



SEEING BEYOND:

# Leadership in a Time of Change

*The*  
**32** *Annual Legislative Conference*  
National Black Caucus  
of State Legislators

**2009 RATIFIED RESOLUTIONS**

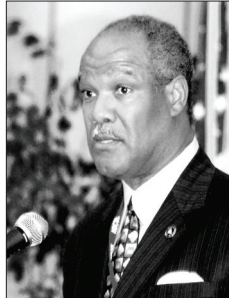
★*Ratified December 12, 2008*★



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2009 Ratified Resolutions ★ December 12, 2008

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December 17, 2008

Dear NBCSL Members and Supporters:

The National Black Caucus of State Legislators (NBCSL) convened for our 32nd Annual Legislative Conference (ALC) in our nation's capitol, Washington, DC.

This year was quite an experience as the NBCSL membership gathered and discussed policy issues that are critical to the difficult times we face as a nation. Our members listened to an impressive lineup of speakers and panelists who provided insight on today's political environment. Our policy committees presented resolutions to address many of these issues and I encourage you to view these attached resolutions that can be adapted and used in state legislatures around the country.

I believe that this conference will help all NBCSL members address the critical economic issues facing America and the global community. I look forward to working with you in 2009 as we continue to open doors, create opportunities and provide a voice for our constituents. May God bless you in the upcoming year!

Sincerely,

Representative Calvin Smyre (GA)  
President, NBCSL



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# NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

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# 2009 RATIFIED RESOLUTIONS

## BUSINESS, FINANCE & INSURANCE

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*PASSED DECEMBER 12, 2008*

NBCSL 32<sup>nd</sup> Annual Legislative Conference  
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BUSINESS, FINANCE & INSURANCE  
**Resolution BFI-09-21**

**RESOLUTION ESTABLISHING POLICY ON GOVERNMENT INTERVENTION WITHIN THE FINANCIAL MARKETS OF THE U.S.**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is committed to providing the highest level of service to our citizens; and

WHEREAS, our nation has suffered serious economic setbacks in recent years causing many to lose their homes and their jobs; and

WHEREAS, the unemployment rate is above 6% according to the Department of Labor; and

WHEREAS, according to the Mortgage Bankers Association, a record 1.249 million homes were foreclosed on in the second quarter of 2008; and

WHEREAS, the collapse of the housing market and increasing unemployment has decreased the amount of funds available to governments at all levels; and

WHEREAS, bond markets have been virtually frozen, making it very difficult to sell bonds and bridge spending gaps in state governments; and

WHEREAS, state governments are faced with the prospect of making drastic cuts and increasing taxes, both of which have been proven to exert more stress on the economy in the mid-term; and

WHEREAS, it is the role of government to provide leadership and facilitate a plan by which the free market can operate and grow at a healthy rate without sacrificing workforce stability or the fundamental worth of our national currency; and

WHEREAS, states understand the unique economic problems facing our nation and are best equipped to provide the unique solutions to solve such a problem in each of our individual economies; and

WHEREAS, California produces the seventh largest GDP in the world, Texas is the tenth largest economy in the world and New York State is the eleventh; and

NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators calls on the Federal Reserve to include tax-exempt securities in the Federal Reserve program to purchase commercial paper; and

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to take all action necessary to ensure that states are able to meet needs of our citizens during these difficult financial times; and

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## BUSINESS, FINANCE & INSURANCE

# Resolution BFI-09-21

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BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to provide an excess of capital to the states so they are not only able to fill their budget shortfalls, but able to provide additional stabilization to their economies; and

BE IT FURTHER RESOLVED, that the NBCSL supports making the Office of Financial Stability an independent agency with secretary level status so as to operate on a level playing field with such entities as the Federal Reserve Board of Governors, Federal Deposit Insurance Corporation, Comptroller of the Currency, Office of Thrift Supervision, and the Department of Housing & Urban Development; and

BE IT FURTHER RESOLVED, that the NBCSL member states do what they can to balance their budgets with as little Federal bailout interference as possible and that they examine emerging market opportunities such as those in alternative energy to bolster their economies and soften losses as the U.S. economy continues to convulse in the near-term; and

BE IT FURTHER RESOLVED, that the NBCSL members determine the independence of their own financial oversight offices and the ability of those entities to implement financial practice changes to private sector groups; and

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

**Sponsor(s):** Rep. Barbara Ballard (KS), Rep. Jewel Williams (PA), Rep. Ullyses Jones (TN), Sen. Hillman Frazier (MS), Rep. Barbara Boyd (AL)

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

**Certified by Committee Chair:** Representative Laura Hall (AL)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

BUSINESS, FINANCE & INSURANCE  
**Resolution BFI-09-22**

**RESOLUTION ESTABLISHING POLICY ON THE CONTINUING CREDIT  
CRISIS GRIPPING THE U.S. ECONOMY**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes the escalating problem of consumer credit in the United States; and

WHEREAS, the NBCSL recognizes there is a strong link between the failure of mortgage backed securities and the public's ability to gain credit; and

WHEREAS, the increased inflation and harsh economic period in America has forced many Americans to increasingly rely on credit extensions to meet immediate obligations; and

WHEREAS, according to Business Week, there is currently \$950 billion worth of outstanding credit card debt in the U.S.; and

WHEREAS, the outstanding credit card debt is in danger of adding to the current financial crisis, because it is becoming increasingly difficult for banks to buy the outstanding debt and for consumers to gain further credit at competitive rates; and

WHEREAS, according to a 2004 study conducted by the Federal Reserve, 46% of Americans households carry credit card debit and almost 30% of households in the lowest income quintile which is double the amount that held debt in 1989; and

WHEREAS, according to RealtyTrac, the number of homes in foreclosure rose by 18% in August of 2008 to 91,000; and

WHEREAS, instability in the housing market is continuing to cause instability in the World market causing property values to fall; and

WHEREAS, stabilizing our financial institutions is important, but the only way to end financial instability will be to ensure the stability of personal finances; and

WHEREAS, credit can be facilitated by some oversight and the public interest can be protected from predatory fee practices; and

WHEREAS, credit card debt among those 18 to 24 grew 22% between 1989 and 2004; and

WHEREAS, bills like the Credit Card Holder's Bill of Rights and the CARD Act may work to provide assistance to credit card holders; and



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## BUSINESS, FINANCE & INSURANCE

# Resolution BFI-09-22

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NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators calls upon the U.S. Congress to further investigate and provide legislation that:

- Provides further regulation and supervision of the credit card industry to ensure compliance with existing and new regulations,
- Prevents the credit industry from changing terms of the contract and the interest rate in an inequitable manner,
- Encourages payments to be made to the balance with the higher interest rates and prohibits unreasonable deadlines,
- Requires credit card companies and their agents to provide a more reasonable means for a consumer to pay on time and not incur late fees,
- Ends duplicate and exorbitant fees charged by credit card companies,
- Increases the level of disclosure of terms that are entered into under the credit agreement,
- Provides greater protection for those under the age of 21 when entering into a credit card agreement; and

