

• CELEBRATING 30 YEARS OF PUBLIC SERVICE •  
NATIONAL BLACK CAUCUS OF STATE LEGISLATORS



# Seeing Beyond

Vision.  
Leadership.  
Action.

2007 Ratified Resolutions  
*Ratified December 1, 2006*



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2007 Ratified Resolutions ■ December 1, 2006

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December 7, 2006

Dear NBCSL Members and Supporters:

This year, the National Black Caucus of State Legislators (NBCSL) convened our 30th Annual Legislative Conference in Jackson, MS. Our conference theme Vision. Leadership. Action was symbolic of the 30 years of service we have provided to our constituents.

During this year's conference we convened meetings of NBCSL's twelve standing policy committees and two taskforces. Committee members were addressed by panelists on issues that affect our everyday lives. Several committees presented policy resolutions which were adopted by the full body. The resolutions offered in this year's volume reflect the widespread issues faced by the constituents we are sworn to serve.

As we move forward to 2007 lets make these resolutions a top priority in our legislative work. May God bless each of you; and I look forward to working with you in the coming year.

Sincerely

Representative Mary H. Coleman (MS)

President



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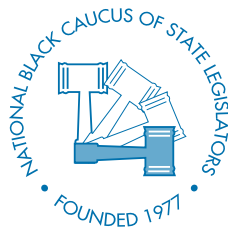
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PASSED DECEMBER 1, 2006

*NBCSL 30th Annual Legislative Conference  
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## Resolution BFI-07-22

### SLAVERY COMMISSION

WHEREAS, approximately 4,000,000 Africans and their descendants were enslaved in the United States and colonies that became the United States from 1619 to 1865; and

WHEREAS, the institution of slavery was constitutionally and statutorily sanctioned by the Government of the United States from 1789 through 1865; and

WHEREAS, the slavery that flourished in the United States constituted an immoral and inhumane deprivation of Africans' life, liberty, citizenship rights, and cultural heritage, and denied them the fruits of their own labor; and

WHEREAS, sufficient inquiry has not been made into the effects of the institution of slavery on living African-Americans and society in the United States:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL encourages each state to establish a Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African Americans (hereinafter referred to as the Commission); and

BE IT FURTHER RESOLVED, that the Commission shall perform the following duties and others as each state finds necessary:

(1) Examine the institution of slavery which existed within the United States and the colonies that became the United States from 1619 through 1865; and shall include:

(A) The capture and procurement of Africans; and

(B) The transport and treatment of Africans to the United States and the colonies that became the United States for the purpose of enslavement; and

(C) The sale and acquisition of Africans as chattel property in interstate and intrastate commerce; and

(D) The treatment of African slaves in the colonies and the colonies that became the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families.

(2) Examine the extent to which the Federal and State governments of the United States supported the institution of slavery in constitutional and statutory provisions, including the extent to which such governments prevented, opposed, or restricted efforts of freed African slaves to repatriate to their homeland.



(3) Examine Federal and State laws that discriminated against freed African slaves and their descendants during the period between the end of the Civil War and the present.

(4) Examine other forms of discrimination in the public and private sectors against freed African slaves and their descendants during the period between the end of the Civil War and the present.

(5) Examine the lingering negative effects of the institution of slavery and the matters on living African-Americans and on society in the United States.

(6) Recommend appropriate ways to educate the general public of the Commission's findings.

(7) Examine whether African-Americans still suffer from the lingering effects of the matters described in paragraphs (1), (2), (3), and (4).

BE IT FURTHER RESOLVED, that the appointed members shall be from diverse backgrounds so as to reflect the diverse citizenry working together, and that their individual qualifications shall include varying educational, professional, and civic experiences that bring different perspectives and cooperative outlooks to the Commission; and

BE IT FINALLY RESOLVED, that the Commission shall broaden outreach by using established channels, including publicly-supported media and electronic, computer-assisted communication systems, and elicit voluntary assistance from educational, legal, civic, professional organizations, professional institutions and notable individuals.

**Sponsor(s):** Representative Karen Yarbrough (IL) and Representative Juanita Head Walton (MO)

**Committee of Jurisdiction:** Business, Finance and Insurance Policy Committee

**Certified by Committee Chair:** Representative Juanita Head Walton (MO)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution BFI-07-04

### THE CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT REGARDING PERFORMING GROUPS

WHEREAS, many legendary musical groups have had their careers adversely affected by knock-off musical acts claiming to be the original groups, and the original groups do not have the tools to take on these imposter groups; and

WHEREAS, Illinois, South Carolina, and North Dakota have enacted laws and other states, including Missouri and Pennsylvania, have introduced legislation attempting to give recording groups the means to stop performing groups from conducting live musical performances or productions while purporting themselves to be the original recording group through advertising or other means; and

WHEREAS, enacting laws to stop this practice not only helps the artists, but consumers who will then know that when they pay to see the original member or members of a group perform that they are indeed seeing the original musical group and not a knock-off musical act; and

WHEREAS, the various laws and legislation introduced provides exceptions for tribute bands and in cases where at least one member of the group was a member of the original recording group and is legally entitled to the name; and

WHEREAS, these laws will give artists the tools they need to crack down on illegitimate acts, investigate allegations of fraud, and prevent further unauthorized performances:

NOW, THEREFORE BE IT RESOLVED BY THE 30th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that the NBCSL urges the Congress of the United States to make it an unlawful practice for a person to advertise or conduct a live musical performance or production in this country through the use of false, deceptive, or misleading affiliation, connection, or association between the performing group and the recording group.

**Sponsor(s):** Representative Karen Yarbrough (IL) and Representative Juanita Head Walton (MO)

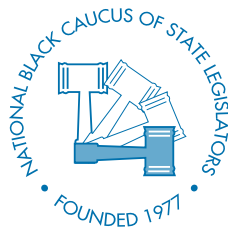
**Committee of Jurisdiction:** Business, Finance and Insurance Policy Committee

**Certified by Committee Chair:** Representative Juanita Head Walton (MO)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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





## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

# *2007 Ratified Resolutions*

## EDUCATION

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## Resolution EDU-07-20

### RESOLUTION ON GRADUATION AND INCREASED RESOURCES ON VOCATIONAL CAREER AND TECHNICAL EDUCATION

WHEREAS, in life a minimum of a high school diploma impacts the success of attaining future jobs, housing opportunities and a social existence; and

WHEREAS, each year approximately 1.2 million students fail to graduate from high school within four years, and

WHEREAS, an estimated 30 percent of the nation's high school class of 2006 failed to graduate and the dropout rate was underreported; and

WHEREAS, for several years, African American, Latino and low-income students have lagged behind their white counterparts in successfully receiving their high school diplomas; and

WHEREAS, students from disadvantaged minority communities have no more than a 50 percent chance of graduating from high school within four years; and

WHEREAS, districts with a majority of minority students, high racial segregation or high poverty levels have graduation rates approximately 20 percent lower than districts with less socio-economic barriers; and

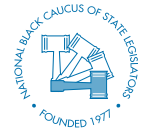
WHEREAS, more than 50 years after segregation, minority and low-income students are receiving a substandard education in preparation for college compared to their counterparts; and

WHEREAS, the goal of raising the bar on rigorous curriculum is attainable for all sectors of society by creating a curriculum to equally educate all students, in addition, placing focus on the needs of those students who may have difficulties; and

WHEREAS, employers across the nation continue to need well-trained workers with skills sufficient to compete in the 21st century workforce; for example, the U.S. workforce needs well over 100,000 additional nurses, 30,000 more skilled automotive technicians and greater than 20,000 skilled plumbing, heating, and cooling technicians annually to keep pace with the demands for services; and

WHEREAS, nearly 75 percent of employers report severe conditions when trying to hire qualified workers, 40 percent say that applicants are poorly skilled, and 30 percent say that applicants have the wrong skills for available jobs, according to a 2002 survey by the U.S. Chamber of Commerce's Center for Workforce Preparation:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that the NBCSL Committee on Education urge all state legislators to develop and enact legislation that calls for stipulated course work to be offered



at each school ensuring that all students have the opportunity to receive equal education and preparation for college; and

BE IT FURTHER RESOLVED, that NBCSL supports the goals of vocational career and technical education and seeks to use its leverage to support continued and increased federal, state and local investments in Vocational, Career and Technical Education; and proactively raise public awareness of the benefits of career and technical education in expanding student's choice of post-secondary options and use its leverage to support quality career and technical education programs within the states that are developed and implemented based on partnerships between secondary and post-secondary education, businesses and employers; and

BE IT FURTHER RESOLVED, that NBCSL call for school districts to employ qualified teachers to instruct the rigorous curriculum classes offered within the schools therefore requiring more accountability on behalf of the teacher and school system for the success of the curriculum; and

BE IT FINALLY RESOLVED that NBCSL urge states to establish intervention programs for students who have fallen behind, based on the student's test scores, grades and age at the end of the 8th grade academic year which consist of significant summer courses for all students entering high school.

