposure to advertisements; and

WHEREAS, there is strong scientific evidence (observations and experiments) that sweetened beverages increase the risk for obesity in youth; and

WHEREAS, there are some observational evidence that breastfeeding, small portion size, access to healthy food, and opportunities for physical activity are protective for obesity;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members promote the following legislative policy initiatives in their respective states:

- Develop and implement nutrition standards for food and beverages sold in schools (school lunch, competitive foods, vending machines)
- Maintain and promote physical education and other physical activities in schools
- Create advertising-free schools



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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- Rethink the built environment for its health impact in the context of obesity prevention: opportunities for physical activity
- Support and implement school obesity prevention pilot programs and research

**Sponsored by:** Representative LaNett Stanley-Turner (GA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Youth

**Certified by Committee Chair:** Representative LaNett Stanley Turner (GA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05 - 158

### YOUTH CHILDHOOD OBESITY JOINT STUDY

WHEREAS, obesity is a serious medical condition affecting up to one-third of all Americans; and

WHEREAS, obesity is known to cause or exacerbate a number of serious disorders including hypertension, dyslipidemia, cardiovascular disease, diabetes, respiratory dysfunction, gout, and osteoarthritis; and

WHEREAS, obesity ranks second only to smoking as a preventable cause of death; and

WHEREAS, a study of the effectiveness of existing methods of treatment and prevention of adult and childhood obesity, of the fiscal impact of treatment and prevention of obesity, and the potential reduction in serious medical conditions associated with diabetes that results from treatment and prevention of adult and childhood obesity would be beneficial to determine future legislative and administrative strategies to address adult and childhood obesity; and administrative strategies to address adult and childhood obesity; and

WHEREAS, education, prevention, and proper treatment of obesity can reduce health care costs and improve the quality of life for a significant number of adults and children in America;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29-DECEMBER 3, 2004, that NBCSL members create a Joint Study Committee on Adult and Childhood Obesity and Prevention in their state. It is suggested that the Speaker of the House of Representative shall appoint four members of the House of Representatives as members of the committee and shall designate one of such members as co-chairperson. The Speaker of the House of Representative shall appoint five additional members of the committee who shall include a dietician, a public school administrator, and a representative of a cancer society, a heart association, and a public health organization. The President of the Senate shall appoint five additional members of the committee who shall include a nutritionist, a public school health professional, and a representative of a diabetes association, an organization of osteopathic physicians, and a parent-teacher organization. The co-chairpersons shall call all meetings of the committee; and

BE IT FURTHER RESOLVED, that NBCSL shall undertake a study of the conditions, needs and issues mentioned above or related thereto and recommend any action or legislation which the committee deems necessary or appropriate to address adult and childhood obesity and prevention in America. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objective and purposes of this resolution.

**Sponsored by:** Representative LaNette Stanley-Turner (GA)

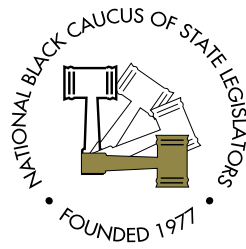
**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** Youth

**Certified by Committee Chair:** Representative LaNette Stanley-Turner (GA)

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

# *2004-2005 Ratified Resolutions*

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PASSED DECEMBER 3, 2004

*NBCSL 28th Annual Legislative Conference  
Philadelphia, Pennsylvania  
November 29 - December 4, 2004*



## Resolution 05-201

### ESTABLISHING HEALTH DISPARITIES COMMISSIONS

WHEREAS; health disparities are differences that occur by gender, race and ethnicity, education level, income level, disability, geographic location and/or sexual orientation; and

WHEREAS; some health disparities are potentially avoidable, especially when they are related to factors such as living in low-income neighborhoods or having unequal access to medical care and information; and

WHEREAS; research has shown that even when racial/ethnic minorities are insured at levels comparable to Caucasians, they tend to receive a lower quality of health care for the same health conditions; and

WHEREAS; people of color make up 28 percent of the U.S. population but only 23 percent of medical school faculty, 16 percent of public health school faculty and 17 percent of all city and county health officers; and

WHEREAS; people in low-income communities often have less healthy environmental surroundings than people in other communities; low-income communities are often located in or near polluting industrial areas and living in low quality older housing units where lead paint and pests are a threat;

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL members seek to pass legislation in their respective states that establishes a Health Disparities Commission to address the significant racial, ethnic and linguistic disparities in access to health care and prevention services and quality care; and disparities in medical outcomes in affected communities including examining the disproportionate effects of certain diseases, including cancer, stroke and heart attack, Diabetes, infant mortality, HIV/AIDS, asthma and other respiratory illnesses; as well as examining the lack of diversity in the health care workforce.