BE IT FURTHER RESOLVED, that Congress provides further assistance for financial literacy and financial counseling programs as both are essential to the financial independence of Americans; and

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to add additional funding programs like Community Development Block Grant to aid our communities in rehabilitating homes; and

BE IT FURTHER RESOLVED, that the NBCSL members examine their state's credit regulatory design and determine how new protections can be implemented to allow consumers relief from hidden fees, exorbitant fees, and other predatory practices; and

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

**Sponsor(s):** Rep. Barbara Ballard (KS), Rep. Jewel Williams (PA), Rep. Ullyses Jones (TN), Sen. Hillman Frazier (MS), Rep. Barbara Boyd (AL)

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

**Certified by Committee Chair:** Representative Laura Hall (AL)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

BUSINESS, FINANCE & INSURANCE  
**Resolution BFI-09-27**

**RESOLUTION ON PROPOSED MODEL STATE RESOLUTION IN  
OPPOSITION TO S.40/H.R. 3200, THE NATIONAL INSURANCE ACT  
OF 2007**

WHEREAS, regulation, oversight, and consumer protection have traditionally and historically been powers reserved to state governments under the McCarran-Ferguson Act of 1945;

WHEREAS, state legislatures are more responsive to the needs of their constituents and the need for insurance products and regulation to meet their state's unique market demands; and

WHEREAS, many states, have recently enacted and amended state insurance laws to modernize market regulation and provide insurers with greater ability to respond to changes in market conditions; and

WHEREAS, state legislatures, the National Conference of Insurance Legislators (NCOIL), the National Association of Insurance Commissioners (NAIC), and the National Conference of State Legislators (NCSL) continue to address uniformity issues between states and by the adoption of model laws that address market conduct, product approval, agent and company licensing, and rate deregulation; and

WHEREAS, initiatives are being contemplated by certain members of the United States Congress that have the potential to destroy the state system of insurance regulation and create an unwieldy and inaccessible federal bureaucracy- all without consumer and constituent demand; and

WHEREAS, such initiatives include S. 40/H.R. 3200- the National Insurance Act of 2007 - optional federal charter legislation that would bifurcate insurance regulation and result in a quagmire of federal and state directives that would promote ambiguity and confusion; and

WHEREAS, S. 40/H.R. 3200 would allow companies to opt out of state insurance regulatory oversight and evade important state consumer protections; and

WHEREAS, the mechanism set up under S. 40/H.R. 3200 does not, and cannot by its very nature, respond to states' individual and unique insurance markets and constituent concerns, as state regulation currently does; and

WHEREAS, S. 40/H.R. 3200 has the potential to compromise state guaranty fund coverage, and employers could end up absorbing losses otherwise covered by these safety nets for business affected by insolvencies; and

WHEREAS, S. 40/H.R. 3200 would ultimately impose the costs of a new and needless federal bureaucracy upon businesses and the public; and

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## BUSINESS, FINANCE & INSURANCE

# Resolution BFI-09-27

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WHEREAS, many state governments derive general revenue dollars from regulation of the business of insurance, including nearly \$14 billion in premium taxes generated in 2006; and  
WHEREAS, S. 40/H.R. 3200 does not fully guarantee state premium tax revenues for a long-term period of time and the potential to draw premium tax revenue from the state; and

NOW, THEREFORE BE IT RESOLVED that the National Black Caucus of State Legislators expresses its opposition to S 40 and its companion bill HR 3200 due to their usurpation of state authority to oversee, regulate, and investigate the business of insurance; and

BE IT FURTHER RESOLVED that the NBCSL continues to support consumer protection measures in state insurance regulatory schemes and promotes the promulgation of insurance regulations that protect policy holders from insolvency, discriminatory practices, hidden/unfair fees, and harsh practices that may result from rapid merging, acquisition, and consolidation in the insurance industry.

**Sponsor(s):** Rep. Barbara Ballard (KS), Rep. Jewel Williams (PA), Rep. Ullyses Jones (TN), Sen. Hillman Frazier (MS), Rep. Barbara Boyd (AL)

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

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## ENERGY, TRANSPORTATION & THE ENVIRONMENT

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## ENERGY, TRANSPORTATION & THE ENVIRONMENT

### Resolution ETE-09-05

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#### **CALLING FOR INCREASED RESOURCES FOR WEATHERIZATION PROGRAMS**

WHEREAS, The Low Income Home Energy Assistance Program (LIHEAP) was authorized by Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat.357) and began in 1982; and

WHEREAS, the purpose of LIHEAP is to assist low-income households, particularly those under the poverty level, that pay a high proportion of household income for home energy to meet immediate home energy needs; and

WHEREAS, federal dollars for LIHEAP are allocated by the United States Department of Health and Human Services to the states as a block grant and are disbursed under programs designed by the individual states; and

WHEREAS, LIHEAP remains dependent on the Federal appropriations process for its funding; and

WHEREAS, LIHEAP is administered at the state and county levels by government agencies and implemented primarily at the local level by Community Action Programs (CAPS), local welfare agencies and area agencies on aging; and

WHEREAS, according to the annual Home Energy Affordability Gap report, much of the Northeast is vulnerable to distillate fuel oil shortages and price spikes during winter months due to high demand for home heating; and

WHEREAS, the number of households eligible for LIHEAP was increased by 78%, but still in FY 2006 the program served less than a quarter of those eligible; and

WHEREAS, families receiving LIHEAP assistance have incomes below 150% of the Federal poverty level; and

WHEREAS, according to the Campaign for Home Energy Assistance, while the residential energy burden for all United States households in 2001 was 7% of their income, for LIHEAP recipient households the residential energy burden was 17.2%, nearly 2.5 times the average burden; and

WHEREAS, fifteen percent (15%) of LIHEAP grant funding is allocated to weatherization efforts; and

WHEREAS, funding for weatherization programs can save money for other programs like LIHEAP over the long term; and

WHEREAS, LIHEAP has nurtured an effective partnership between the Federal Government, state governments, and the private sector; and

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## ENERGY, TRANSPORTATION & THE ENVIRONMENT

### Resolution ETE-09-05

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NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators urges the President and the Congress of the United States to increase LIHEAP for FY2010; and

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to increase the funding for the Weatherization Assistance Program to address home heating from a more 3-dimensional approach; and

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

**Sponsor:** Representative Ronald G. Waters (PA)

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

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

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

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## ENERGY, TRANSPORTATION & THE ENVIRONMENT

### Resolution ETE-09-08

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#### **RESOLUTION ESTABLISHING DR. MARTIN LUTHER KING, JR. DAY AS A DAY OF UTILITY SERVICE**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is concerned that electric power affordability is a rapidly escalating threat, to our families and communities, requiring immediate action; and