**Sponsor(s):** Senator C.J. Prentiss (OH) and Representative Greg Porter (IN)

**Committee of Jurisdiction:** Education

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

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution EDU-07-21

### REDUCING THE DROPOUT RATE

WHEREAS, the national graduation rate is between 68 -71 percent and the graduation rate for African American, Hispanic and Native American students is about 50 percent; and

WHEREAS, estimates suggest that nearly one third of all public school students fail to graduate with their class; and

WHEREAS, in 2000, young adults living in the poorest families were six times as likely to drop out of high school as their peers from families in the top 20 percent of the income distribution; and

WHEREAS, students who drop out are more likely to experience negative outcomes, including unemployment and incarceration; and

WHEREAS, students who graduate from high school earn over \$9,000 a year more than those who do not; and

WHEREAS, the United States could prevent billions of dollars a year in economic losses and secure its place as a world economic and educational leader by raising the quality of schooling, investing more money and other resources in education, and lowering dropout rates; and

WHEREAS, our society has a shared responsibility to reduce the dropout rate; and

WHEREAS, the National Education Association (NEA) has launched a comprehensive program to lower the high school dropout rate including mandatory high school graduation or its equivalency, high school graduation centers; individualized student attention, expanded graduation options, increased career education and workforce readiness programs in schools, early education, family involvement; training and resources for educators to prevent students from dropping out, and an investment of \$10 billion dollars over the next 10 years to support dropout programs:

NOW, THEREFORE BE IT RESOLVED BY THE 30 ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, - DECEMBER 3, 2006, that NBCSL supports the National Education Association's efforts to reduce the dropout rate and will work with NEA to advance legislation and programs that will prevent students from dropping out.

**Sponsor(s):** Senator C.J. Prentiss (OH)

**Committee of Jurisdiction:** Education

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

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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

## Resolution EDU-07-12

### OPPOSITION TO THE 65 PERCENT SOLUTION INITIATIVE

WHEREAS, students in the United States are educated in more than 16,000 individual school districts of many types and sizes; and

WHEREAS, providing a high-quality education to those students requires the efforts of a team of people offering a wide range of services that support and sustain direct instruction in the classroom; and

WHEREAS, there is a nationwide scheme being promoted by a faux grassroots organization called “First Class Education,” the so-called 65 Percent Solution that calls on states to further undermine struggling education systems by enacting legislation mandating that a minimum of 65 percent of spending must be devoted solely to direct instruction, as defined by the National Center for Education Statistics (NCES), an arm of the Department of Education, without regard to the full range of services that support and sustain that instruction; and

WHEREAS, the so-called 65 Percent Solution will have a direct, negative impact on funding for items not included in the direct instruction category, including school health and nursing, school libraries, nutrition services, transportation, building maintenance, counseling, security, and professional development for teachers; and

WHEREAS, the 65 Percent Solution is based on a misguided “one-size-fits-all” calculation that does not include the cost of bringing students to the classroom maintaining the classroom, keeping the classroom safe or training the classroom teacher; and

WHEREAS, the so-called 65 Percent Solution is another untested proposal that does nothing to guarantee greater student achievement or that school districts will adjust their spending in a manner that creates greater efficiency -- a stated goal of this initiative:

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, --DECEMBER 3, 2006, that the National Black Caucus of State Legislators (NBCSL) support and work with allies to advocate for every effort that strengthens schools and improves education for all students, including supporting efforts to eliminate wasteful spending in schools; and

BE IT FURTHER RESOLVED, that NBCSL continue to oppose arbitrary approaches, such as the so-called 65 Percent Solution that are focused on the imposition of rules rather than on understanding what our schools and children need and on providing them with necessary resources; and

BE IT FURTHER RESOLVED, that NBCSL educate its members about the inherent dangers of one-size-fits all approaches to education staffing and funding; and



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### EDUCATION

BE IT FINALLY RESOLVED, that NBCSL provide information and resources to its members to support their efforts to educate their communities about the dangers of initiatives like the 65 Percent Solution approach to education funding and that support efforts to educate communities about workable, proven solutions that enhance student achievement.

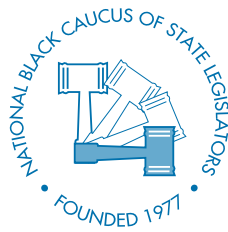
**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Education

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

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NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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# ENERGY, ENVIRONMENT & TRANSPORTATION

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## Resolution ETE-07-24

### URGING DIVERSITY AND INCLUSION IN THE PUBLICLY REGULATED UTILITY MARKET

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

WHEREAS, only through full and free competition can free markets, reasonable and just prices, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured; and

WHEREAS, the preservation and expansion of that competition is basic to the economic well-being of the United States and that well-being cannot be realized unless the actual and potential capacity of minority, women, and small business enterprises is encouraged and developed; and

WHEREAS, it is the declared policy of the United States to aid the interests of minorities, women, and small business enterprises in order to preserve reasonable and just prices and a free competitive enterprise, to ensure that a fair proportion of the total purchases and contracts or subcontracts for commodities, supplies, technology, property, and services for regulated utilities are awarded to minorities, women, and small business enterprises, and to maintain and strengthen the overall economy of this nation; and

WHEREAS, the National Black Caucus of State Legislators finds all of the following:

- the opportunity for full participation in our free enterprise system by minorities, women, and small business enterprises is essential if the United States is to attain social and economic equality for those businesses and improve the functioning of the nations economy; and
- state public agencies that have established short and long range minority, small and woman business enterprise goals are awarding a percentage of the agencies' contracts to these business enterprises; and
- minorities, women, and small business enterprises have traditionally received less than a proportionate share of regulated public utility procurement contracts; and
- it is in the interest of the United States to expeditiously improve the economically disadvantaged position of minorities, women, and small business enterprises; and
- the position of these businesses can be improved by providing long range substantial goals for procurement by regulated public utilities of technology, equipment, supplies, services, materials, and construction work from minorities, women, and small businesses; and

WHEREAS, that procurement also benefits the regulated public utilities and consumers of the United States by encouraging the expansion of the number of suppliers for procurement, thereby encouraging competition among the suppliers and promoting economic efficiency in the process:





THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL encourage greater economic opportunity for minorities, women and small business enterprises.

BE IT FURTHER RESOLVED, to promote competition among regulated public utility suppliers in order to enhance economic efficiency in the procurement of electrical, gas, water, and telephone corporation contracts and contracts of their commission regulated subsidiaries and affiliates.

BE IT FURTHER RESOLVED, to clarify and expand the program for the procurement by regulated public utilities of technology, equipment, supplies, services, materials, and construct works from minorities, women, and small business enterprises.

BE IT FINALLY RESOLVED, that in accordance with the National Association of Utility Regulatory Commissioners, to encourage and enhance greater participation for under utilized disadvantaged businesses.

**Sponsor(s):** Representative Bill Crawford (IN)

**Committee of Jurisdiction:** Energy, Transportation and Environment

**Certified by Committee Chair:** Representative Bill Crawford (IN)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution ETE-07-05

### NATIONAL PROGRAM ON E-85 REFUELING INFRASTRUCTURE DEVELOPMENT

WHEREAS, the National Black Caucus of State Legislators supports the utilization of renewable alternative fuels as a cost-effective means of improving our nation's air quality while reducing our nation's dependence on imported foreign oil; and

WHEREAS, E-85 is a form of alternative fuel consisting of a blend of 85 percent renewable ethanol and 15 percent gasoline; and

WHEREAS, consistent use of E-85 fuel in the national on-road vehicle fleet can significantly reduce harmful vehicle exhaust emissions, save millions of barrels of imported foreign oil annually and reduce greenhouse gas emissions that contribute to global warming; and

WHEREAS, there are over 6 million E-85 capable vehicles on the road today with an additional 2 million vehicles expected to be introduced to the on-road vehicle fleet as automakers continue to respond to congressionally provided incentives; and

WHEREAS, the lack of any significant number of E-85 refueling stations in the U.S. is inhibiting the consistent use of E-85 as an alternative form of transportation fuel:

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, NBCSL urges the United States Congress and the various states to work cooperatively to promote a national program for E-85 refueling infrastructure development; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators calls upon the United States Congress to provide in FY07 and beyond adequate funding to the U.S. Department of Energy to implement a national E-85 refueling infrastructure development program through a competitive grant process; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators is committed to educating its Members and other constituencies on the need for a nationwide E-85 refueling infrastructure system along interstate corridors and beyond so that we can realize the environmental and energy security benefits of E-85 utilization as an alternative form of transportation fuel; and

BE IT FINALLY RESOLVED, that this Resolution be dispatched to the President of the United States, the Vice President of the United States, Members of Congress and other local and state elected officials as appropriate.