**Sponsored by:** Representative Gloria Fox (MA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05-202

### TO ESTABLISH A VETERANS ROUNDTABLE

WHEREAS, we recognize diversity as a strength for veterans; and

WHEREAS, there is a need for better analysis and polling data with respect to our veterans' diversity by age, race, gender; and

WHEREAS, veterans make up a significant segment, 19% of the American population, 16% of the electorate; and 84% of veterans are registered to vote; and

WHEREAS, according to the 1990 Census, African American veterans make up 8.6% of the veterans population (one third of the total African American population), representing the largest group (84%) of all minority veterans and African American veterans; and

WHEREAS, the election will be affected by the veterans service organizations who are in lockstep around issues involving: eliminating the waiting list for Veteran Administration (VA) care; full funding of the VA Health Care System; eradication of homelessness amongst veterans; and unabashed support for an estimated 535,000 disabled military retirees who want both disability and retirement benefits in full, and a secure health care safety net that examines the impact of health care, wage and honorable discharges that directly affects veterans benefits; and

WHEREAS, the VA's own statistic's showed that 26% of the past VA health care system users were African American veterans; 50% of the hypertension patients; 40% of the clients seen by the homeless program; 36% of the dialysis and AIDS patients; 25% of the visitors to the readjustment counseling program; 20% of those seen by the special Post Traumatic Stress Disorder (PTSD) program (Brown, 1993), and finally, 2% of the current women veterans users, but of that 2% total, 17% were African American women veterans. Despite these findings over a decade ago African American veteran's health care concerns persist; and

WHEREAS, today, there are more than 2.6 million African American veterans of all ages, both male and female, who have fought America's wars, not including widows and dependent children, or parents of African Americans killed in America's wars, and their family's make-up one third of the nation's African American population; and

WHEREAS, experts believe African American veterans comprise 50 to 60% of the homeless veteran's population nationwide; and

WHEREAS, African American veterans continue to be little more than a footnote in American politics', and are an often forgotten in American national defense and history; and

WHEREAS, while the overall veterans' population is projecting to decline, the number of minorities entering the military is projected to increase dramatically; and

WHEREAS, Representative Elijah Cummings (D-MD), Chairman of the Congressional Black Caucus continues to reach out and work with the state legislators on voting registration and protecting the vote



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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and asking the ever present question of our national political leadership who will be joining the CBD and NBCSL members in leading the charge to set the national public policy agenda for African American veterans, their families and communities.

THEREFORE BE IT RESOLVED BY THE 28TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL seek to establish a Veterans Roundtable, similar to the Faith-Based Roundtable in collaboration with the Congressional Black Caucus and its Veterans Brain trust to help support and fulfill NBCSL's mission. The Veterans Roundtable proposes to reflect a national representation aimed at promoting advocacy and public policy development and implementation at the national, state and local levels. In addition, the Veterans Roundtable will target and/or direct its efforts towards facilitating a national dialogue geared toward the incorporation of African American Veteran's issues and concerns within the various ongoing series of black state legislative conferences, weekends, conventions, symposiums or sessions that annually take place across the country.

**Sponsored by:** Representative Gloria Fox (MA), Senator Peter Groff (CO), Representative Claudette Woodard (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05-203

### HEALTH DISPARITIES AND INCREASE ENROLLMENT IN MEDICAID-FUNDED HEALTH SERVICES

WHEREAS, the United States is a national leader in developing and delivering innovative, cost effective health care, public health, and human service programs; and

WHEREAS, “community health worker” is defined as a public health professional who promotes full and equal access to necessary health and human services by applying his or her unique understanding of the experiences, language, and culture of the communities he or she serves; and

WHEREAS, community health workers, also known as outreach educators, outreach workers, health promoters, health advocates, and peer educators, among other titles, have been integral to the delivery of health and human services since the 1960s; and

WHEREAS, academic studies and federal and state government reports have documented the effectiveness of community health workers in increasing access to primary and preventive health care services, thereby helping to reduce unnecessary hospitalizations and emergency room use; and