WHEREAS, the NBCSL strongly believes the nation's energy problems are affecting the environment and have dire affects on the economic well-being of our families and our communities; and

WHEREAS, members of the NBCSL represent diverse geographic areas with varying economic and regulatory compositions within the nation directly affected by the potential climate policies; and

WHEREAS, the NBCSL is committed to educating our families and communities of the importance of energy efficiency and conservation; for these practices tend to reduce demand on energy, protect the environment and ultimately impact global climate change; and

WHEREAS, the NBCSL believes that by educating consumers on energy conservation and implementing effective efficiency programs, policymakers make an impact on the energy crisis; and

NOW, THEREFORE BE IT RESOLVED, that the NBCSL applauds and supports the efforts of the National Association of Regulatory Utility Commissioners (NARUC) who have designated Dr. Martin Luther King Day as a Day of Utility Service; and

BE IT FURTHER RESOLVED, that the members of the NBCSL support the establishment of a Dr. Martin Luther King Day as a Day of Utility Service, serving to improve the lives of our families and communities and ultimately all American ratepayers; and

BE IT FURTHER RESOLVED, that the NBCSL encourages our families and communities to engage in a utility act of service on Dr. King's holiday; and

BE IT FURTHER RESOLVED, that our families and communities are encouraged to turn down the thermostat, weatherize their homes, change their incandescent light bulbs to energy efficient bulbs and install water saving devices; and

BE IT FURTHER RESOLVED, that our families and communities should take these utility initiatives in their homes and throughout their communities, and

BE IT FINALLY RESOLVED, that copies of this Resolution be dispatched to the President of the United States, the Vice President of the United States, Members of Congress, State Legislatures and Regulatory Agencies.

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ENERGY, TRANSPORTATION & THE ENVIRONMENT  
**Resolution ETE-09-08**

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**Sponsor(s):** Representative Joseph Gibbons (FL)

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

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

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President



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# ENERGY, TRANSPORTATION & THE ENVIRONMENT

## Resolution ETE-09-23

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### RESOLUTION IN SUPPORT OF ENERGY INDEPENDENCE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is committed to the long term energy stability of our nation; and

WHEREAS, energy independence affects many of the largest issues of our day including global warming, domestic security, domestic spending, and financial system integrity; and

WHEREAS, the current reality of our foreign oil dependence has created an intolerable situation of the following:

- The U.S. will spend over \$700 billion to import oil in 2008,
- The U.S. consumes 25% of the world's oil for 4% of the world's population
- Optimistic projections place domestic reserves of oil at 4 billion barrels,
- The U.S. uses 21 million barrels of oil per day, domestic supply will meet 96 days,
- The U.S. imports 70% of the oil used each year,
- At current trends, the U.S. will spend \$10 trillion on foreign oil over 10 years; and

WHEREAS, building "green" infrastructure here would be good for our 'emerging' economies by building upon the more certain return of alternative energy commodities as well as have a further positive affect on the economy by creating millions of "green" jobs; and

WHEREAS, the use of fossil fuels has contributed to environmental dangers such as global warming, which has undoubtedly changed our natural environment; and

WHEREAS, the United States' dependency on foreign oil has created serious security concerns as the political situation surrounding oil-rich countries is unstable; and

WHEREAS, the high cost of oil has caused wide spread inflation, which contributes to our economic downturn; and

WHEREAS, a crucial aspect of any plan should include conservation on a large scale; and

WHEREAS, alternative energy sources can be developed domestically that are both better for the environment and our economy; and

NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators calls on Congress to fund research and development to build new technologies that can fulfill our energy needs; and

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## ENERGY, TRANSPORTATION & THE ENVIRONMENT

# Resolution ETE-09-23

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BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to further fund energy conservation programs like Weatherization Assistance Grants, and other energy efficiency and conservation efforts; and

BE IT FURTHER RESOLVED, that the NBCSL calls on Congress to make energy independence a top priority and that the President make it a part of his “100 Days Agenda;” and

BE IT FURTHER RESOLVED, that the NBCSL members will commit to introducing legislation in their states that aids in the deployment of alternative energy production and transmission; and

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

**Sponsor(s):** Rep. Barbara Ballard (KS), Rep. Jewell Williams (PA), Rep. Ullyses Jones (TN), Sen. Hillman Frazier (MS), Rep. Barbara Boyd (AL)

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

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## ENERGY, TRANSPORTATION & THE ENVIRONMENT

# Resolution ETE-09-24

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### **RESOLUTION ON NATIONAL INFRASTRUCTURE AS A PRIORITY IN THE TRANSPORTATION AUTHORIZATION ACT**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) understands the unique role of government to provide for the shared resources in our communities; and

WHEREAS, a dramatic shift is needed in our transportation legislation to readjust goals with our changing priorities; and

WHEREAS, according to the American Public Transportation Association, Americans took 2.8 billion more trips on public transportation in the second quarter of 2008 alone than the same period for 2007, while driving on our nation's highways fell by 3.3% in the same quarter of 2008; and

WHEREAS, the collapse of the bridge in Minneapolis serves as a stirring reminder of the need for further investment in the infrastructure we already have over hyperactive build-out of more infrastructure that may not serve a holistic transportation plan; and

WHEREAS, the National Surface Transportation Policy and Revenue Study Commission recommended the United States spend between \$225 and \$350 billion annually to upgrade all modes for transportation in the US, currently we spend \$86 billion; and

WHEREAS, increased investment in mass transit and other infrastructure will create millions of new jobs and improve public safety; and

NOW, THEREFORE BE IT RESOLVED, NBCSL supports approaches to infrastructure build-out that insure the maintenance and 'state-of-good repair' of existing priority networks; and

BE IT FURTHER RESOLVED, NBCSL calls on Congress to reauthorize the Transportation Authorization Act to reflect our need for increased public transit and cleaner transportation modes ; and

BE IT FURTHER RESOLVED, that the NBCSL supports a transportation bill with a majority of resources going to the expansion of mass transit options; and

BE IT FURTHER RESOLVED, that the NBCSL supports the reworking of the Nation's transportation programs to make them more impactful on addressing congestion, pollution, and sustainability. Transportation programs in the bill should be measurable with these priorities as objectives as well as reassessing state and local match requirements so as to better incentivize more sustainable and conservation-oriented transportation options; and

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

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## ENERGY, TRANSPORTATION & THE ENVIRONMENT

# Resolution ETE-09-24

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**Sponsor(s):** Rep. Barbara Ballard (KS), Rep. Jewell Williams (PA), Rep. Ullyses Jones (TN), Sen. Hillman Frazier (MS), Rep. Barbara Boyd (AL)

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

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# 2009 RATIFIED RESOLUTIONS

## HEALTH & HUMAN SERVICES

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## HEALTH & HUMAN SERVICES

# Resolution HHS-09-01

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### RESOLUTION ON THE PREVALENCE OF ASTHMA IN MINORITY COMMUNITIES

WHEREAS, the National Black Caucus of State Legislators has a strong commitment to health and preventative care to ensure well being of all of our citizens; and