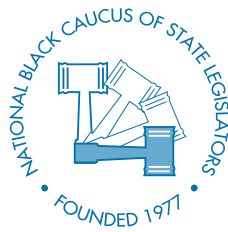
**Sponsor(s):** Representative Bill Crawford (IN)

**Committee of Jurisdiction:** Energy, Transportation and Environment

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## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

# *2007 Ratified Resolutions*

# HEALTH & HUMAN SERVICES

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## Resolution HHS-07-19

### EPILEPSY PATIENT PRESCRIPTION DRUG SAFETY

WHEREAS, Epilepsy is a devastating health condition that affects over 2,700,000 people in the United States, one in every ten Americans will experience a seizure during his or her lifetime, and three percent will eventually develop Epilepsy, as it can begin at any age, most commonly in children and in the elderly; and

WHEREAS, Epilepsy is a neurological condition characterized by recurrent seizures, which are brief disturbances in the electrical activity of the brain; and

WHEREAS, the United States Centers for Disease Control and Prevention recognizes Epilepsy chronic disease and has formulated a public health agenda to target key challenges facing with Epilepsy; and

WHEREAS, not all people experience Epilepsy the same way. The unique nature of Epilepsy may occur and affect different parts of the brain in very different ways and Epilepsy remains a formidable barrier to leading a normal life by affecting education, employment, marriage, childbearing, and personal fulfillment; and

WHEREAS, Epilepsy results in an estimated annual cost of \$15.5 billion in medical costs and lost or reduced earnings and productivity; and

WHEREAS, even one seizure may result in the loss of one's driver license for a minimum of six months, leading to a loss of transportation that may result in the loss of employment, a situation that is detrimental to a family's financial well-being and stability; and

WHEREAS, the American Medical Association, the World Medical Association, and the Epilepsy Foundation oppose generic or therapeutic substitution without prior approval of the patient and treating physician; and

WHEREAS, individuals living with Epilepsy that receive an alternative drug to the one prescribed without the informed consent of both the patient and the practitioner may produce life threatening toxicity or may interact adversely with other drugs; and may incur additional health and public safety risks, increased health care expenditures, unnecessary emergency transportation and emergency room visits or hospitalization; and

WHEREAS, the National Black Caucus of State Legislators does hereby recognize that individuals with Epilepsy should be allowed Public Safety Protection by requiring that all individuals who are prescribed medications for seizure control, or the individual's parent, legal guardian or spouse as well as the patient's practitioner and prescriber of record be informed and give consent before any interchange or substitution of the medication prescribed could occur; and:

NOW, THEREFORE BE IT RESOLVED BY THE 30th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ASSEMBLED IN JACKSON,



MISSISSIPPI, NOVEMBER 29, 2006 – DECEMBER 3, 2006, that NBCSL adopt the Epilepsy Patient Prescription Drug Safety Act and would hereby encourage each of the States to enact the most appropriate steps to include awareness and education of Epilepsy and the importance of proper medication management in controlling seizures.

BE IT FINALLY RESOLVED, that the caucus adopt that a Pharmacist may not interchange an Anti-Epileptic Drug (AED) or formulation of an AED drug, brand, or generic, for the treatment of Epilepsy without prior notification of and the signed informed consent from the prescribing physician and patient, or patient's parent, legal guardian, or spouse.

**Sponsor(s):** Representative Joe Armstrong (TN)

**Committee of Jurisdiction:** Health and Human Services

**Certified by Committee Chair:** Representative Beverly Earle (NC)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution HHS-07-26

### CHRONIC KIDNEY DISEASE INTERVENTION

WHEREAS, more than 20 million Americans suffer from Chronic Kidney Disease (CKD); and

WHEREAS, of these, approximately eight million have significantly reduced kidney function that if left untreated may progress to End Stage Renal Disease (ESRD) which requires regular dialysis treatments or a kidney transplant to maintain life; and

WHEREAS, the untreated progression of CKD to ESRD impacts over 450,000 Americans who are receiving dialysis or living with a kidney transplant, including approximately 150,000 African Americans; and

WHEREAS, African Americans, Asians, Hispanics, and Native Americans are disproportionately impacted because of their genetic predisposition to the leading causes of kidney failure: diabetes and hypertension; and

WHEREAS, African Americans are affected at a rate over three times more than Caucasian Americans; and

WHEREAS, the majority of ESRD patients have no access to education programs about their disease that would help them make informed choices about their treatment in order to improve clinical outcomes and their quality of life; and

WHEREAS, there is no coordinated effort between federal and state governments, healthcare professionals, dialysis providers, educators, and patient advocates to develop programs to identify members of high risk populations and implement appropriate programs to improve the management of CKD and slow the progression to ESRD; and

WHEREAS, most ESRD patients rely on Medicare and Medicaid for their healthcare needs; and

WHEREAS, it has been estimated that ESRD prevention programs save about \$300,000 in health care costs per patient over five years; and

WHEREAS, early intervention strategies can successfully delay or prevent dialysis dependence in the CKD population; and

WHEREAS, delaying the need for dialysis will not only significantly enhance quality of life, it will also significantly reduce care expenditures by the Medicare and Medicaid programs, by private insurers, and by beneficiaries themselves:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, 2006 - DECEMBER 3, 2006, that the NBCSL Health Committee urges all state legislatures to develop and enact legislation concerning chronic kidney disease that focuses



on the prevention and early detection of CKD, the establishment of specific disease management programs to properly treat high-risk individuals, and the enhancement of health insurance coverage to ensure proper access and reimbursement of all healthcare services for CKD patients.

**Sponsor(s):** Representative Beverly Earle (NC), Representative Joe Armstrong (TN) and Representative Omeria Scott (MS)

**Committee of Jurisdiction:** Health and Human Services

**Certified by Committee Chair:** Representative Beverly Earle (NC)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution HHS-07-25

### **AVOID UNFAIR PRACTICE OF USING MEDICAID BENEFICIARIES AND ITS LARGE MINORITY POPULATION TO EXTRACT DRUG DISCOUNTS FOR INDIVIDUALS THAT DO NOT QUALIFY FOR MEDICAID**

WHEREAS, some states are proposing to assist persons who do not qualify for Medicaid and six states have no health insurance drug discount card programs; and

WHEREAS, programs to help individuals access prescription drugs who do not otherwise qualify for Medicaid or are uninsured are available on a voluntary basis from manufacturers directly through manufacturer-sponsored programs and through at least 34 state pharmaceutical assistance programs; and

WHEREAS, some disregard these facts and instead propose to leverage manufacturer discounts by creating a “hammer” that blocks or delays access to drugs for Medicaid patients unless the manufacturer also participates in programs for individuals who do not qualify for Medicaid; and

WHEREAS, over 40 percent of Medicaid expenditures are for services needed by the blind and disabled; 27 percent by the elderly; and the remaining 33 percent by low-income children, parents, and pregnant women; and

WHEREAS, statistics indicate that over 55 percent of Medicaid recipients are Black, Hispanic, or other non-white minority:

NOW, THEREFORE BE IT RESOLVED, BY THE 30th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, 2006 - DECEMBER 3, 2006, that NBCSL is concerned the use of leveraging to provide assistance to people who do not qualify for Medicaid will cause certain medically vulnerable racial and ethnic populations to experience declining access to necessary care, and increased delay and frustration in obtaining such care as they do receive; and

BE IT FURTHER RESOLVED, that any such leveraging is particularly repugnant when the health care of extremely poor, medically fragile people is placed in jeopardy by such leveraging; and

BE IT FINALLY RESOLVED, that it is the responsibility of elected officials to ensure that any steps to provide assistance with drug expenses for persons who do not qualify for Medicaid of modest means do not establish needless administrative burdens and do not create access impediments for the poorest and most vulnerable populations.

**Sponsor(s):** Representative Beverly Earle (NC), Representative Joe Armstrong (TN) and Representative Omeria Scott (MS)

**Committee of Jurisdiction:** Health and Human Services

**Certified by Committee Chair:** Representative Beverly Earle (NC)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution HHS-07-27

### DIABETES AND KIDNEY DISEASE DISPARITIES REDUCTION

WHEREAS, diabetes and kidney disease disproportionately affect African Americans, Hispanics, and Native Americans; and

WHEREAS, diabetes is a leading cause of kidney disease, and non-traumatic lower limb amputations; and

WHEREAS, the US Department of Health and Human Services reported that African Americans, Hispanics, and Native Americans are more likely to have or die from diabetes (and its complications); and

WHEREAS, the American Association of Clinical Endocrinologists (AACE) reports that 67% of Americans with Type-2 diabetes were not in control of their blood sugar (<6.5%, as measured by an HbA1c test); and

WHEREAS, the American Diabetes Association cites studies that demonstrate that improved diabetes control achieves reductions of 50% - 70% in costly complications, such as kidney disease, heart disease, stroke, and amputations; and

WHEREAS, many public and private healthcare payors have futilely attempted to reduce diabetes healthcare costs by creating barriers to patient access, such as restrictive formularies, preferred drug lists, prior authorization, and high patient co-pays; and

WHEREAS, barriers to patient access cause poor patient health outcomes and higher overall healthcare costs for treating chronic diseases such as diabetes; and

WHEREAS, the American Pharmacists Association Foundation cites evidence from several public and private employers that health outcomes for diabetic employees can be improved, while healthcare costs can be reduced by collaborative disease management, which includes open patient access to needed treatments and supplies; and

WHEREAS, the City of Asheville, NC, realized savings of \$4 for every \$1 invested in treating its diabetic city employees through a patient-centered model of diabetes collaborative disease management; that paid pharmacists to manage the collaboration of all healthcare professionals around the patient, it eliminated patient co-pays and restrictive formularies, and it greatly improved patient health and employee satisfaction; and:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, 2006 - DECEMBER 3, 2006, that NBCSL members will seek to improve the health of Americans with diabetes, and to reduce healthcare costs by introducing legislation in their respective states to implement "Asheville-like" collaborative diabetes disease management for their State employees and for Medicaid enrollees.