WHEREAS, leading scientific organizations, including the Institute of Medicine and the American Public Health Association, have recommended supporting community health workers as a strategy to eliminate health disparities for vulnerable populations; and

WHEREAS, federal Medicaid regulations require appropriate outreach, enrollment and translation services; and

WHEREAS, health providers and other organizations that employ community health workers often lack sustainable funding for outreach and prevention services and rely on cyclical, categorical grant funding to support community health workers; and

WHEREAS, reductions in funding for community health workers undermine state efforts to maximize utilization of federally reimbursable health and public health services; and

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that the Department of Health and Human Services should conduct a study to inform planning for utilization and funding of community health workers by public and private entities to increase access to health care, particularly state Medicaid-funded health and public health services, and to eliminate health disparities among vulnerable populations;

BE IT FURTHER RESOLVED, that results and recommendations of the study shall be reported to NBCSL.

**Sponsored by:** Representative Gloria Fox (MA)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05-205

### THE PRESIDENT EMERGENCY PLAN FOR AIDS REFORM CARIBBEAN AND DOMINICAN REPUBLIC EXPANSION

WHEREAS, President George W. Bush, in the State of the Union Address in 2003, called for an unprecedented act of compassion to address the ravages around the world of HIV/AIDS and committed \$15 Billion over 5 years to address this global pandemic through the establishment of an Emergency Plan for HIV/AIDS relief; and

WHEREAS, the President announced that 9 billion of the 15 billion would go the new programs to address HIV/AIDS in 15 of the world's most affected nations only two of which, Haiti and Guyana, are in the Caribbean; and

WHEREAS, on Tuesday, May 27th, 2003, President George W. Bush signed into law the "United States leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003" which authorize assistance to foreign countries to combat HIV/AIDS, tuberculosis and malaria; and

WHEREAS, 500,000 people live with HIV/AIDS in the Caribbean, which is the region that has the world's highest HIV, prevalence rate outside sub-Saharan African with infection rates 4 times that of North America and South and Southeast Asia, the regions that rank next on the list; and

WHEREAS, 1 in every 50 people in the Caribbean, or approximately 2% of the adult population, are infected with HIV, which impacts every sector of the region; and

WHEREAS, there are close to 23 million Caribbean immigrants residing in the U.S., and who work in various sectors in the society, including in state and city government and the U.S. military; and

WHEREAS, high mobility within the Caribbean due to labor force shifts, education and tourism increases the risk of HIV/AIDS spreading thought the entire region and increasing the rates in Caribbean countries not as adversely affected; and

WHEREAS, a regional approach to fighting this threat to U.S. national and Caribbean region security is required;

**THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that legislation implementing President Bush's Emergency Plan for HIV/AIDS Relief be expanded to include all CARICOM countries and the Dominican Republic, beyond just Haiti and Guyana; and**

**BE IT FURTHER RESOLVED, that NBCSL members encourage broad-based support for this resolution so as to enable President Bush and the US Congress to realize the necessity of targeting the President's HIV/AIDS initiatives to the entire Caribbean region.**



# NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

*2004-2005 Ratified Resolutions • December 3, 2004*

**Sponsored by:** Delegate Shirley Nathan-Pulliam (MD)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05-206

### ADULT SICKLE CELL ANEMIA

WHEREAS, in 1972, The Sickle Cell Anemia Control Act was approved by the Democratic Congress and signed into law; and

WHEREAS, we can reduce cost and suffering by early intervention of those suffering from Sickle Cell Anemia; and

WHEREAS, Sickle Cell Anemia is a painful and sometimes deadly blood disorder; and

WHEREAS, there is a lack of medical facilities and trained staff to treat adults sick with Sickle Cell Anemia; and

WHEREAS, adults are suffering from unnecessary complications because of misdiagnosis and delays in treatment and lack of coordinated care, which leads to disabilities and in some cases death; and

WHEREAS, in the past, a small number of patients survived to adulthood; and

WHEREAS, due to the success of researchers' understanding of Sickle Cell Anemia, patients are now living into their 40's and late 60's; and

WHEREAS, little has been done to build a comprehensive care infrastructure for these adults with Sickle Cell Anemia; and

WHEREAS, this failure has resulted in adult patients relying on pediatric care facilities not equipped to deal with the range of problems presented by older patients who wait long hours in emergency rooms; and

WHEREAS, adults, with Sickle Cell face complex problems that requires health professionals with expertise in treating this disease but are usually forced to see many specialists instead of one; and