WHEREAS, an estimated twenty million Americans (one in every fifteen Americans) suffer from Asthma; and

WHEREAS, the prevalence of Asthma has been increasing since the early 1980s across all age, sex, and racial groups; and

WHEREAS, the burden of Asthma falls disproportionately on our African American and Hispanic (largely Puerto Rican) populations, and especially on children of ethnic minorities; and

WHEREAS, if left untreated, or poorly controlled, Asthma can cause irreversible damage to the lungs; and

WHEREAS, African Americans are three times more likely than Caucasians to die from Asthma and African American women have the highest Asthma mortality rate of any demographic; and

WHEREAS, there are more than 4,000 deaths from Asthma each year, many Asthma deaths are avoidable with proper treatment and care; and

WHEREAS, Asthma is the third ranking cause of hospitalization among children under fifteen years of age, Asthma is a leading cause of school absences among children 5-17; and

WHEREAS, according to a study by the Asthma and Allergy Foundation of America, Asthma prevalence among minorities is correlated with poverty, urban air quality, indoor allergens, a lack of patient education and inadequate medical care; and

WHEREAS, as much as forty percent (40%) of the risk of Asthma among children and adolescents is attributable to exposure to residential allergens, which exposure can be reduced, if not eliminated; and

WHEREAS, there have emerged clear disparities in the burden and treatment of Asthma in communities of ethnic minorities; and

WHEREAS, access to care for ethnic minorities is often hampered by socioeconomic disparities, shortages of primary care physicians in minority communities, language and literacy barriers; and

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## HEALTH & HUMAN SERVICES

### Resolution HHS-09-01

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WHEREAS, smog and air pollution in our urban areas have been proven to be related to Asthma according to a study done by the National Coalition of Hispanic Health and Services Organizations; and

WHEREAS, members of the National Black Caucus of State Legislators bear a responsibility in matters of public health and the well-being of our citizens, and such responsibility includes improving the quality of life for our citizens with Asthma and our citizens who are at-risk for Asthma; and

NOW, THEREFORE BE IT RESOLVED that the National Black Caucus of State Legislators, recognizes the higher prevalence of Asthma in the United States' African American community and other ethnic minority communities and pledge our support to improving access to treatment and care for Asthma within our minority communities, and especially for the children of minorities, who are disproportionately affected by the burden of Asthma; and

BE IT FINALLY RESOLVED, supports efforts to improve air quality in our urban areas, such as increased investment in public transportation, green infrastructure, and efforts to combat the presence of harmful ground-level ozone; and

BE IT FINALLY RESOLVED, that the NBCSL members will examine the zoning and land use regulations of their states that may contribute to the concentration of harmful industrial facilities in majority African American communities there-by adding to the prevalence of Asthma that already exists.

**Sponsor(s):** Representative Lois DeBerry (TN) and Representative Joe Armstrong (TN)

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

**Certified by Committee Chair:** Representative Joe Armstrong (TN)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

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## HEALTH & HUMAN SERVICES

### Resolution HHS-09-02

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#### RESOLUTION ON PATIENT CENTERED MEDICAL HOME

WHEREAS, there are patient programs that provide a whole-person orientation that includes care for all stages of life, acute care, chronic care, preventive services, and end of life care; and

WHEREAS, a patient-centered medical home must be Health Information Exchange (HIE) compliant and electronically integrated with Electronic Patient Health Records and Practice-Based Disease Management applications to facilitate and measure quality of care at the point of care; and

WHEREAS, patients in a patient-centered medical home actively participate in decision-making and feedback is sought to ensure patients' expectations are being met; and

WHEREAS, care in the patient-centered medical home is coordinated across all elements of the health care system and the patients' community to assure that patients received the indicated care when and where they need in a culturally appropriate manner; and

WHEREAS, when minorities have a medical home, racial and ethnic disparities in terms of medical access disappear as noted in "Closing the Divide: How Medical Homes Promote equity in Health Care" as published by the Commonwealth Fund in June 2007 ("[http://www.commonwealthfund.org/publications/publications\\_show.htm?doc\\_id=506814](http://www.commonwealthfund.org/publications/publications_show.htm?doc_id=506814)"), thus decreasing health care costs in our states;

WHEREAS, four national physician organizations [American Academy of Pediatrics (AAP), American Academy of Family Physicians (AAFP), American College of Physicians (ACP), American Osteopathic Association (AOA)] representing more than 333,000 physicians across the country have developed joint principles that describe the characteristics of the patient-centered medical home; and

WHEREAS, The National Committee for Quality Assurance (NCQA) is developing a patient-centered medical home designation program for physician practices meeting specific criteria; and

WHEREAS, the Federal Tax Relief and Health Care Act calls for a three-year medical home demonstration project to be conducted in eight states with an estimated start in 2009; and

NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators supports the Joint Principles of the Patient-Centered Medical Home as a guideline for states to eliminate health disparities by improving the health of all of its citizens, and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators will seek to eliminate health disparities by introducing legislation to encourage states to implement and fund pilot programs to demonstrate the quality, safety, value, and effectiveness of whole-person oriented care options.



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## HEALTH & HUMAN SERVICES

# Resolution HHS-09-02

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BE IT FINALLY RESOLVED, that the NBCSL recognizes the Patient-Centered Medical Home program is an untested demonstration project that requires more proving to fully chart-out its benefits to public policy, however, examining its use and positives is still warranted.

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

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

**Certified by Committee Chair:** Representative Joe Armstrong (TN)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

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## HEALTH & HUMAN SERVICES

### Resolution HHS-09-06

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#### **RESOLUTION TO REDUCE HEALTH DISPARITIES AFFECTING HIV/AIDS**

WHEREAS, the National Black Caucus of State Legislators recognizes and is committed to solving the AIDS crisis in the United States and around the world; and

WHEREAS, the Institute of Medicine (IOM) found that ethnic and racial minorities tend to receive lower quality health care services and account for a great share of the disease burden across a broad range of diseases, including HIV/AIDS; and

WHEREAS, the IOM also found that disparities in the quality of health care, including HIV care, are associated with higher death rates among ethnic and racial minorities; and

WHEREAS, the IOM concluded that the lack of health insurance presents a major barrier to reducing health disparities, and approximately half of the uninsured Americans are racial and ethnic minorities, despite comprising only 37% of the population; and

WHEREAS, the IOM determined that culturally and linguistically appropriate care can improve health outcomes and increase patient compliance with treatment plans; and

WHEREAS, the devastating impact of HIV/AIDS in communities of color continues to grow, with the Centers for Disease Control and Prevention (CDC) reporting an estimated 71 percent of AIDS cases diagnosed as of 2006 as being among ethnic and racial minorities; and

