

NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

# SEEING BEYOND

**STRONGER ECONOMIES,  
STRONGER STATES**



**2008 RATIFIED RESOLUTIONS**

Ratified December 14, 2007



## NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2008 Ratified Resolutions ■ December 14, 2007

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December 20, 2007

Dear NBCSL Members and Supporters:

The National Black Caucus of State Legislators (NBCSL) assembled for our 31st Annual Legislative Conference in Little Rock, AR. For 31 years NBCSL has worked to improve the quality of life for all Americans.

This year as always, NBCSL membership carefully and decisively deliberated on policy issues affecting Americans. Our policy committees and taskforce convened to develop practical resolutions that are adaptable in state legislatures throughout the country.

I hope that we will collectively work towards ensuring our good work continues and our efforts are maximized to their fullest in 2008 by making our resolutions part of your respective legislative agendas. May God bless you as we work together with renewed vigor in the coming year.

Sincerely,

Representative Calvin Smyre (GA)  
President



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NBCSL 31<sup>st</sup> Annual Legislative Conference  
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## AGRICULTURE

# Resolution AGR-08-01

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### SUPPORTING RURAL AMERICA

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes that agriculture is a critical part of our economy's long-term success; and

WHEREAS, bio-fuel is becoming increasingly important to not only our nations farms, but to America at large; and

WHEREAS, minority farmers receive a miniscule portion of the billions of dollars in the Farm Bill and in federal aid, largely because corporate farms dominate the rural landscape; and

WHEREAS, Congress is working to pass a comprehensive Farm Bill that will address the diverse problems associated with agriculture in the United States; and

WHEREAS, a provision that would allow tens of thousands of African American farmers to make discrimination claims against the United States Department of Agriculture will be included in the Senate's initial farm bill proceeding through Congress in 2007; and

WHEREAS, the initial Senate version of the Farm Bill, before proceeding to floor debate, failed to include meaningful reform of farm subsidies; and

WHEREAS, rather than reducing subsidies, the bill increases support levels for some crops; and

WHEREAS, the Senate Committee on Agriculture failed to require any reduction in direct payments that flow to farmers based on past production regardless of current need; and

WHEREAS, despite record high farm incomes, these payments will cost taxpayers \$26 billion over the next five years unless policies shifting funding from direct payments to conservation and other priorities are included in the final 2007 Farm Bill; and

WHEREAS, the Senate version of the Farm Bill also failed to include a meaningful income limit on who can receive subsidies or a real limit on the maximum subsidies per person per year when it was released out of committee; and

WHEREAS, the Senate Committee on Agriculture's bill ensures that the largest growers of a handful of commodity crops will continue to collect large payments in a time of high prices and record farm income; and

WHEREAS, half of all Farm Bill spending will continue to flow to just seven States.

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## AGRICULTURE

# Resolution AGR-08-01

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THEREFORE, BE IT RESOLVED, that on behalf of its members, NBCSL calls on Congress to support minority farmers in America by providing them with the resources they need to compete with corporate farms by extending rural development aid programs for the full ten-year span of the bill; and

BE IT FURTHER RESOLVED, NBCSL believes that rural communities must be insured so that some of the increase in revenue from fuel production returns home; and

BE IT FURTHER RESOLVED, that the \$100 million provided to African American farmers in damages for discrimination be increased to at least \$370 million (\$5,000 per farmer for the estimated 74,000 African American farmers who were discriminated against) to accommodate the tens of thousands of farmers impacted by said discrimination; and

BE IT FURTHER RESOLVED, that the current 10 percent of farmers receiving over 60 percent of subsidy payments should be reduced and payment-limit loopholes closed, making way for the creation of a hard cap per year on commodity payments; 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:** The Rules Committee

**Committee of Jurisdiction:** Committee on Agriculture

**Certified by Committee Chair:** Representative Helen Miller (IA)

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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## BUSINESS, FINANCE & INSURANCE

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## BUSINESS, FINANCE & INSURANCE

# Resolution BFI-08-12

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### IMPROVING ENTREPRENEURIAL OPPORTUNITIES FOR MINORITIES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes increased minority participation in business is essential to the success of our nation; and

WHEREAS, according to the National Urban League's equity index, the economic status of African Americans is just 56 percent compared with their Caucasian American counterparts; and

WHEREAS, African Americans have a median net worth of \$5,998, compared to \$88,651 for Caucasian Americans, and 32 percent of African Americans have zero or negative net worth; and