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2007 Ratified Resolutions ■ December 1, 2006

### HEALTH & HUMAN SERVICES

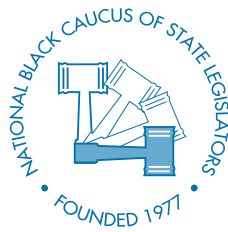
**Sponsor(s):** Representative Brenda Clack (MI)

**Committee of Jurisdiction:** Health and Human Services

**Certified by Committee Chair:** Representative Beverly Earle (NC)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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**INTERNATIONAL  
AFFAIRS**

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PASSED DECEMBER 1, 2006

*NBCSL 30th Annual Legislative Conference  
Jackson, Mississippi  
November 29–December 3, 2006*



## Resolution INT-07-17

### AFRICAN DEBT, GLOBAL APARTHEID, AND GENOCIDE

WHEREAS, the majority of African countries are continually forced to divert money from health care, education, and economic development in order to make interest payments on foreign debts; and

WHEREAS, much of the debt's of African countries were incurred by dictatorships that did not use the funds in ways that benefited the population of the country; and

WHEREAS, in July 2005, world leaders gathered at the G8 Summit in Gleneagles, Scotland and announced a plan for debt cancellation, now known as the Multilateral Debt Relief Initiative (MDRI); and

WHEREAS, African countries that have been granted debt relief have proven their effectiveness by using the money saved to increase social spending by 75% on average; and

WHEREAS, the MDRI is a step in the right direction, but it is not sufficient to end the crisis of international debt in Africa; and

WHEREAS, Africa's challenges are compounded by the deadly AIDS plague which is killing millions of women, children, and men in Africa; and

WHEREAS, the United Nations estimates that an additional \$18 billion per year is required in order to make progress in combating the HIV/AIDS pandemic in Africa, meanwhile the countries of the African continent pay almost \$24 billion per year in debt and interest payments; and

WHEREAS, at least 67 countries require 100% debt cancellation in order to meet the 53 Millennium Development Goals; and

WHEREAS, 2007 has been declared globally to be a Sabbath Year, seven years after the historic Jubilee 2000 campaign for debt cancellation, and debt cancellation campaigners will be using this year to renew their call for immediate, unconditional debt cancellation for the world's most impoverished countries; and

WHEREAS, it has been recognized that Africa's debt burden has been called "a new form of slavery as vicious as the slave trade"; and

WHEREAS, since February of 2003, over 400,000 Darfurian civilians have been killed, and 2.5 million have been displaced, and 4 million are now reliant on humanitarian aid, and 90% of Darfur's villages have been looted or destroyed:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that the US Secretary of the Treasury



commence immediate efforts to achieve the unconditional cancellation of African debt to international financial institutions such as the International Monetary Fund, the World Bank, and the African Development Bank in addition to the immediate and unconditional cancellation of African debt owed to the U.S. government; and

BE IT FURTHER RESOLVED, that our representatives in the US House of Representatives and Senate support the passage of the JUBILEE Act, a bill to provide for the cancellation of debts owed to international financial institutions by poor countries; and

BE IT FURTHER RESOLVED, that using funds from debt cancellation, as well as additional poverty focused development assistance, for education, human security, and health services, e.g., HIV/AIDS, mandating targeting divestment of public employees' pension funds from businesses and entities supporting the Government of Sudan; and

BE IT FURTHER RESOLVED, that NBCSL deliver this resolution to the House Financial Institutions and Consumer Credit and the Senate Financial Institutions Subcommittee; and

BE IT FINALLY RESOLVED, that state legislative entities represented by members of NBCSL introduce and pass similar resolutions in their respective states.

**Sponsor(s):** Senator Donne Trotter (IL)

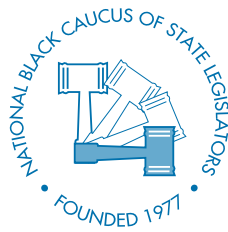
**Committee of Jurisdiction:** International Affairs

**Certified by Committee Chair:** Senator Donne Trotter (IL)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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





## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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# LABOR, MILITARY & VETERANS AFFAIRS

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PASSED DECEMBER 1, 2006

*NBCSL 30th Annual Legislative Conference  
Jackson, Mississippi  
November 29–December 3, 2006*



## Resolution LMV-07-02

### NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ENDORSES TRANSPORTATION LABOR IAM DAY OF ACTION 2007

WHEREAS, for five years transportation workers and their families have been painfully living out the theme of the rally, “Enough is Enough”. They have been targets of government and corporate efforts to trample worker rights, sell off American jobs, and shortchange transportation safety and security; and

WHEREAS, transportation workers and their unions have been leading the fight to defend our homeland through greater security on our rail and transit systems, in airports and airplanes, and at our seaports. The administration’s “all talk, no action” approach to transportation security chooses photo ops over real results, and many employers put profit ahead of security and safety. Labor must stand up to those who would sacrifice our transportation industry and its workers in the name of greed or political ideology; and

WHEREAS, the May 17, 2007 “Day of Action” will demonstrate to our government and business leaders that labor will not sit quietly as the transportation industry is destroyed by misguided federal policies and management incompetence. This mobilization will showcase the strength of labor’s commitment to our transportation system and to our nation, and the determination shared by unions to reclaim our country’s transportation industry from those who seek to erase generations of progress for their personal gain:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL strongly endorses the 2007 “Day of Action” being organized by the International Association of Machinists and Aerospace Workers and urges state legislators to participate in the May 17, 2007 event in Washington, D.C.; and

BE IT FINALLY RESOLVED, that NBCSL stands with all transportation unions in saying, “Enough is Enough” and urges all state legislators to support and participate in the 2007 “Day of Action”.

**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Labor, Military and Veterans Affairs

**Certified by Committee Chair:** Senator Spencer Coggs (WI)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution LMV-07-09

### RESOLUTION AGAINST THIS MISNAMED TAXPAYERS BILL OF RIGHTS (TABOR)

WHEREAS, several states have implemented Taxpayer Bill of Rights (TABOR) schemes to limit the revenue and spending practices of their state and local governments; and

WHEREAS, legislators in other states are currently attempting to implement TABOR proposals by amending state constitutions; and

WHEREAS, TABOR schemes limit increases in government spending to the CPI plus population growth with any additional spending needing referendum approval; and

WHEREAS, such limits assume that the current or a smaller size and shape of state and local government is all that citizens will ever need; and

WHEREAS, such limits are disingenuous to the growing needs, hopes and desires of all citizens and do not address or acknowledge the double-digit inflation in healthcare costs; and

WHEREAS, TABOR limits on states, local units of government and school districts have a “ratcheting down” effect on spending, resulting in smaller budgets into perpetuity; and

WHEREAS, TABOR will codify the current inequities in our revenue stream, forever favoring corporations over working families; and

WHEREAS, TABOR is misnamed as a bill of rights and affords citizens no form of redress against government for violations of their individual freedom; and

WHEREAS, TABOR would make it difficult, if not impossible for governments to adequately address the growing problems of today’s society; and

WHEREAS, TABOR allows legislators to abdicate their responsibility to the people by whom they were elected in barring them from making tough and informed decisions for the citizens of their state; and

WHEREAS, states that have enacted such legislation have seen substantial and devastating effects on their economies; Colorado, which enacted TABOR in 1992, has lost more jobs than any other state, has had substantial drops in resources and performance for K-12 and higher education, and has a bond rating that has stifled investment in the public and private sector; and

WHEREAS, TABOR is part of an ongoing attack on the public sector carefully crafted and maliciously conceived by ideologues who oppose government in any form:

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON,



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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### LABOR, MILITARY & VETERANS AFFAIRS

MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that the National Black Caucus of State Legislators fight any further attempts to enact TABOR proposals and work to overturn or modify those already in place; and

BE IT FURTHER RESOLVED, that NBCSL oppose any constitutional amendment or proposal that would seek to limit spending and revenue into perpetuity; and

BE IT FINALLY RESOLVED, that NBCSL urge its locals to fight attempts to enact TABOR or similar proposals in their states.