WHEREAS, the CDC has determined that the rate of HIV diagnosis is approximately ten times higher among African Americans than among White Americans; and an estimated 79 percent of HIV cases for female adults and adolescents reported through 2005 are among African American and Hispanic women; and

WHEREAS, the Census Bureau projects that by 2050, half of the U.S. population will be persons of color, the unchecked impact of health disparities will rapidly cause our national experience with HIV/AIDS to assume epidemic proportions; and

WHEREAS, the President of the United States as an individual and the United States Congress as an institution are in a position to redress the problem of health disparities and improve prevention and treatment services for HIV/AIDS; and

WHEREAS, since 1982, 30 medicines have been approved to treat HIV and related conditions; and 92 new medicines and vaccines are currently in the pipeline awaiting approval or in clinical trial phases; and

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## HEALTH & HUMAN SERVICES

# Resolution HHS-09-06

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NOW, THEREFORE BE IT RESOLVED, by the 32nd Annual Legislative Conference of the National Black Caucus of State Legislators:

- (1) Urges the President to provide focused leadership domestically to reduce health disparities, particularly as they relate to HIV/AIDS;
- (2) Requests the Congress to increase funding for state and local grant programs authorized by the Ryan White Comprehensive AIDS Resources Emergency Act, especially to assure funding for faith-based initiatives providing culturally and linguistically competent prevention and treatment programs;
- (3) Calls on the Congress and the Secretary of Health and Human Services to ensure that AIDS Drug Assistance Program funding counts towards an individual's out-of-pocket contributions for Medicare beneficiaries enrolled in Part D;
- (4) Encourages the Secretary of Health and Human Services to issue guidance requiring that all states' Medicaid preferred drug lists provide prompt access to HIV/AIDS treatments consistent with established HIV treatment protocols;
- (5) Urges the Congress to provide increased funding to the Department of Health and Human Services and relevant agencies, including the Centers for Disease Control and Prevention and the Human Resources and Services Administration, to--
  - (A) Implement the Centers for Disease Control and Prevention's National HIV Prevention Strategic Plan;
  - (B) Expand the Minority AIDS Initiative to provide additional support to minority-serving community-based organizations;
  - (C) Augment outreach through the mobilization of civic and social organizations, fraternities, sororities, etc. and HIV testing efforts to target racial and ethnic minorities that are at higher risk of contracting HIV;
  - (D) Develop additional evidence-based HIV prevention interventions targeting ethnic and racial minorities; and
  - (E) Improve HIV prevention and treatment services for ethnic and racial minorities.

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## HEALTH & HUMAN SERVICES

### Resolution HHS-09-06

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BE IT FURTHER RESOLVED, that the President of the United States and the United States Congress lift the ban on federal funds for needle exchange programs; and

BE IT FINALLY RESOLVED, that the NBCSL recognizes the reality that AIDS treatment regimen are complicated, long, and can be difficult for patients to manage. Thus, NBCSL encourages Congress and Federal agencies as well as states to enforce disclosure requirements upon pharmaceutical corporations in all facets of AIDS treatment they may engage so the patient can make an informed decision as to the assembly and carrying out of their AIDS treatment regimen.

**Sponsor(s):** Representative Joe Armstrong (TN), Representative GA Hardaway (TN), Representative Brenda Gilmore (TN), Representative Larry Miller (TN), Senator Ophelia Ford (TN), Senator Usie Richards (USVI), Delegate Shirley Nathan-Pulliam (MD), Representative Charlie Brown (IN), Senator Spencer Coggs (WI), Representative Alyce Griffin Clarke (MS)

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

**Certified by Committee Chair:** Representative Joe Armstrong (TN)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

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## HEALTH & HUMAN SERVICES

### Resolution HHS-09-16

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#### RECOGNIZING THE CONTRIBUTIONS OF NON-PROFIT HEALTH MINISTRIES

WHEREAS, health care cost support is an essential element of economic security for American families; and,

WHEREAS, individuals and families need more health care cost support choices, not fewer; and,

WHEREAS, the National Black Caucus of State Legislators recognizes the great work of religious organizations; and,

WHEREAS, voluntary healthcare cost-sharing ministries are proven vehicles through which people of the community can obtain low-cost health care support through the sharing of financial gifts used to meet medical expenses for members; and,

WHEREAS, it is a benefit to people of faith to have access to a voluntary, cost-sharing ministry that does not deny people membership, raise their monthly financial gifts or cancel their participation because of a medical condition; and,

WHEREAS, these ministries are helpful and valuable additions to meeting the needs of Americans, particularly in that there is no assignment of risk or contracts between parties; participation is strictly voluntary, enabling people of all backgrounds to exercise religious freedom as they meet their desire for medical health care cost support; and,

WHEREAS, such ministries operate in all 50 states, serving tens of thousands of Americans, and Missouri through its tax laws has recognized the value and importance of such ministries to their members; and,

WHEREAS, this option contributes to a solution to the health care cost support needs of African-Americans; and

NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators recognizes the valuable work of these organizations and urges states considering a form of universal health coverage to recognize Healthcare Ministry programs and ensure that their citizens have the freedom to make personal health care cost support choices according to their individual needs.

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

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

**Certified by Committee Chair:** Representative Joe Armstrong (TN)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

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## HEALTH & HUMAN SERVICES

### Resolution HHS-09-18

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#### RECOGNIZING THE IMPORTANCE OF KIDNEY DISEASE PREVENTION

WHEREAS, the National Black Caucus of State Legislators recognizes that more than 20 million Americans have chronic kidney disease and twenty million more are at risk and are unaware of this risk; and

WHEREAS, chronic kidney disease is a major health care burden and is expected to cost more than \$20 billion for the National Health Care System and the Healthy 2010 Initiative; and

WHEREAS, African Americans, Hispanics, Pacific Islanders, Native Americans, and seniors are at an increased risk; and

WHEREAS, African Americans make up only 13 percent (13%) of the population but suffer from chronic kidney disease at four times the overall rate of all Americans diagnosed with chronic kidney disease in the United States; and

WHEREAS, among new patients whose kidney failure was caused by high blood pressure, more than half (51.2 percent) are African-American and among new patients whose kidney failure was caused by diabetes, almost one third (31.3 percent) are African-American; and

WHEREAS, the public health mandate is clear that public policy initiatives targeted at early identification of chronic kidney disease and treatment of associated co-morbidities in early stages will delay the onset of end stage kidney failure, will dramatically reduce the number of patients that require dialysis and the long-term effects of the disease including its impact on diabetes and cardiovascular disease, thereby potentially lowering the significant economic burden on the health care system and improving the quality of life for numerous Americans; and

WHEREAS, coordination between federal and state governments, health care professionals, educators, and patient advocates need to continue developing initiatives that identify members of high risk populations, to continue ensuring access to medical therapy applicable to those at the greatest risk, and continue supporting programs that improve the management of kidney disease to slow the progression of kidney failure, are crucial in decreasing this disease and health disparity; and