WHEREAS, although African Americans are more than 13 percent of the nation's population, their total net worth is only 1.2 percent of the total net worth of the nation; and

WHEREAS, NBCSL 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 ensured; and

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

WHEREAS, every individual in America who possesses entrepreneurial vision, ingenuity, drive, and desire should have access to the resources needed to establish and grow a viable enterprise; and

WHEREAS, capacity building is an important part of sustaining a profitable business enterprise of any scale; and

WHEREAS, minority, small, and woman business enterprises have traditionally received less than a proportionate share of regulated public utility procurement contracts; and

WHEREAS, it is in the interest of America to expeditiously improve the economically disadvantaged position of minority, small, and women business enterprises; and

WHEREAS, as delineated in "The Covenant" and The National Urban League's Opportunity Compact that all Americans have the opportunity to prosper and African Americans must take ownership of our economic destiny; and

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## BUSINESS, FINANCE & INSURANCE

# Resolution BFI-08-12

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WHEREAS, for the past six years the Federal Government has consistently failed to meet its small business contracting goals; and, according to the Small Business Administration (SBA), in 2006 the Federal Government failed to meet any of its small business contracting goals, and its goals for women and minorities fell below the 5 percent objective.

THEREFORE, BE IT RESOLVED, that NBCSL believes that the position of small and minority 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 for women, minority, and small businesses; and

BE IT FURTHER RESOLVED, that NBCSL supports Congressional efforts within the Senate Committee on Small Business to draft legislation that will deal with barriers that make it difficult for small businesses competing for federal contracts, especially legislation that deals with the issues of contract “bundling” and other egregious practices that bar small and minority firms from doing business in the government procurement sector; and

BE IT FINALLY RESOLVED, that procurement also benefits the regulated public utilities and American consumers by encouraging the expansion of the number of suppliers for procurement, thereby encouraging competition among the suppliers and promoting economic efficiency in the process.

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

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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## EDUCATION

# Resolution EDU-08-02

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### MAKING A COMMITMENT TO OUR PUBLIC SCHOOLS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes that all students deserve a broad, rich, rigorous curriculum that prepares them for effective and active citizenship, postsecondary education, and success in the global economy; and

WHEREAS, public schools serve as the gateway for the future of minority students and should be provided with the tools and resources necessary to support and encourage engaged students, involved parents and communities, and good teaching practices; and

WHEREAS, the No Child Left Behind Act (NCLB) promised that schools labeled “in need of improvement” would receive school improvement funds to help address their supposed shortcomings and authorized \$500 million per year for this purpose; yet, for the first five years of NCLB, the total amount provided in school improvement funds was zero; and

WHEREAS, an educational accountability system that relies overwhelmingly on two statewide standardized assessments is wholly inadequate and ignores the fact that students are more than test scores, and students deserve more than a focus on test preparation during their educational careers; and

WHEREAS, educational achievement and skill gaps threaten the future of minority students across this country and not enough is being done to address this dilemma in NCLB; and

WHEREAS, the opportunity gaps constitute more than disparities in per pupil spending across States, within States, and within districts, as these gaps encompass disparities in the basics of a student’s life — disparities in the learning environments to which students are subject, disparities in the age of their textbooks and materials, disparities in course offerings, disparities in access to afterschool help and enrichment, and disparities in access to qualified, caring educators; and

WHEREAS, among those 25 years and older only 72 percent of African Americans have a high school education compared to 85 percent of Caucasian Americans; and only 14 percent of African Americans have a bachelor’s degree compared to 27 percent of Caucasian Americans; and

WHEREAS, funding for supplemental educational services and school choice transportation should come from the Federal Government, and not from diverting up to 20 percent of school districts’ scarce Title I funds for such purposes; and

WHEREAS, NCLB is an unfunded mandate causing States and school districts to spend more money to implement NCLB than what Congress appropriates and coerces participation by placing punitive financial consequences on States refusing to participate; and

WHEREAS, the reauthorization of NCLB offers an opportunity for a renewed, broad, and bold national discussion about how to improve and support public education — a comprehensive examination of

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## EDUCATION

# Resolution EDU-08-02

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whether federal policies follow what the research says about how children learn and what makes a successful school.