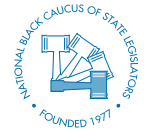
**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Labor, Military and Veterans Affairs

**Certified by Committee Chair:** Senator Spencer Coggs (WI)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution LMV-07-13

### THE LONG TERM CARE WORKFORCE

WHEREAS, the increasing shortage of long-term care workers threatens the quality of care in institutional, home, and community based settings; and

WHEREAS, many direct care workers leave their jobs within the first year of employment due to poor wages, minimal training, and few opportunities for advancement; and

WHEREAS, it is increasingly difficult to recruit and retain a sufficient number of long-term care workers willing to engage in the physically and emotionally difficult work for little pay and few benefits; and

WHEREAS, the ongoing shortage of long-term care workers is fundamentally an economic phenomenon that can be resolved through the application of market forces; and

WHEREAS, the Bureau of Labor Statistics predicts that by 2010, over 780,000 new aides will be needed to fill long-term care staff positions, while the number of new caregivers will increase by only 400,000; and

WHEREAS, one-third of long-term care workers are African American; and

WHEREAS, long-term care is a significant source of employment for African Americans, particularly African American women; and

WHEREAS, states have an interest in expanding the long-term care workforce to grow their community-based services; and

WHEREAS, consumer-directed care provides beneficiaries with a greater sense of autonomy and choice; and

WHEREAS, consumer-directed care, although an important means of service delivery, does not address the growing shortage of direct care workers; and

WHEREAS, several states have used home care quality commissions to screen and train workers and provide back-up if a worker does not show up; and

WHEREAS, home care quality commissions have been demonstrated to be a successful model for expanding the long-term care workforce by enabling workers to bargain for higher wages and better benefits; and

WHEREAS, skilled nursing facilities and other residential facilities have an important place in the continuum of care; and

WHEREAS, the 1999 National Long-Term Care Survey found nursing home use has increased among African Americans; and



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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WHEREAS, there is strong evidence of a direct positive relationship between staffing and quality of care in nursing homes; and

WHEREAS, a 2001 study by the U.S. Department of Health and Human Services on the appropriateness of establishing minimum caregiver to resident ratios found that 90% of nursing homes are understaffed; and

WHEREAS, incidents of malnutrition, dehydration, and bedsores could be significantly reduced with higher staffing levels; and

WHEREAS, a comparison of nursing homes published in the *Milbank Quarterly* in 2004 found that African Americans are four times as likely to reside in a nursing home that is understaffed and poorly funded offering a substandard level of care; and

WHEREAS, the current On-Line Survey and Certification Reporting (OSCAR) system provides unreliable data on nurse staffing; and

WHEREAS, the National Academy of Sciences' Institute of Medicine (IOM) recommends federal minimum standards for registered and licensed nursing staff based on the negative effects of understaffing and nurse fatigue on resident safety; and

WHEREAS, an expert panel convened by New York University's Hartford Institute for Geriatric Nursing recommended that nursing home residents receive at least 4.13 hours of direct nursing care each day:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL support policies that:

- Recognize the importance of all long-term care workers and assure adequate recognition, fair wages, education and training, as well as reasonable working conditions and benefits -- including health coverage, to ensure high quality and standards of care.
- Address the issue of health disparities in nursing facilities by using state funded surveyors to monitor racial integration, and impose sanctions and terminate nursing homes for racial segregation practices.
- Recognize the right of all long-term care workers to representation by a union of their choosing,
- Ensure that states adequately reimburse nursing homes for Medicaid-covered costs, including adequate wages and benefits for direct care workers,
- Change the current Medicare Prospective Payment System to ensure greater accountability and that additional funding intended for staffing are spent that way.
- Establish minimum federal nursing staff ratios for facilities participating in Medicaid and Medicare.



- Mandate the submission of nursing home payroll records, invoices and other data to provide regulators with audited staffing data.
- Increase minimum federal training standards for certified nurse aides from 75 hours to at least 150 hours and provide incentives for states to require training beyond the federal minimum.
- Use the Taft-Hartley Act and other provisions of federal labor law to allow state and federal governments to partner with providers and democratically-elected workers' organizations to expand funding for training and education of long-term care workers.
- Utilize career ladders that reward high performing workers with the opportunity to gain enhanced training, greater responsibility, skilled development, and improved compensation.
- Make personal attendant services and home care services a mandatory benefit under Medicaid.
- Reduce the use of single task workers and address the workforce shortage by improving wages and benefits.
- Enable the development of joint labor management programs and collective bargaining agreements that provide workers with the ability to voice their opinion, improve work place conditions, and work with management to facilitate problem solving and information sharing.
- Facilitate the development of reform efforts that allow nursing home eligible individuals the opportunity to choose community-based attendant services that address workforce shortages.

**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Labor, Military and Veterans Affairs

**Certified by Committee Chair:** Senator Spencer Coggs (WI)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution LMV-07-14

### INCREASING THE MINIMUM WAGE

WHEREAS, the Fair Labor Standards Act of 1938, which sets the minimum wage for over eighty million non-exempt workers in the United States, has not been amended to increase the federal minimum wage since 1997: at that time the minimum wage was increased from \$4.25 to \$5.15 per hour; and

WHEREAS, the purchasing power and real value of the federal minimum wage has fallen 33 percent since its high in 1968 and today is at its lowest since 1955—after adjustment for inflation; and

WHEREAS, stand-alone bills which would increase the federal minimum wage to \$7.25 per hour and index of Gross National Product (GNP) or Consumer Price Index (CPI) in three steps over a two year period have been introduced in Congress; and

WHEREAS, a “trifecta” bill which would have bundled an increase in the minimum wage with extra-neous extensions of various tax provisions and a permanent reduction in the estate tax was introduced in the U. S. House of Representatives; and

WHEREAS, this bill would have pre-empted the laws of seven states that have higher minimum wages than the federal rate and that require employers to pay the full minimum wage to employees who earn tips:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL supports an increase in the federal minimum wage, untied to tax cuts; and

BE IT FINALLY RESOLVED, that NBCSL oppose any effort on the part of the federal government to mandate a tip credit for the states that have a minimum wage higher than the federal minimum wage.

**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Labor, Military and Veterans Affairs

**Certified by Committee Chair:** Senator Spencer Coggs (WI)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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

## Resolution LMV-07-15

### PROTECTION AGAINST PRIVATIZATION PROBLEMS

WHEREAS, public workers continue to be the backbone of federal, state, county, and municipal governments, providing essential services needed by citizens in good times and bad; and

WHEREAS, public employment has proven to be an excellent avenue to family-sustaining wages, decent benefits, and workplace fairness protections, particularly for minorities and women; and

WHEREAS, the public has a right to expect honest, efficient public servants, who are responsive to citizens' needs and provide services fairly, without regard to profits, political goals, or personal gain; and

WHEREAS, politicians seek to use privatization to circumvent civil service systems, due process protections, sunshine laws, and other safeguards, and to reward their corporate friends; and

WHEREAS, privatization often replaces jobs with family-sustaining wages and benefits with jobs of lower pay and diminished benefits, without improvement in the quality of services; through its supporters who are intellectually dishonest in their predictions of cost savings, and evidence showing major cost overruns and quality problems; and

WHEREAS, some estimates put the total volume of privatization at between 15 and 20 percent of all spending by states, or possibly in excess of \$200 billion per year, not counting other levels of government, but there is a chronic lack of oversight for privatized services, at all levels; and

WHEREAS, this lack of oversight means that there is often no solid information about the true cost effects and quality outcomes of privatization, despite extravagant claims of privatization advocates; events such as Hurricane Katrina show all too clearly that the social safety net in our nation is badly frayed, and that enhanced public programs are needed to combat poverty and hopelessness:

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL aggressively oppose privatization by educating its members, elected officials and the public about the problems of privatization, and by actively participating in coalitions; and

BE IT FURTHER RESOLVED, that NBCSL develop an aggressive communication strategy that underscores the value of public service as well as the importance of public service jobs to the African American community; and

BE IT FURTHER RESOLVED, that NBCSL continue to advocate for strong laws and regulations that shine the light on privatization that requires ample and adequate oversight of privatized services, and that require state and local government to disclose and track privatization spending and projects in detail; and



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2007 Ratified Resolutions ■ December 1, 2006

### LABOR, MILITARY & VETERANS AFFAIRS

BE IT FINALLY RESOLVED, that NBCSL continue to lobby for the highest standards of cost-effectiveness, quality, openness, and honesty in public service, and hold private vendors to similar high standards.

**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Labor, Military and Veterans Affairs

**Certified by Committee Chair:** Senator Spencer Coggs (WI)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution LMV-07-16

### SUPPORTING CONTRACT SERVICE BUDGETS

WHEREAS, estimates indicate that states award \$300 billion in contracts every year and local governments spend another \$200 billion; and

WHEREAS, unlike other government spending, spending on contracts often is not reported, making it impossible for both public officials and taxpayers to evaluate this huge investment; and

WHEREAS, elected officials cannot afford to ignore \$500 billion a year in local and state contracting, especially when basic services are on the line; and

WHEREAS, privatization is often promoted as a way to cut costs, especially in financially challenging times, but without real information, public officials and taxpayers don't know how much is being spent on contracts, let alone if they actually are cheaper than public services; and

WHEREAS, states collect various data on contracts, but all too often, the information is unpublished, decentralized across agencies, does not allow comparisons, or omits key information; and

WHEREAS, a Contract Services Budget, presenting information about contracting in a centralized, systematic way, would be a valuable tool for taxpayers, officials, and policymakers; and

WHEREAS, a Contract Services Budget should include, for each contract, the name of the contracting agency, contractor and subcontractor names, effective dates, services provided, budgeted cost, past cost, future projected cost, and whether the contract was competitively bid; and

WHEREAS, a Contract Services Budget should be relatively inexpensive to create and maintain, and will likely save much more than it costs by tracking inefficient, unwise contract spending:

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE BLACK CAUCUS OF STATE LEGISLATOR ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL will support state and local legislative and policy efforts to produce Contract Services Budgets; and

BE IT FURTHER RESOLVED, that NBCSL will lobby for the publication of Contract Services Budget data on state and local government websites, so the information is freely available to interested parties; and

BE IT FINALLY RESOLVED, that NBCSL will actively support, publicize, and promote the use of Contract Services Budgets as a best practice in monitoring public expenditures in comparing the expenses of private vendors to government costs, and ensuring that public services are subject to careful oversight, whether they are provided by public sector or private sector employees.