WHEREAS, both the National Kidney Foundation and National Medical Association encourages consumer education and awareness aimed at all individuals, especially those at the greatest risk for developing Chronic Kidney Disease and End Stage Renal Disease; and

NOW, THEREFORE BE IT RESOLVED, that the NBCSL encourages each member to enact and support public policy initiatives in their state that will acknowledge the need for continued education and awareness and will support applicable medical treatment specific to the population at greatest risk in eliminating this health disparity; and

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## HEALTH & HUMAN SERVICES

### Resolution HHS-09-18

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BE IT FUTHER RESOLVED, that the NBCSL encourages Congress to expand the Chronic Kidney Disease Control Program at the Centers for Disease Control and Prevention to support early detection and treatment among high-risk populations; and

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

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

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

**Certified by Committee Chair:** Representative Joe Armstrong (TN)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

# 2009 RATIFIED RESOLUTIONS

## LAW, JUSTICE & ETHICS

- ★ **Resolution LJE-09-14** Resolution Requiring Minority Impact Statements in Relation to State Grant Applications and Changes in State Criminal Law..... 33
- ★ **Resolution LJE-09-17** Resolution on Voting Rights for the District of Columbia ..... 34
- ★ **Resolution LJE-09-20** Resolution in Support of Successful Reintegration..... 36

*PASSED DECEMBER 12, 2008*

NBCSL 32<sup>nd</sup> Annual Legislative Conference  
Washington, DC  
December 10 - 14, 2008



LAW, JUSTICE & ETHICS  
**Resolution LJE-09-14**

**RESOLUTION REQUIRING MINORITY IMPACT STATEMENTS IN RELATION TO STATE GRANT APPLICATIONS AND CHANGES IN STATE CRIMINAL LAW**

WHEREAS, Iowa was the first state in the nation to adopt model legislation requiring that the impact of new criminal legislation on minorities be specifically assessed as a means of alleviating disproportionately high rates of incarcerating minorities; and

WHEREAS, recent research clearly shows that many states have an overrepresentation of minorities in prison; and

WHEREAS, states have also adopted legislation requiring minority impact assessment with respect to state grants and contracts; and

WHEREAS, millions of dollars in state government funding is provided through state agencies as grants to public and private agencies and organizations to help minorities; and

WHEREAS, research clearly shows that much of this funding is not being used effectively to achieve its stated purpose because of inexperience of the agency as well as lack of cultural sensitivity to the minority community; and

NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators urges its members to examine the implementing of a correctional impact statement attached to any bill, joint resolution, or amendment which proposes a change in a law that creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or probation procedures. The statement may include, for example, long and short-term information concerning the estimated number of criminal cases per year that the legislation will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the legislation on minorities, the impact of the legislation upon existing correctional institutions, community based correctional facilities/services/jails, the likelihood that the legislation may create a need for additional prison capacity; and

BE IT FURTHER RESOLVED, that the NBCSL urges members to consider the advantages of including a minority impact statement for any grants from a State agency. This statement could include: 1) Evidence of consultation of representatives of minority persons in cases where a policy or program has an identifiable impact on minority persons in their State; 2) a rationale for the existence of programs or policies having an impact on minority persons in their State.

**Sponsor:** Representative Wayne Ford (IA)

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

**Certified by Committee Chair:** Senator Thelma Harper (TN)

**Ratified in Plenary Session; Ratification Date: December 12, 2008**

**Ratification Certified by:** Representative Calvin Smyre (GA), President

LAW, JUSTICE & ETHICS  
**Resolution LJE-09-17**

**RESOLUTION ON VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA**

WHEREAS, the principle that all American citizens shall elect and be represented by voting representatives in the national legislature as guaranteed by our Constitution is a fundamental characteristic of a free people and the founding principle of the United States; and

WHEREAS, the more than six hundred thousand citizens of the District of Columbia, a population larger than four other states, are disenfranchised and are unique in that they lack voting representation in the United States Congress while proudly and willingly accepting the burdens of United States citizenship, paying higher taxes per capita than the citizens of all but one state, serving more per capita on federal juries than all but one jurisdiction in the United States, serving in every American war, and being among the first to be called to serve in the war against terrorism; and

WHEREAS, this disenfranchisement of the citizens of the Nation's Capital is contrary to the spirit of liberty and democracy and absolutely in violation of the values on which the United States was founded; and

WHEREAS, the District of Columbia has a higher Gross State Product (GSP) than fourteen states according to the U.S. Department of Commerce Bureau of Economic Analysis, is treated like a state for hundreds of purposes by our federal government and individual states legally recognizing its birth certificates and marriage licenses; and

WHEREAS, the District of Columbia's local budget is paid for by its taxpayers despite the fact that 41 percent (41%) of its land is used by the federal government and cannot be taxed, and services provided to the federal government are not reimbursed except under certain circumstances; and, the United States Congress can override any local ordinance or resolution passed by the Council of the District of Columbia; and

WHEREAS, a national poll found that Seventy Two percent (72%) of respondents supported granting the District of Columbia full representation in Congress; and

WHEREAS, the citizens of the District of Columbia are denied their rights to full and effective representation in the United States Congress, where they are represented by a single, nonvoting delegate in the House of Representatives and have no member in the U.S. Senate; and

WHEREAS, District of Columbia residents have been trying for years to obtain a voice in Congress, and like citizens from any state, should have the right to elect representatives to both houses of the United States Congress; and

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## LAW, JUSTICE & ETHICS

# Resolution LJE-09-17

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NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators urges the United States Congress to recognize and guarantee to the District of Columbia's citizens their fundamental right to voting representation and to support legislation granting the same.

**Sponsor(s):** DC Council Chairman Vincent Gray (DC), Rep. Barbara Ballard (KS), Rep. Jewel Williams (PA), Rep. Ullyses Jones (TN), Sen. Hillman Frazier (MS), and Rep. Barbara Boyd (AL)

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

**Certified by Committee Chair:** Senator Thelma Harper (TN)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

LAW, JUSTICE & ETHICS  
**Resolution LJE-09-20**

**RESOLUTION IN SUPPORT OF SUCCESSFUL REINTEGRATION**

WHEREAS, the National Black Caucus of State Legislators has a strong commitment to the successful reintegration of ex-offenders into our communities as it aids not only those rejoining our communities, but our communities at large; and

WHEREAS, there are many repercussions of having a criminal history and they include being denied access to public housing, federal funds for higher education, the right to vote, and obtaining a credit card, loan, or mortgage; and

WHEREAS, multiple studies show that having a criminal record is a significant barrier in securing adequate, long-term employment; and

WHEREAS, discrimination based on criminal history prevents many former offenders from attaining self sufficiency; and

WHEREAS, more and more local and state agencies are being required to perform criminal records checks on potential new employees, further restricting these agencies' ability to hire non-violent offenders; and