THEREFORE, BE IT RESOLVED, that members of NBCSL support and work with allies to urge Congress to improve the framework of the current version of the No Child Left Behind Act, so that it closes not only achievement gaps, but opportunity gaps that threaten to rob minority students of the rich, broad, challenging public education they rightly deserve; and

BE IT FURTHER RESOLVED, that NBCSL supports flexibility in No Child Left Behind to give States and school districts the flexibility they need to address the issues that are most important to the individual community; and

BE IT FURTHER RESOLVED, that NBCSL urges Congress to overhaul the No Child Left Behind Act in order to address the problems identified above, so that States are allowed to continue to work toward their goal of closing the achievement gap without overly prescriptive federal rules, unfunded mandates, and the coercion of losing federal funds; and

BE IT FURTHER RESOLVED, that NBCSL calls upon Congress to specifically direct standard funding, aside from other educational initiatives, to address the crisis of late term illiteracy by funding reading and literacy based intervention programs for youth in grade levels K-3; 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 Gregory Porter (IN)

**Committee of Jurisdiction:** Committee on Education

**Certified by Committee Chair:** Representative Gregory Porter (IN)

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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## EDUCATION

# Resolution EDU-08-03

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### **SUPPORTING AMERICA'S TEACHERS**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that teacher quality is one of the most important school factors that determines student learning and achievement; and

WHEREAS, students who attend minority schools in impoverished communities are more likely to be taught by underprepared and unqualified teachers; and

WHEREAS, there is a need for a federal initiative to provide culturally and linguistically relevant curriculum to teachers in an effort to support preparedness with the necessary skills to teach a diverse student population that is required by No Child Left Behind; and

WHEREAS, the National Board for Professional Teaching Standards has created and maintained rigorous standards and established a voluntary national certification system to identify, recognize, and retain highly accomplished teachers and is the highest credential in the teaching profession; and teachers who earn this advanced teaching credential are among the best qualified in the nation to improve instruction, raise student achievement, and improve teaching practices in their classrooms, schools, and districts; and

WHEREAS, the National Board process requires candidates to pass subject matter assessments and submit a portfolio that includes videotapes of classroom instruction and assessments of student work; and

WHEREAS, research shows that National Board Certified Teachers (NBCT) consistently outperform their peers in knowledge of subject matter and ability to create challenging and engaging lessons; and

WHEREAS, the vast majority of the more than 150 reports, papers, and studies on National Board Certification have found that NBCT make a significant and measurable impact on student learning; and

WHEREAS, currently there are 55,328 National Board Certified Teachers in the United States, 5,534 of whom are teachers of color; and

WHEREAS, the National Education Association has launched a comprehensive program to increase the number of teachers of color who complete and achieve National Board Certification through research-based support programs; and

WHEREAS, the National Education Association is collaborating with federal, state, and local elected officials and policymakers to increase the number of accomplished teachers, including National Board Certified Teachers who teach in high need schools.

THEREFORE, BE IT RESOLVED, that NBCSL recognizes the National Board Certification process as a method for identifying accomplished teachers; and

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## EDUCATION

# Resolution EDU-08-03

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BE IT FURTHER RESOLVED, that NBCSL acknowledges the critical need to increase the number of teachers of color who pursue, complete, and achieve the National Board Certification process; and

BE IT FURTHER RESOLVED, that NBCSL seeks to increase the number of National Board Certified Teachers of color who teach in high need schools by implementing special “Teacher of Color” outreach programs in our respective States to attract skilled professionals in their areas that could give back to their communities by becoming teachers; and these outreach programs can be funded by various State means and can focus on recruitment of those with an existing knowledge base but little facility to enter the teaching field; and

BE IT FINALLY RESOLVED, that NBCSL supports efforts to increase the number of candidates of color who pursue, complete, and achieve National Board Certification and will work with other organizations to advance legislation, policies, and programs that increase the number of qualified minority teachers in our communities.

**Sponsor:** Representative Gregory Porter (IN)

**Committee of Jurisdiction:** Committee on Education

**Certified by Committee Chair:** Representative Gregory Porter (IN)

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

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## ENERGY, TRANSPORTATION & ENVIRONMENT

# Resolution ETE-08-04

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### **SUPPORTING EFFORTS TO MITIGATE THE ECONOMIC IMPACT OF CLIMATE CHANGE ON FINANCIALLY STRESSED COMMUNITIES**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) strongly believes the nation's energy problems are not only affecting the environment, but are directly and drastically affecting the economic well-being of our families and our communities; and

WHEREAS, NBCSL is concerned that electric power affordability is a rapidly escalating threat to American households, requiring immediate action; and