WHEREAS, the Sickle Cell population is confronted by many social problems that complicate their care; and

WHEREAS, because of recurring cycles of pain, people with Sickle Cell Anemia experience frequent interruptions in their educational preparation; and

WHEREAS, these adults suffering with Sickle Cell are often jobless, employed in low paying jobs, or lack formal education; which affects the ability to interact effectively with the increasingly complicated health care bureaucracy;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that the NBCSL Health Committee urge state legislators to seek appropriate funding to establish adult Sickle Cell Anemia clinics in their respective



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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jurisdictions or by working with established health care institutions to create clinics and Outreach for the adult population; and

BE IT FURTHER RESOLVED, that NBCSL will work to encourage minority health disparities organizations in their state and national offices of minority health to improve the quality of health care delivery and reduce mortality for Sickle Cell Anemia population.

**Sponsored by:** Delegate Shirley Nathan-Pulliam (MD), Senator Peter Groff (CO), Representative Claudette Woodard (OH)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05-207

### NBCSL SUPPORTS STATE AND LOCAL GOVERNMENT POLICIES TO MAKE WIRELESS TELECOMMUNICATIONS SERVICES WIDELY AVAILABLE

WHEREAS, forty percent of Americans – primarily low-income, minority and rural consumers – do not have access to the affordable wireless telecommunications services now enjoyed by middle and upper-income Americans and almost all Europeans; and

WHEREAS, wireless telecommunications is no longer a luxury but is needed by all Americans to seek and hold employment, manage businesses, communicate with family members, perform schoolwork, provide civic and community leadership, and access public safety communications services; and

WHEREAS, wireless telecommunications is one of the most heavily taxed consumer services, which may be discouraging the availability of affordable wireless service, including prepaid plans, to many low-income and minority Americans; and

WHEREAS, high taxes, fees and other charges – particularly the line-based charges that may range from fifty cents to over three dollars per line per month – disproportionately burden low-income, low-volume cellular customers who may use only eight to twenty dollars per month in wireless services; and

WHEREAS, regressive taxes and fees that make wireless telecommunications unaffordable or unavailable to many users and potential users are not only unfair to low-income, low-volume consumers but ineffective sources of revenue for the state and local governments that impose the taxes and fees;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL support governmental policies that will make wireless telecommunications widely available to low-income consumers, minorities, people in rural areas, and all other Americans at affordable prices in accord with the principles of universal service; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators urge state and local governments to avoid or roll back any taxes, fees or charges – including regressive line-based fees – on wireless services that disproportionately burden low-income, low-volume cellular telephone subscribers or make such services unaffordable or unavailable; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators understand the need for and supports state and local taxes and fees on cellular telecommunications at reasonable, nondiscriminatory levels with suitable exemptions or conditions for those consumers who cannot otherwise afford wireless telecommunications services.

**Sponsored by:** Representative Juanita Head Walton

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05-208

### **NBCSL CALLS ON THE FEDERAL COMMUNICATIONS COMMISSION TO REVIEW THE CURRENT DEFINITIONS OF TELECOMMUNICATIONS AND INFORMATION SERVICES**

WHEREAS, the primary goal of the Federal Telecommunications Act of 1996 was to open telecommunications markets to competition; eight years later competition exists, but not solely as a result of the 1996 Act or similar state efforts. Competition also has occurred as a result of Increased consumer access to wireless services and the ability of consumers to communicate over the Internet; and

WHEREAS, innovation and convergence of existing technologies are radically expanding telecommunications services blurring distinction between telephone and Internet services; between cable, wireless and satellite; between long distance and local service; and between telephone and other forms of communications; and

WHEREAS, state legislatures and state regulators have been at the forefront of regulatory reform of the telecommunications industry, removing barriers to competition in local markets; however, there is a need for further reform to ensure that all providers of telecommunications services are treated similarly for purposes of government regulation; and

WHEREAS, the economic impact of regulatory reform would serve as a catalyst for increased capital investment, job growth in the telecommunications industry, and investment lead increases in economic growth; and

WHEREAS, the societal impact of regulatory reform will provide added consumer value from price competition and innovative services and continue to achieve the goals of the Universal Service Fund in a competitively neutral manner; and

WHEREAS, to ensure that government regulation of telecommunications, when such regulation is necessary to protect the interests of consumers and the needs of law enforcement agencies, is based on an even playing field between competitors of similar services though possibly delivered by different technologies;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL call upon the United States Congress and the Federal Communications Commission, to review the current definitions of telecommunications and information services as defined in the Communications Act of 1934 and the Telecommunications Act of 1996 to ensure that all providers of telecommunications services are treated similarly for purposes of government regulation.