WHEREAS, limited future employment opportunities and earning potential have a strong casual relationship with increased rates of recidivism; and

WHEREAS, funding for incarceration continues to require increasingly larger portions of state and federal budgets because of the swelling number of individuals imprisoned in state and federal prisons; and

WHEREAS, offering those persons convicted of certain non-violent felonies the opportunity to seal their records, so that past offenses for which the person has already "paid his or her debt to society," would encourage gainful employment or participation in meaningful educational, professional, and social opportunities; and

WHEREAS, there are a number of laws and regulations that are needed to protect our citizens from both violent and non-violent offenders; and

NOW, THERFORE BE IT RESOLVED, that the National Black Caucus of State Legislators supports efforts to implement state policies that allow some non-violent offenders to reenter society with as few obstructions as possible; and

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## LAW, JUSTICE & ETHICS

### Resolution LJE-09-20

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BE IT FURTHER RESOLVED, that the NBCSL encourages states to provide a means to inform a defendant, before accepting a guilty plea and before sentencing, of the circumstances under which the case's official records may be sealed; and

BE IT FINALLY RESOLVED, that states should consider certain convictions of the first and second degree, such as murder, aggravated murder, abduction, criminal child enticement, and certain sexually oriented offenses, as convictions that would possibly make an individual's criminal record ineligible for sealing.

**Sponsor(s):** Senator Thelma Harper (TN) and Senator Shirley Smith (OH)

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

**Certified by Committee Chair:** Senator Thelma Harper (TN)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

# 2009 RATIFIED RESOLUTIONS

## LABOR, MILITARY & VETERANS AFFAIRS

- ★ **Resolution LMV-09-25** Resolution on Supporting Our Veterans..... 39
  
- ★ **Resolution LMV-09-26** Resolution to Close Loopholes and Enforcement Gaps That Allow  
Employers to Wrongfully Misclassify Workers as Independent  
Contractors..... 41

*PASSED DECEMBER 12, 2008*

NBCSL 32<sup>nd</sup> Annual Legislative Conference  
Washington, DC  
December 10 - 14, 2008

LABOR, MILITARY & VETERANS AFFAIRS  
**Resolution LMV-09-25**

**RESOLUTION ON SUPPORTING OUR VETERANS**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes when an individual places themselves in harms way for the good of our country, as a nation we owe those individuals the support that they so bravely gave to us; and

WHEREAS, the US Department of Veterans Affairs estimates that one third of all homeless adults have served in the Armed Services, which is roughly 154,000 homeless veterans on the street every night; and

WHEREAS, the Department of Veterans Affairs also estimates that 45% of homeless veterans population suffers from mental illness and 70% suffer from drug or alcohol abuse; and

WHEREAS, more than half of all homeless veterans are African American or Hispanic; and

WHEREAS, over 100,000 veterans from Iraq and Afghanistan have been diagnosed with Post Traumatic Stress Syndrome; and

WHEREAS, according to a study performed by the RAND Corporation, 320,000 members of the Armed Services serving in Iraq and Afghanistan have suffered traumatic brain injuries; and

WHEREAS, veterans face issues that can last a lifetime, and complication can become apparent years after they have left the battlefield; and

NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators calls on Congress to expand and improve services for a wide range of medical issues that veterans will face when returning from overseas including mental health, brain injuries and amputations; and

BE IT FURTHER RESOLVED, that Congress provides additional resources for the HUD Veterans Affairs Supportive Housing program to help veterans get back on their feet; and

BE IT FURTHER RESOLVED, that the NBCSL calls for a long-term investment in our nation's veterans, as they need dependable resources to insure the needs of veterans are meet; such resources include process changes to veterans' aid programs so more veterans can obtain more benefits more efficiently as so many of our veterans spend too much of their "recovery" time waiting for services to be rendered; and

BE IT FURTHER RESOLVED, that the NBCSL members work within their own states to expand benefits, provide more housing opportunities for veterans, and eliminate bureaucratic obstacles to care for those returning from Iraq and Afghanistan theaters of conflict; and

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## LABOR, MILITARY & VETERANS AFFAIRS

### Resolution LMV-09-25

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

**Sponsor(s):** Representative Omeria Scott (MS) and Representative Adrienne Wooten (MS)

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

**Certified by Committee Chair:** Senator Peter Groff (CO)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President



LABOR, MILITARY & VETERANS AFFAIRS  
**Resolution LMV-09-26**

**RESOLUTION TO CLOSE LOOPHOLES AND ENFORCEMENT GAPS  
THAT ALLOW EMPLOYERS TO WRONGFULLY MISCLASSIFY  
WORKERS AS INDEPENDENT CONTRACTORS**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports the rights and protections provided to employees under various labor and employment laws; and

WHEREAS, NBCSL is concerned about the disturbing pattern of employers who are misclassifying workers as independent contractors; and

WHEREAS, employers who misclassify workers as independent contractors circumvent employer responsibilities for Social Security, Medicare, survivor and disability benefits, overtime, unemployment insurance, workers' compensation, and state and federal income taxes, as well as protections of workers' civil rights and rights provided by various labor and employment laws;

WHEREAS, workers that are misclassified as independent contractors are denied their rights to minimum wage, overtime pay, and health and safety protections, job-protected family and medical leave, anti-discrimination law protections, bargain collectively, join a union, and be covered under health or pension arrangements provided to those classified as employees; and

WHEREAS, while the independent contractor classification is appropriate in many instances, there are an estimated three million workers in the United States misclassified as independent contractors; and

WHEREAS, many employers exploit the financial advantages of treating workers as independent contractors, but nonetheless exercise control in a manner reserved only for employees; and

WHEREAS, a 2000 study commissioned by the U.S. Department of Labor found that up to thirty percent (30%) of firms misclassify their employees as independent contractors; and

WHEREAS, the Government Accounting Office estimates that the misclassification of workers causes loss of \$4.7 billion in tax revenue; and

WHEREAS, misclassification of construction workers in Massachusetts resulted in annual losses of \$278 million in uncollected taxes and premiums; and

WHEREAS, states face huge budget deficits in the coming years and closing loop holes will help to supplement some of loss in funding; and

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## LABOR, MILITARY & VETERANS AFFAIRS

### Resolution LMV-09-26

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WHEREAS, the Leadership Conference on Civil Rights and American Rights at Work have stated that “the pervasive employer misclassification of workers as ‘independent contractors’ is one of the most pressing civil and human rights issues facing the American workforces.”; and

WHEREAS, independent contractor misclassification occurs with alarming frequency in construction, day labor, janitorial and building services, home health care, child care, meat processing, delivery services and trucking; and

NOW, THEREFORE BE IT RESOLVED that the NBCSL believes that every state should examine their regulations to improve the enforcement of laws that protect the rights of employees and to close loop-holes that allow employers to wrongfully misclassify their workers as independent contractors; and

BE IT FURTHER RESOLVED that every state should encourage the coordination between agencies responsible for investigating worker misclassification; and

BE IT FURTHER RESOLVED that the NBCSL encourages Congress to further examine the misclassification of workers and provide the necessary legislation to close the loop holes that allow employers to exploit this misclassification;

BE IT FURTHER RESOLVED that the NBCSL encourages Congress to provide the necessary funding to combat such fraud; and

BE IT FINALLY RESOLVED that state revenue departments should participate in the Internal Revenue Services Questionable Employee Tax Practices initiative, a collaborative, nationwide program seeking to identify employment tax schemes and illegal practices and increase voluntary compliance with state and federal employment tax rules and regulations.