**Sponsor(s):** Senator Spencer Coggs (WI)

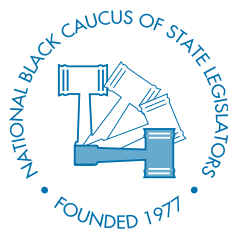
**Committee of Jurisdiction:** Labor, Military and Veterans Affairs

**Certified by Committee Chair:** Senator Spencer Coggs (WI)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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





## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

# *2007 Ratified Resolutions*

## LAW JUSTICE & ETHICS

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PASSED DECEMBER 1, 2006

*NBCSL 30th Annual Legislative Conference  
Jackson, Mississippi  
November 29–December 3, 2006*



## Resolution LJE-07-18

### **ADOPTION OF THE INTERSTATE COMPACT IN SUPPORT OF THE NATIONAL POPULAR VOTE (NPV) CONCEPT OF ELECTING THE U.S. PRESIDENT BASED ON A MAJORITY OF POPULAR VOTES CAST**

WHEREAS, the U.S. Constitution fails to stipulate a winner-take-all method of allocating Electoral College votes, rather it give allowances to each state to determine how its Electoral College votes shall be awarded to the Presidential candidate receiving the most popular votes cast in the respective state; and

WHEREAS, each state has the power to change its law regarding how Electoral College votes will be awarded, with 48 states presently adopted to the winner-take-all rule and two (Maine and Nebraska) awarding their Electoral College votes based on which candidate wins the popular vote in each of their Congressional districts; and

WHEREAS, there is nothing in the U.S. Constitution or federal law which needs to be changed in order to implement a nationwide popular vote for President; and

WHEREAS, the Constitution authorizes states to enter into interstate compacts which enable them to enter into contractual agreements to undertake agreed upon joint actions and are legally obligated to carry out the terms of such agreements; and

WHEREAS, to effectively ensure that no future U.S. President be elected without having received the highest number of votes of all candidates in the election; and

WHEREAS, each American's vote through this process counts equally and that the Presidential candidate receiving the most popular votes nationwide would receive a majority of the Electoral College votes (270 of 538):

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE 28 NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, - DECEMBER 3, 2006, that NBCSL endorses and supports the concept of the NPV and urges its membership to work in their respective states to pass such legislation to create an Interstate Compact which would become effective upon the requisite number of states, whose combined Electoral College votes is a majority (270), adoption of the Compact; and

BE IT FINALLY RESOLVED, that a copy of this resolution be sent to the Chair of each state legislative black caucus, the President of the National Conference of State Legislators and the Council of State Governments, the presiding officers of each House of the 50 state legislatures, and the President of the District of Columbia City Council.

**Sponsor(s):** Representative Bob Holmes (GA)

**Committee of Jurisdiction:** Law, Justice and Ethics

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

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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

## Resolution LJE-07-23

### RE-ENTRY AND THE BLUE RIBBON COMMISSION ON RACIAL DISPARITIES IN SUBSTANCE ABUSE POLICIES

WHEREAS, arrest, conviction, and incarceration disproportionately impacts African Americans in America; and

WHEREAS, over 600,000 persons from local, state and federal prisons transition from incarceration community life each year; and hundreds of thousands more return from local jails; and

WHEREAS, the disproportionate incarceration and the denial of post-release freedoms denigrates the standing of the African American community and its due influence on African American's rights, privileges, benefits, and services; and

WHEREAS, persons who are incarcerated and released have served their debt to society, the restoration of rights and privileges is appropriate and provide the opportunity for persons to become productive citizens; and

WHEREAS, laws, policies and practices create barriers to persons who are attempting to rebuild their lives as productive members of society; and

WHEREAS, the Legal Action Center reports on the barriers to men and women returning home identifying that most states allow employers to deny jobs to anyone with a criminal record, regardless of how long ago and regardless of the individual's work history and personal circumstances; and allowing employers to deny jobs to persons who have been arrested but never convicted; and

WHEREAS, further in reporting on several barriers, the Legal Action Center also identifies that most states ban some or all persons with drug felony convictions from being eligible for federally funded public assistance and food stamps; and that many public housing authorities deny eligibility for federally assisted housing based on an arrest that never led to a conviction; along with other barriers which serve to discourage the successful transition home; and

WHEREAS, the Office of Justice Programs of the U.S. Department of Justice, Bureau of Justice Statistics reports on Probation and Parole Statistics and National Recidivism Study of Released Prisoners, however, there is no repository to identify programs and policies to reduce recidivism and track the elements of successful transition; and

WHEREAS, barriers inhibit persons from opportunities that allow basic necessities that include identification, licensing, education, employment, healthcare, housing, the voting franchise (related resolution 06-92), even parenting; and

WHEREAS, such barriers only encourage persons who must have the resources to survive, to have to do so through unlawful activities, thereby becoming recidivists; and



WHEREAS, such barriers block opportunities to legitimate income, and do not serve the public's safety and that conversely public safety would be enhanced by providing opportunities to formerly incarcerated persons; and

WHEREAS, the granting of rights and privileges, particularly regarding employment, should be done in such a way to take into consideration the nature of the conviction and the nature of the job; and

WHEREAS, in order to break down barriers for successful re-entry, additional program services and legislation including additional appropriations should be considered; as well as, a cost benefit analysis should be done to demonstrate the cost savings that can be realized by reducing the numbers of persons incarcerated; and

WHEREAS, such investments in community preventative measure should be studied over a period of time to study the reduction of incarceration; and

WHEREAS, research services and resources should be collected and categorized identifying current state-based programs, services and community preventative investment as well as legislative initiatives that serve to promote, not inhibit, the successful transition of persons leaving incarceration; and

WHEREAS, the Blue Ribbon Commission on Racial Disparities in Substance Abuse Policies, convened by the National African American Drug Policy Coalition, Inc., of which the National Black Caucus of State Legislators is a member organization, conducted hearings in several cities between October 2005 and March 2006 and thereafter made the following recommendations; and

WHEREAS, recommendation one (1) calls for access to comprehensive quality health services acknowledging documented disparities in healthcare in the United States, the Commission recommends that all persons, including those suffering from substance use disorders, should have access to comprehensive quality health services in both the public and private sectors; comprehensive quality health services for persons with substance abuse disorders including care for physical health needs, and pharmacotherapies, where appropriate; and

WHEREAS, recommendation two (2) calls for increased membership of African Americans on all elected and non-elected oversight boards, commissions and task forces, recognizing that the development and implementation of formal policy occurs through the interplay of statutes, executive orders, regulations, and practices, the Commission recommends aggressive action to assure and achieve increased membership and participation of African Americans on all elected and non-elected oversight commissions, boards, task forces, and other such entities at the national, state and local levels of government, as well as in the private sector where advisory groups influence policy and its implementation; and

WHEREAS, recommendation three (3) calls for elimination of racial biases by institutions and individuals in exercising and implementing policies and practices; and despite rules, regulations and guidelines, biases often enter and influence policy at all levels among institutions, practitioners, and individual providers, the Commission recommends that biases and other acts of racial discrimination, be documented and used to develop policies and practices to change conduct that disproportionately affects African Americans and other minorities; and

WHEREAS, recommendation four (4) calls for increased participation by African American researchers in the collection of data, and in analyzing, evaluating, and developing policies and practices, the Commission recommends the establishment of policies and practices to assure increased representation and participation of African American researchers in all areas to provide culturally sensitive and appropriately relevant context, analyses, interpretation of data, evaluations, and conclusions; and

WHEREAS, these recommendations having been publicly released on September 8, 2006; and

WHEREAS, these recommendations involve issues of law and justice, health, human services, housing, labor, education, and youth of vital interest to African Americans throughout this nation; and

WHEREAS, it is extraordinarily important that African American professional groups, in a unified manner, address these issues with the best solutions possible:

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL shall institute a coordinated effort to develop recommendations for legislation, policy and programs that encourage the public safety by allowing persons returning from incarceration the opportunity to reestablish and sustain themselves and their families; and

BE IT FURTHER RESOLVED, that State Caucuses and individual legislators will work to establish a national repository of information on barriers and recommendations with a view toward eliminating those barriers by providing sensible programs, legislation and policies to encourage and support the transition to community life as productive members; and

BE FURTHER RESOLVED, that the NBCSL shall establish a task force of its representatives in these several areas to make recommendations to it on how to implement these recommendations and to take action to achieve their objectives; and

BE FURTHER RESOLVED, that the task force work with and support the efforts of the National African American Drug Policy Coalition, Inc. and its officers and staff to achieve the objectives of these recommendations; and

BE IT FINALLY RESOLVED, that this effort be coordinated by the Pennsylvania Black Legislative Caucus to collect information and accumulate data and recommendations that can be shared with other states nationwide; and, that such a repository will be made available to all NBCSL members and be used as a resource for collaborative interstate efforts to aid in decreasing the high percentage of incarceration in our communities.