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

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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### Resolution 05-209

#### DANGERS OF MINORS AND INTERNET CHAT ROOMS

WHEREAS, the National Center on Missing and Exploited Children (NCMEC) reports that many pedophiles pose as teenagers in internet chat rooms; and

WHEREAS, predators often seek out lonely, troubled kids who go online looking for a friend; and

WHEREAS, there have been a number of highly publicized cases of abuse involving computers, but many of these cases go unreported; and

WHEREAS, parents and caregivers should take an active role in their children's Internet activities and educate children about the risk of internet use; and

WHEREAS, children must learn about the risk of revealing identifying information to other individuals in an Internet chat room; and

WHEREAS, children must learn that participants in online activities may not be whom they see and that information exchanged or views online may not be true;

**THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL recognize the dangers of minors entering internet chat rooms and educate our children about the risks associated with chat rooms and the internet in general.**

Sponsored by: Representative Ronald G. Waters (PA), Representative Claudette Woodard (OH)

Approved Date is December 1, 2004 by the Committee of Jurisdiction: General Ratification

Certified by Committee Chair: Representative Calvin Smyre (GA), Vice President

Ratified in Plenary Session, Ratified Date is December 3, 2004.

Ratification certified by: Representative Mary H. Coleman (MS), President



## Resolution 05-210

### THE EFFECTS OF VIOLENT INTERACTIVE VIDEO GAMES ON CHILDREN

WHEREAS, within the last ten years the video game market, particularly the use of home video game systems, has been exploited throughout the nation; and

WHEREAS, video games are available to children not only at traditional place of business specializing in amusement but also through a variety of retail outlets and magazine sales for home use and by communication on the internet; and

WHEREAS, improvements to the picture, speed and resolutions of the new age of video games have made the depiction of characters, places and events contained in the games amazingly realistic; and

WHEREAS, some, but not all video games contain graphic and repeated scenes of violence which include decapitations, bloodshed dismemberment, killing and death by the use of lethal weapons or hand to hand combat; and

WHEREAS, NBCSL recognizes that violent crime is a serious and persistent problem in our society, especially among our youth; and

WHEREAS, NBCSL further recognizes that, as confirmed by current scientific data, the repeated exposure to graphic violence and participation in violent interactive games may contribute to violent behavior by our youth and desensitizes them to acts of violence; and

WHEREAS, information regarding the content of graphic violence in movies and television programs as well as the lyrics of music is provided to consumers and parents so that they may make choices concerning the depiction of violence and whether they elect to have their children exposed to violent content;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PA, NOVEMBER 29 - DECEMBER 3, 2004, that NBCSL seek resources to investigate the effects of violent interactive video games on children and to share the results with school systems, churches and other community groups; and to make recommendations for action.

**Sponsored by:** Representative Ronald G. Waters (PA), Representative Omeria Scott (MS), Assemblywoman Annette M. Robinson (NY), Representative Sharon Beasley Teague (GA), Representatives John W. Hines Sr. (MS)

**Approved Date is December 1, 2004 by the Committee of Jurisdiction:** General Ratification

**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05-211

### ESTABLISHING A SPECIAL COMMITTEE TO REVIEW THE JUVENILE JUSTICE SYSTEM

WHEREAS, the confinement of juveniles, while perhaps a necessary part of creating a just society, is a serious punishment which should be delivered only with the greatest amount of consideration and never as a first option; and

WHEREAS, in 2000, 20% of the state's 12-17 year-old population was comprised of African- Americans; however African Americans accounted for 70% of the juveniles held in Tennessee's secure detention centers throughout that year; and

WHEREAS, in fiscal year 2003, African American children accounted for 21.4% of the state's juvenile population, 38% of Tennessee's delinquent population as recorded by the Department of Children's Services, and yet accounted for nearly 46% of the population of the State's Youth Development Centers; and

WHEREAS, the Tennessee Commission on Children and Youth has responsibility for implementing the federal Juvenile Justice and Delinquency Prevention Act in Tennessee, and one of its core requirements is to assess and address the disproportionate contact minority children have with the juvenile justice system; and