**Sponsor(s):** Senator Peter Groff (CO), Rep. Barbara Ballard (KS), Rep. Jewell Williams (PA), Rep. Ullyses Jones (TN), Sen. Hillman Frazier (MS), Rep. Barbara Boyd (AL)

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

**Certified by Committee Chair:** Senator Peter Groff (CO)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

# 2009 RATIFIED RESOLUTIONS

## TELECOMMUNICATIONS, SCIENCES & TECHNOLOGY

- ★ **Resolution TST-09-03** Resolution on Opposition to “State Video Tax Fairness Act  
Of 2007” ..... 44
- ★ **Resolution TST-09-07** Promoting Expansion Methods of Communication Technologies  
That Address the Unique Needs of Underserved Communities ..... 46

*PASSED DECEMBER 12, 2008*

NBCSL 32<sup>nd</sup> Annual Legislative Conference  
Washington, DC  
December 10 - 14, 2008

TELECOMMUNICATIONS, SCIENCES & TECHNOLOGY  
**Resolution TST-09-03**

**RESOLUTION ON OPPOSITION TO “STATE VIDEO TAX FAIRNESS  
ACT OF 2007”**

WHEREAS, Section 602 of the Telecommunications Act of 1996 prohibits political subdivisions of state governments from imposing and collecting taxes and fees on Direct Broadcasting Satellite services (DBS); and

WHEREAS, Section 602 also preserves the authority of the states to impose and collect such taxes and fees on DBS and to remit some or all the proceeds of such taxes and fees to its political subdivisions; and

WHEREAS, the Congress prohibited such taxation by the states’ political subdivisions not to provide the DBS industry with a tax advantage over other providers of video services but to spare the DBS industry, at that time a fledgling industry, from the administrative burden of collecting and remitting taxes to over 7,500 taxing jurisdictions; and

WHEREAS, some states have recognized that DBS’ exemption from the administrative burden of local taxation has created a competitive advantage for DBS over other multichannel video service providers and have achieved tax parity by enacting statutes that impose a state tax rate on DBS that appropriately takes into account all the state and local taxes and fees paid such other providers; and

WHEREAS, some states have remitted some or all of the proceeds from such taxes to local jurisdictions as permitted by Section 602; and

WHEREAS, the State Video Tax Fairness Act of 2007 (H.R. 3679) would label such tax arrangements as discriminatory taxation; and

WHEREAS, the State Video Tax Fairness Act would interfere with state tax authority over multichannel video programming services, including Direct Broadcasting Satellite services and reverse state action upheld by state and federal courts to ensure the parity in the tax treatment of multichannel video service providers; and

WHEREAS, the State Video Tax Fairness Act would freeze into place the preferential treatment that DBS providers currently have over other multichannel video providers and prevent states from fairly equalizing the total tax burden imposed on these services; and

NOW, THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislatures opposes the State Video Tax Fairness Act of 2007 (H.R. 3679) and;

BE IT FURTHER RESOLVED, that the NBCSL calls upon the Congress to resist this unjustified interference into state efforts to create a tax neutral choice for consumers; and

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TELECOMMUNICATIONS, SCIENCES & TECHNOLOGY  
**Resolution TST-09-03**

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BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all members of the 111th Congress and the President of the United States.

**Sponsor:** Representative Tyrone Ellis (MS)

**Committee of Jurisdiction:** Committee on Telecommunications, Sciences and Technology

**Certified by Committee Chair:** Senator Arthenia Joyner (FL)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President

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## TELECOMMUNICATIONS, SCIENCES & TECHNOLOGY

### **Resolution TST-09-07**

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#### **PROMOTING EXPANSION METHODS OF COMMUNICATION TECHNOLOGIES THAT ADDRESS THE UNIQUE NEEDS OF UNDERSERVED COMMUNITIES**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes our nation's leadership depends upon our full development and integration of broadband Internet and related digital technologies into our economy, our communities and our lives; and

WHEREAS, NBCSL recognizes advanced communication services and information technology can help encourage economic empowerment in African American communities; and

WHEREAS, NBCSL seeks to ensure that every segment of our economy is prepared to meet the technological challenges, regardless of geography, socio-economic status, and physical or mental ability; and

WHEREAS, NBCSL believes no segment of our society should suffer a disparate impact from lack of access to, or productive use of, technological innovation; and

WHEREAS, NBCSL supports local, State, and Federal Government developing and implementing public-private broadband deployment partnerships which ensure urban and rural consumers have access to affordable broadband technologies, this includes the developing and deploying of broadband networks by local and State governments themselves; and

NOW, THEREFORE BE IT RESOLVED, that the NBCSL applauds and supports the efforts of its peer stakeholder organizations for their efforts to recognize the importance of ensuring adoption and usage of broadband Internet and information technology products and services, particularly by African Americans and the economically disadvantaged; and

BE IT FURTHER RESOLVED, that the NBCSL fully supports government policies and regulations that protect the public interest in the deployment of communication technology by insuring 1) the public right-of-way remain a taxable interest so its infrastructure may remain whole; 2) an end to the practice of "economic red-lining;" 3) the integrity of the Universal Service Fund; and

BE IT FURTHER RESOLVED, that the NBCSL educate its members and avail themselves of opportunities to educate others on the importance of adoption and usage of broadband technologies in African American communities as well as the economically disadvantaged; and

BE IT FURTHER RESOLVED, that the NBCSL supports government-aided economic development in underserved communities coupled with public private partnerships to encourage usage of culturally

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## TELECOMMUNICATIONS, SCIENCES & TECHNOLOGY

### Resolution TST-09-07

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relevant content as well as ensure that training and service delivery be provided in a manner that empowers African American communities in the digital economy; and

BE IT FURTHER RESOLVED, that the NBCSL supports efforts on behalf of government, business and the nonprofit sector to expand technology adoption and education through the development of meaningful and accessible content and content delivery to African Americans; and

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

**Sponsor:** Representative Joseph Gibbons (FL)

**Committee of Jurisdiction:** Committee on Telecommunications, Sciences and Technology

**Certified by Committee Chair:** Senator Arthenia Joyner (FL)

**Ratified in Plenary Session; Ratification Date:** December 12, 2008

**Ratification Certified by:** Representative Calvin Smyre (GA), President