**Sponsor(s):** Senator Charles Jones (LA), Senator LeAnna Washington, Representative Harold James (PA), Representative Thaddeus Kirkland (PA) and Representative Jewell Williams (PA)

**Committee of Jurisdiction:** Law, Justice and Ethics

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

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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





## Resolution LJE-07-07

### CREATING A NBCSL TASK FORCE TO ADDRESS RECENT INCREASE IN GUN VIOLENCE

WHEREAS, throughout our local communities nationwide, gun violence continues to increase at an alarming rate; and

WHEREAS, in 2003, the U.S. Department of Justice found that nearly 350,000 Americans were victims of murders, robberies, and aggravated assaults committed by perpetrators carrying a firearm; and

WHEREAS, according to the U.S. Bureau of Alcohol, Tobacco and Firearms, one percent of the 77,000 gun dealers in the U.S. were responsible for selling almost 60 percent of the nation's crime guns; and

WHEREAS, the U.S. Centers for Disease Control and Prevention reported in 2002 that the firearm death rate for African-Americans was over twice that of whites; and

WHEREAS, the same report indicated that an African-American male under 30 was nine times more likely than a white male under 30 to be a victim of a gun-related homicide, and that gun homicide was the leading cause of death among African-American males between the ages of 15-34; and

WHEREAS, the economic costs of gun violence are considerable and include not only the expenses related to direct medical treatment, but also indirect medical costs, such as loss of productivity, mental health treatment and rehabilitation, emergency transport, insurance administration, and legal and judicial expenses; and

WHEREAS, the U.S. Centers for Disease Control and Prevention reported in 2002 that gun violence is the second-leading cause of death after motor vehicle accidents for children 19 and younger in the U.S.; and

WHEREAS, the U.S. Centers for Disease Control and Prevention further reported that a total of 2,893 children were killed by guns nationwide - one every three hours; and

WHEREAS, the firearm injury epidemic, due largely to handgun injuries, is 10 times larger than the polio epidemic that occurred in the first half of the 20th Century; and

WHEREAS, the rate of deaths from gun violence for children under 14 is nearly 12 times higher in the U.S. than in 25 other industrialized nations combined, including Australia, Canada, England and Wales, Germany, Ireland, Italy, Japan, Norway, Sweden, Spain, and Taiwan; and

WHEREAS, in its August 2006 report titled *Regulating Guns in America*, the Legal Community Against Violence stated that in the absence of comprehensive federal regulation, it is up to state and local governments to adopt policies to prevent gun violence; and





WHEREAS, African-American community leaders and state lawmakers, as well as local police officers and law enforcement agencies, can deal with crime and the use of illegal guns in our neighborhoods only by working together:

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, 2006 - DECEMBER 3, 2006, that NBCSL shall establish a task force to address the recent increase in gun violence and provide recommendations for action; and

BE IT FINALLY RESOLVED, that the task force consult with African-American community leaders, local police, law enforcement agencies, and any other interested parties and related stakeholders to further discuss this issue and identify appropriate legislative and policy solutions, which shall be presented in a report to NBCSL upon completion.

**Sponsor(s):** Representative Harold James (PA) and Representative Jewell Williams (PA)

**Committee of Jurisdiction:** Law, Justice and Ethics

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

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution LJE-07-08

### ELECTION REFORM

WHEREAS, several restrictive voting measures recently adopted in state and federal legislation allegedly to prevent election fraud will actually disenfranchise millions of voters, particularly poor, elderly, disabled, and minority voters; and

WHEREAS, these restrictive voting measures are often enforced in discriminatory ways against poor, elderly, disabled, and minority voters to intimidate, misinform, stigmatize, and ultimately suppress the vote; and

WHEREAS, recent state and federal legislation that would require government issued photo identification and/or proof of citizenship to register to vote would disenfranchise millions of eligible voters by imposing a modern day poll tax; and

WHEREAS, in response to the unprecedented effort in the 2004 election cycle to register voters in traditionally disenfranchised communities, several states have adopted or considered legislation that will severely limit and curtail the ability of third party organizations to register new voters; and

WHEREAS, the real fraud in recent elections involved deceptive practices such as distribution of incorrect information about voter eligibility and polling locations, as well as incidents involving voter intimidation and harassment at the polls; these deceptive practices often target minority and low-income communities, curbing the right to vote for millions of Americans around the country; and

WHEREAS, there is a great need for true comprehensive election reform that will improve voter participation in elections by removing existing barriers to voting that disenfranchise voters and by restoring voter confidence in the administration of elections; and

WHEREAS, arbitrary and discriminatory purges of voter lists have occurred in recent elections, as thousands of names were removed from state voter lists; and

WHEREAS, recent events in Maryland and elsewhere have raised significant questions about the security and accuracy of new voting technology that could create a crisis in public confidence in election results; and

WHEREAS, inadequate and inequitable distribution of election resources disenfranchises voters as demonstrated by events publicized from the 2004 elections in Ohio, where the disparity between the number of voting machines assigned to predominately minority and urban precincts resulted in longer lines and undoubtedly disenfranchised thousands of eligible voters who were unable or unwilling to wait in line for hours to vote:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29, 2006 - DECEMBER 3, 2006, that the NBCSL encourages state legislatures to enact comprehensive election reform legislation that will improve and expand voter participation by adopting measures such as:

- requiring no excuses to obtain absentee ballots
- providing early voting in sufficient, easily accessible locations at times that are well publicized
- allowing Election Day registration
- allocating adequate, fair and equitable resources for all polling places to ensure that no voter is turned away
- preventing arbitrary or discriminatory purges of voter lists, where names should not be removed from the state's voter list for any reason without providing timely personal notice to the voter and giving the voter a reasonable opportunity to correct errors, and;

BE IT FURTHER RESOLVED, that NBCSL support measures to protect voters from interference by third parties with the right to vote, such as:

- prohibiting partisan third parties e.g., “observers” for candidates or parties, etc., from challenging the eligibility of voters, either at the polling place or at any point in the election process; and
- outlawing ballot suppression schemes, such as mass challenges to voters, or creating an intimidating atmosphere in the area surrounding polling places by the presence of individuals dressed to look like undercover police officers; and

BE IT FURTHER RESOLVED, that NBCSL support measures to restore voter confidence through the use of new electronic voting technology by adopting measures such as voter verified paper trail; and

BE IT FURTHER RESOLVED, that NBCSL support, and memorialize Congress to pass, S.1975, the Deceptive Practices and Voter Intimidation Prevention Act, and encourage state legislatures to adopt similar state laws; and

BE IT FURTHER RESOLVED, that NBCSL oppose state laws that limit or curtail the ability of third party groups to register new voters; and

BE IT FINALLY RESOLVED, that NBCSL oppose H.R. 4844, the so-called Federal Election Integrity Act, and similar state legislation such as that passed in Georgia and Missouri, which requires government issued photo identification in order to vote.

**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Law, Justice and Ethics

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

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution LJE-07-10

### IMMIGRATION REFORM

WHEREAS, the members of the National Black Caucus of State Legislators (NBCSL) believe that the U.S. immigration system is broken and needs to be fixed; and

WHEREAS, our nation's immigration policies must reflect the best ideals and values of the American spirit - hard work, family, faith, fairness, and equality; and

WHEREAS, comprehensive immigration reform should reunite families, provide an earned path to citizenship for current and future immigrants, strengthen national security, protect workers, and integrate new Americans into the civic life of the U.S.; and

WHEREAS, NBCSL believes that we as a country need to look at how we can promote meaningful job training programs, job creation programs and small business development, as well as federal education assistance so that all Americans can have a greater opportunity to work hard to get ahead; and

WHEREAS, our communities are stronger, safer and healthier when everyone, including new immigrants have access to education, healthcare, law enforcement protection, and other vital services that reflect our highest ideals as a society; and

WHEREAS, state governments have served as providers of last resort to protect public health, public safety, providing emergency health care, and have funded critical English-language instruction and public education for new-comers that is essential for promoting public safety and fostering opportunities to integrate newcomers into our communities; and

WHEREAS, most federal immigration reform proposals impose unfunded mandates on state and local governments imposing significant cost-shifting responsibility to state and local government; and

WHEREAS, the NBCSL strongly believes that any immigration "reform" cannot focus solely on enforcement; and

WHEREAS, the NBCSL strongly opposes efforts to criminalize undocumented immigrants and "Good Samaritans" and other service providers who aid and assist undocumented immigrants; and

WHEREAS, a mass deportation of undocumented immigrants would be impractical, exceedingly costly, and have a detrimental impact on our communities; and

WHEREAS, enforcement of federal immigration laws is a federal responsibility; and

WHEREAS, placing additional immigration duties on our already overburdened law enforcement officials put our communities at risk because they won't have resources to adequately protect our communities, jeopardizes police relationships with immigrant communities and will deter immigrant victims from reporting crimes to police; and

WHEREAS, the NBCSL strongly opposes any efforts to shift enforcement of civil immigration laws to state and local law enforcement agencies through the criminalization of any violation of federal immigration law, or any efforts that would require, encourage or deputize state or local police to enforce federal immigration laws; and

WHEREAS, undocumented immigrants currently residing in the United States who work hard and pay taxes should be eligible for an earned path to permanent residence and citizenship after they pay a fine and pass background checks; and

WHEREAS, by allowing undocumented immigrants to achieve legal status, it will make it much harder for unscrupulous employers to exploit immigrants and undermine standards for all workers in this country:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL dedicates itself and its members to advancing just and workable immigration reform legislation that meets our principles as detailed above; and

BE IT FURTHER RESOLVED, that NBCSL adopts this Resolution calling on Congress and the White House to pass comprehensive immigration reform legislation and to conduct the discussion in a manner that does not pit neighbor against neighbor; 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.