WHEREAS, the Tennessee Commission on Children and Youth has convened a Disproportionate Minority Confinement/Contact (DMC) Task Force for the past nine years to assess and address the overrepresentation of minority children in the juvenile justice system; and

WHEREAS, Dr. Soumen Gosh and his staff at the Office of Business and Economic Research, Tennessee State University, conducted an "Assessment of Disproportionate Minority Confinement in Tennessee's Juvenile Justice System, a report on the roots and causes of minority overrepresentation in Tennessee's Juvenile Justice System;" and

WHEREAS, a Brian A. Disparities Research Team led by Dr. Ruth McKoy prepared a "Racial Disparities Study" for the Tennessee Department of Children's Service;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 - DECEMBER 3, 2004, that the NBCSL seek to establish a Special Committee to study the disproportionate confinement of minorities in the juvenile justice system, to review available research and data regarding the overrepresentation of minorities in Tennessee's juvenile justice system, and to develop strategies to address the causes and reduce the disproportionate involvement of minority youth in Tennessee's juvenile justice system; and

BE IT FURTHER RESOLVED, that the Special Committee on the Juvenile Justice System shall timely report its findings and recommendations, including any model legislation, at the 29th Annual Legislative Conference of the National Black Caucus of State Legislators in Washington, DC.



# NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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**Sponsored by:** Representative Ronald G. Waters (PA)

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**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President



## Resolution 05-212

### RESOLUTION IN SUPPORT OF EMMETT TILL JUSTICE CAMPAIGN

WHEREAS, the goals of the International Association of Official Human Rights Agencies (IAOHRA) include the promotion of civil and human rights around the world by providing leadership in the development and enforcement of laws at all levels of government; and

WHEREAS, IAOHRA was founded in 1949 in New York and whose membership presently consist of approximately one hundred sixty (160) human rights agencies in the United States and Canada; and

WHEREAS, Emmett Louis Till was kidnapped and lynched during 1955 in Money, Mississippi by Roy Bryant, J.W. Milam, and possibly others, for allegedly whistling at a Caucasian woman; and

WHEREAS, Maimie Till Bradley Mobley (Emmett's mother) shocked the world and galvanized the modern civil rights movement by demanding a open casket funeral so that the world could see what hate looked like; and

WHEREAS, an all Caucasian, male state jury acquitted Bryant and Milam of first degree murder because, they stated, they did not believe that the state had proved that the body of the victim was Emmett Louis Till; and

WHEREAS, Bryant and Milam confessed four months later to killing Till in an article that resulted from an interview they did with "Look" magazine for \$4,000.00; and

WHEREAS, on January 4, 2003 (two days before her unexpected death), Maimie Till Mobley, Alvin Sykes, Keith Beauchamp, and Donald Burger agreed to form the Emmett Till Justice Campaign for the purpose of pursuing a joint state/federal investigation into the death of Emmett Till to determine whether any one else, besides Bryant and Milam, was involved in Till's kidnapping and lynching and was still alive today; and

WHEREAS, sixteen months later, following extensive review, research and advocacy by the Emmett Till Justice Campaign Inc with then U.S. Assistant Attorney General for Civil Rights Ralph Boyd, current US Assistant Attorney General for Civil Rights R Alexander Acosta, US Attorney for the northern District of Mississippi Jim Greenlee, Mississippi 4th Circuit District Attorney Joyce Chiles and Mississippi FBI Supervisor Hal Neilson, plus their respective staffs, The U.S. Department Of Justice announced on May 10th, 2004, the opening of a joint investigation with the Mississippi 4th Circuit District Attorney's Office into the death of Emmett Louis Till to determine both the truth about the lynching of Emmett Till and whether any possible prosecutable participants are still alive today;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL strongly commend the Emmett Till Justice Campaign, under the activist leadership of 2004 National Association of Human Rights Worker Advocacy Award Winner Alvin Sykes and National Association of Human Rights Worker National Board Member Donald Burger and the above named law enforcement officials for their success in opening a credible line of communication between witnesses, victims, family members, and others with evidence or



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information about Till's death, and creating a justice-seeking atmosphere around the joint investigation;  
and

BE IT FURTHER RESOLVED, that NBCSL strongly encourages any witnesses, victims, family members and any other citizens with information or evidence to come forward and cooperate with the joint state/federal investigation into the facts and circumstances surrounding the lynching of Emmett Louis Till.

**Sponsored by:** Senator C.J. Prentiss (OH), Senator David Haley (KS), Representative Erik R. Fleming (MS), Representative Mary H. Coleman (MS), Senator Donne' Trotter (IL), Representative Omeria Scott (MS), Senator John Horhn (MS), Assemblywoman Annette M. Robinson (NY), Senator Joseph C. Thomas (MS), Representative Sara Thomas (MS), Representative Earle Banks (MS), Representative Benjamin Swann (MA), Representative Claudette Woodard (OH), Senator Peter Groff (CO), Representatives John W. Hines Sr. (MS)

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**Certified by Committee Chair:** Representative Calvin Smyre (GA), Vice President

**Ratified in Plenary Session, Ratified Date is December 3, 2004.**

**Ratification certified by:** Representative Mary H. Coleman (MS), President





## Resolution 05-213

### NATIONAL UNION OF FAMILIES

WHEREAS, it is fitting that the elected representatives of the State of Tennessee should pay tribute to those exemplary organizations and their individual members who have given unselfishly of themselves, their time and their talents to perpetuate the public good; and

WHEREAS, the National Union of American Families (NUAF) is most assuredly one such exemplary organization that is deserving of praise and commendation for its many efforts in bringing about a positive social change in today's society; and

WHEREAS, oftentimes, residents within a community adopt apathetic dispositions as they are caught up and distracted by feelings of helplessness and hopelessness, the NUAF is striving to help change these attitudes into positive social change by strengthening parental involvement in the nation's schools and by enhancing many aspects of community and family life; and

WHEREAS, the stated purpose of the NUAF is to save the family unit, by creating a community of families in securing better living conditions and to create a real democracy by working at the community level, block by block, and using collective bargaining and unionization to create a government of the people, by the people, and for the people; and

WHEREAS, in partnership with families and the community, the NUAF seeks to establish the "National Mentoring Corps," a mentoring and tutoring relationship with area colleges, universities and other educational institutions, in an effort to increase academic success, by providing performance-driven scholastic programs in safe and secure environments for students to effectively build their self-esteem and their grade point averages; and

WHEREAS, their six stated objectives are: (1) to monitor public and private institutions to ensure top quality of service; (2) to serve as a source of information for the public on the availability of service agencies and institutions; (3) to develop a neighborhood sense of identity (4) to identify' the most competitive provider of benefits such as health insurance, legal aid, tax services, etc.; (5) to assist members in becoming gainfully employed; and (6) to assist families in creating jobs through entrepreneurship; and

WHEREAS, in selecting fifty cities across the country to start its honorable initiative, the NUAP has chosen Memphis as one of its first cities in which to implement its program, with the headquarters housed h Philadelphia, Pennsylvania; and

WHEREAS, the NUAF is truly one of the great nonprofit community organizations and catalysts for positive social change in our state and nation, and the members and volunteers of this organization should be appropriately honored for their exemplary service to the citizens of this state;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA PENNSYLVANIA, NOVEMBER 29- DECEMBER 3, 2004, that we hereby honor and commend the National Union of American Families for its unwavering dedication to organize America's families including those





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of Tennessee, to unionize against crime, hatred and apathy, and to provide a safe and happy place for our children to grow and become strong, confident and gracious leaders of the future; and

**BE IT FURTHER RESOLVED**, that NBCSL wish the NUAJ much continued success in its fixture endeavors.

Sponsored by: Representative Barbara Cooper (TN)

Approved Date is December 1, 2004 by the Committee of Jurisdiction: General Ratification

Certified by Committee Chair: Representative Calvin Smyre (GA), Vice President

Ratified in Plenary Session, Ratified Date is December 3, 2004.

Ratification certified by: Representative Mary H. Coleman (MS), President



## Resolution 05 - 214

### **REAUTHORIZATION OF OFFICE OF MINORITY HEALTH AND APPROPRIATION OF FUNDS AND STAFF FOR THE OFFICE OF MINORITY HEALTH AND OFFICE FOR CIVIL RIGHTS, AT THE OFFICE OF THE SECRETARY UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES**

WHEREAS, the Office of Minority Health's (OMH) mission is to improve and protect the health of racial and ethnic minority populations through the development of health policies, initiatives and programs designed to eliminate health disparities; and

WHEREAS, OMH serves as the focal point within the Department of Health and Human Services (DHHS) on minority health leadership, policy development and coordination, service demonstrations, OMH Resource Center management, development of materials and information for exchange and dissemination to increase knowledge and awareness, coalition and partnership building, and related efforts to address the health needs of racial and ethnic minorities; and