**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Law, Justice and Ethics

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

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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



## Resolution LJE-07-11

### RESOLUTION URGING CONGRESS TO PROTECT OUR MOST PRECIOUS CIVIL RIGHT - THE RIGHT TO VOTE!

WHEREAS, the Voting Rights Act of 1965, signed by President Lyndon B. Johnson, pledged the federal government to enforce equal access to the electoral process by banning literacy tests and poll taxes, outlawing intimidation during the election process, and authorized federal election monitors; and

WHEREAS, in July of 2006 Congress passed the reauthorization of the Voting Rights Act, "The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006" which protects the right to vote for millions of Americans; and

WHEREAS, the recently passed H.R. 4844, the "Federal Election Integrity Act of 2006", by the U. S. House of Representatives would require all voters to meet oppressive new identification and proof of citizenship requirements before voting in federal elections; and

WHEREAS, it is reported by the State Department that only about 25% of voting-age Americans hold passports, and a large majority of states do not record citizenship when issuing driver's licenses; and

WHEREAS, many people - senior citizens, people of color, individuals with disabilities, rural and Native voters, the homeless, students, and low-income individuals among others would be disenfranchised by the identification and proof of citizenship requirements before voting since many U.S. senior citizens, and rural and Native voters were born in areas of the country where it was common for people to be born at home, thus their birth was never officially recorded and others; the homeless, individuals with disabilities, and low-income individuals would join the elderly and rural and Native voters in being disenfranchised by being forced to bear the costs in getting documentation to prove citizenship and/or purchase new ID such as a passport; and

WHEREAS, no citizen should have to pay money to vote and forcing individuals to bear the cost of obtaining documentation clearly amounts to a new kind of "poll tax" in order to cast a vote and participate in the electoral process; and

WHEREAS, proving the validity of a voter using the photo ID process will place an enormous amount of discretion on overworked poll workers which can possibly lead to discrimination of voters at polling places:

NOW, THEREFORE BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL urge Congress to oppose the adoption of H.R. 4844 or any legislation that resembles it that would threaten fair and equal access in participating in the U.S. election process; and



BE IT FINALLY RESOLVED, that NBCSL collaborate with the Leadership Conference on Civil Rights and others that are participating in fighting such legislation that disenfranchise citizens of the right to vote.

**Sponsor(s):** Senator Spencer Coggs (WI)

**Committee of Jurisdiction:** Law, Justice and Ethics

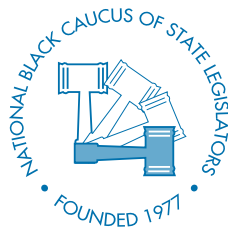
**Certified by Committee Chair:** Senator Charles Jones (LA)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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







NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

## *2007 Ratified Resolutions*

# TELECOMMUNICATIONS, SCIENCE & TECHNOLOGY

<b>Resolution TST-07-03</b>	Encourage The Deployment Of Broadband Networks Without Net Neutrality .....	58
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PASSED DECEMBER 1, 2006

*NBCSL 30th Annual Legislative Conference  
Jackson, Mississippi  
November 29–December 3, 2006*



## Resolution TST-07-03

### ENCOURAGE THE DEPLOYMENT OF BROADBAND NETWORKS WITHOUT NET NEUTRALITY

WHEREAS, the NBCSL passed a resolution in 2005 calling for laws that speed competition and rapid deployment of advanced telecommunications services in all communities; and

WHEREAS, in 2003, after public comment, the Federal Communications Commission adopted proposed rules that effectively deregulated the broadband marketplace. In 2005, the FCC released a Policy Statement that reaffirmed the 2003 rules deregulating broadband. These rules and principles focus on ensuring consumers have the following:

- i) receive meaningful information regarding their broadband service plans; and
- ii) have access to their choice of legal Internet content, subject to the limits on bandwidth in quality of their service plans; and
- iii) run applications of their choice, subject to the needs of law enforcement and limits on bandwidth limits and quality of service of their service plans, as long as they do not harm the provider's network or interfere with other consumer's use of the broadband service; and
- iv) be permitted to attach any devices they choose to their broadband connection at the consumer's premise, so long as they operate within limits on bandwidth and quality of service of their service plans and do not harm the provider's network, interfere with other consumer's use of the broadband service, or enable theft of services; and

WHEREAS, the exponential growth of the Internet has flourished as a result of both the government's 'hands-off' approach, ever increasing competition, and driving consumer interest; and

WHEREAS, regulation of the Internet may interfere with future investment and innovations benefiting the health and well-being of its end user customers; and

WHEREAS, Internet users should be given a choice when it comes to selecting a broadband connection that will meet their current and future needs for speed, reliability, quality of service, and capabilities not yet envisioned; and

WHEREAS, broadband connections, services, and applications should continue to become more affordable and accessible to all consumers; and

WHEREAS, methods of joint ventures, partnerships, and minority entrepreneurship with minority owned telecommunication companies must be realized; and

WHEREAS, consumers have benefited from the Internet service providers' investment in broadband networks that have fueled such innovations as downloading music, instant messaging, Internet telephony, and e-commerce for such items as books and autos, and

WHEREAS, consumers will continue to benefit from the investment in broadband networks that are faster, less susceptible to hackers and spammers, and allow consumers more access and innovative services, such as at-home health monitoring or an online movie rental company empowered to deliver its products with security and privacy ensured, and

WHEREAS, consumers should determine how content and services are delivered over the Internet, and

WHEREAS, as long as consumers are free to take or reject any option, Internet services providers should be free to offer new service and pricing options, and

WHEREAS, innovation to meet consumer demand should be encouraged so that consumers experience the best Internet possible, and

WHEREAS, companies that invest in broadband and broadband-related applications should be afforded the flexibility to explore fair and competitive business models and pricing plans for their products and services, and

WHEREAS, mandated net neutrality regulations would impede future capital investments in the U.S.' broadband infrastructure, which already lags behind its European and Asian counterparts, and

WHEREAS, according to a 2006 International Telecommunications Union (ITU) study of 2004 data, the U.S. ranked 16th in broadband penetration and could decline further as proposed net neutrality regulations places more of the cost burden onto the end user, exacerbating an already disturbing trend of a 'digital divide' within our country.

NOW, THEREFORE, BE IT RESOLVED BY THE 30TH ANNUAL LEGISLATIVE BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN JACKSON, MISSISSIPPI, NOVEMBER 29 - DECEMBER 3, 2006, that NBCSL calls upon the Congress of the United States of America to refrain from legislation that would over regulate the Internet. Today's approach has been for the FCC to deregulate broadband and allow a competitive marketplace to determine the winners and losers. Therefore, consumers have more options (e.g., cable modem, DSL, wireless or BPL for broadband) the competitive marketplace to drive broadband and broadband-related applications development and deployment free from governmental regulation.

BE IT FURTHER RESOLVED, that in the event Congressional legislative action is deemed warranted, that the Congress should avoid adopting new rules and limit such actions to providing the FCC with authority to oversee, but not proactively intervene in, the broadband Internet marketplace by adopting principles that focus on assessing whether the market continues to ensure that consumers can:

- i) receive meaningful information regarding their broadband service plans; and
- ii) have access to their choice of legal Internet content, subject to the limits on bandwidth and quality of service of their service plan.

BE IT FURTHER RESOLVED, that in the event Congressional legislative action is deemed warranted, that the Congress should avoid adopting new rules and limit such action to providing the



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2007 Ratified Resolutions ■ December 1, 2006

FCC with authority to oversee, but not proactively intervene in the broadband Internet marketplace by adopting principles that focus on assessing whether the market continues to ensure that consumers can:

- i) run applications of their choice, subject to the needs of law enforcement and the limits on bandwidth limits and quality of service of their service plans, as long as they do not harm the provider's network or interfere with other consumer's use of the broadband service; and
- ii) be permitted to attach any devices they choose to their broadband connection at the consumer's premise, so long as they operate within the limits on bandwidth and quality 100 of service of their service plans and do not harm the provider's network, interfere with other consumer's use of the broadband service, or enable theft of services.

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, members of Congress and the members of the Federal Communications Commission.

**Sponsor(s):** Representative Joe Towns (TN)

**Committee of Jurisdiction:** Labor, Military and Veterans Affairs

**Certified by Committee Chair:** Senator Ada L. Smith (NY)

**Ratified in Plenary Session:** Ratification Date is December 1, 2006

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