WHEREAS, the Office of Minority Health advises the Secretary of the Department of Health and Human Services and the Office of Public Health and Science on public health program activities and health policy issues affecting health status and access to care among African Americans, American Indians and Alaska Natives, Asian Americans, Hispanics/Latinos, Native Hawaiians, and other Pacific Islanders; and

WHEREAS, OMH funds various award categories including grants; cooperative agreements and other funding mechanisms in support of state, local, tribal, national and community based organization minority, health improvement initiatives, programs and projects; and

WHEREAS, OMH coordinates programs to help DHHS, its component agencies and offices including the Office for Civil Rights, and other Federal agencies in the support, conduct and implementation of minority health Improvement initiatives, including the DHHS Disparities Initiatives, the White House Initiative on Historically Black Colleges and Universities, the White House Initiatives On Educational Excellence for Hispanic Americans, the DM1-IS Hispanic Agenda for Action, the White House Initiative on Tribal Colleges and Universities, the Executive Order on Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs, and the Minority MW/AIDS Initiative; and

WHEREAS, OMH works with DHHS operating divisions and other Federal departments to improve informed consent; to increase awareness of and participation in clinical trials; to improve reporting, collection, analysis, and use at data on the health of racial and ethnic minority populations; works to help address health literacy and monitors efforts to achieve the Healthy People 2010 goals for minority health; and

WHEREAS, the Office of Minority Health conducts and supports health promotion and ,disease prevention awareness programs arid activities designed to help reduce the high rates of morbidity and mortality across communities of color; and



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WHEREAS, OMH is central to the nation's efforts to help improve prevention and access to racial, ethnic and culturally responsive care and treatment; to further efforts to promote early diagnosis of illness and disease; and to intensify outreach and education; and

WHEREAS, the landmark Institute of Medicine (IOM) Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care, 2002 Study found that even when access-related factors, such as patients insurance status and income, are controlled, racial and ethnic minorities tend to receive a lower quality of health care than non-minorities and WHEREAS the Office of Minority Health and the Office for Civil Rights efforts, coordination and leadership are paramount for effective application and monitoring of the implementation of these other key IOM and DHHS study recommendations; and

WHEREAS, health care providers and systems of care must be culturally responsive to the communities they serve and OMH's leadership is critical to this effort, including public and private efforts to inform and disseminate important health information to minority communities; and

WHEREAS, OMH's state partnership initiatives are central to states, territorial, and tribal entities' efforts to strengthen community-based capacity and infrastructure in addressing public health needs of racial and ethnic minorities; and

WHEREAS, the Office of Minority Health focus on best practices and innovative projects are essential to the nation efforts to effectively address health disparities at the state, local, territorial, and tribal levels across the disease categories from HIV/AIDS, to asthma, to cancer, to sickle cell disease, to cardiovascular disease and the other leading cause of disease and death; and

WHEREAS, OMH efforts are central to helping dissolve cultural and linguistic barriers that impact on diagnosis and treatment, patient health outcomes, patient comprehension, patient safety and medical errors reduction;

WHEREAS, OMH and OCR are vital resources to the nation's commitment to improve state, local, territorial and tribal communities' ability to provide quality health care through their respective providers and systems including Medicaid, Medicare and State Children's Health Insurance Programs, and to private carriers as well; and

WHEREAS, the Office of Minority Health's leadership and support are essential to developing and evaluating health models, providing effective technical assistance, linking the American people to culturally competent services, helping to close the nation's health literacy gaps, ensuring the delivery of quality health care, developing effective multi-agency, inter-disciplinary response to the eliminating of health disparities, working collaboratively with faith-based, faith focused, and community based or to improve minority health at all levels;

THEREFORE BE IT RESOLVED BY THE 28th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN PHILADELPHIA, PENNSYLVANIA, NOVEMBER 29 – DECEMBER 3, 2004, that NBCSL Health Committee urge all state legislators to call for the appropriation of such sums as necessary for the United States Office at Minority Health and the Office for Civil Rights along with necessary staffing levels required to carryout the full scope of their respective missions, and calls for the full reauthorization of that United States Office of Minority Health, under the Office of the Secretary, United States Department of Health and Human Services.



# NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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GENERAL SESSION

**Sponsored by:** Delegate Shirley Nathan-Pulliam (MD)

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