WHEREAS, NBCSL strongly believes the electric power affordability threat to be a result of not only rising demand for electricity and those associated costs, but a result of attempts at addressing climate change; and

WHEREAS, NBCSL believes that electric power affordability will not only have a negative impact on the economically disadvantaged sectors, but, in fact, will result in dire consequences for the nation's financial stability as a whole; and

WHEREAS, NBCSL urges public policymakers, regulators, and industry to search out and promote safe and clean energy resources designed to combat climate change, while keeping affordability on the agenda of any and all actions; and

WHEREAS, NBCSL seeks to ensure lawmakers fully understand the energy policies created and the impact to consumers; and

WHEREAS, NBCSL seeks to inform lawmakers of existing state programs and ensure consumers are not unduly burdened; and

WHEREAS, NBCSL urges the Federal Government to develop, implement, and maintain an expansive, integrated, environmentally-sensitive, and cost-effective national energy policy; and

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

WHEREAS, given the energy concerns for the nation and those shared by many individual States, NBCSL believes state lawmakers should work together to solve their individual and collective energy issues; and

WHEREAS, any climate change legislation should be considered with concern toward the cost impact on electric ratepayers; and

WHEREAS, NBCSL urges the support of programs that promote conservation measures and efficiency and assist economically disadvantaged consumers, particularly those that include elderly residents, the

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## ENERGY, TRANSPORTATION & ENVIRONMENT

# Resolution ETE-08-04

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disabled, children, and those who are most vulnerable to rising energy costs and must often choose between paying their energy bills and buying food or medicine; and

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

THEREFORE, BE IT RESOLVED, that the members of NBCSL urge State Legislators and Congress to ensure that any adverse financial effects due to national climate change legislation are considered, as they may apply to financially stressed classes of consumers; and

BE IT FURTHER RESOLVED, that the members of NBCSL urge State Legislators and Congress that, when drafting legislation that develops and deploys renewable energy technology, energy efficiency, and demand-side management best practices, the diverse economic impact upon financially stressed classes of consumers be considered; and, upon such consideration, appropriate aid be made available to help alleviate said impact on the most desperate of our communities; and

BE IT FURTHER RESOLVED, that the members of NBCSL urge State and Federal Government to support expanding and improving programs to assist and aide low-income consumers with regard to vital energy and electric services, i.e. LIHEAP and other similar programs; 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:** Senator Anthony C. "Tony" Hill, Sr.

**Committee of Jurisdiction:** Committee on Energy, Transportation, & Environment

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

**Ratified in Plenary Session;** Ratification Date: December 14, 2007

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

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## ENERGY, TRANSPORTATION & ENVIRONMENT

# Resolution ETE-08-05

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### URGING ENVIRONMENTAL JUSTICE IN OUR COMMUNITIES

WHEREAS, environmental justice issues in our communities are the convergence of impacts surrounding ecological devastation and civil rights abuses; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes that low-income communities are disproportionately targeted with some of the most environmentally unfriendly business enterprises; and

WHEREAS, industry is an important asset to economically developing our communities; and

WHEREAS, the economic development promoted by industry often comes with an ecological cost that can cause countless health problems and millions of dollars in revenue; and

WHEREAS, States such as Maryland, which assembled a Commission on Environmental Justice and Sustainable Communities in 2001; Georgia, which has an anti-concentration law for solid waste facilities; Pennsylvania, which has an Office of Environmental Advocate; and Texas, which has an Environmental Equity Program have taken steps to address environmental justice at an official level; and

WHEREAS, according to a recent Government Accountability Office study of measurable benchmarks for environmental justice issues, the Environmental Protection Agency (EPA) rulemaking process has been void of proper guidance for rulemaking workgroups, and, therefore, lacks proper perspective on how to discover and assess possible environmental justice issues; and

WHEREAS, there have been several Congressional efforts (e.g. the Environmental Justice Act of 2007 – S.642 and H.R.1103) to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the EPA to fully implement the recommendations on the Inspector General of the Agency and the Comptroller General of the United States.

THEREFORE, BE IT RESOLVED, that on behalf of its members, NBCSL calls on Congress to make environmental justice issues paramount in the EPA rulemaking process by codifying Executive Order 12898; and

BE IT FURTHER RESOLVED, that NBCSL believes developing training programs for EPA staff and rulemaking workgroup leaders is essential to identifying environmental justice issues and addressing them in newly proposed rules; and

BE IT FURTHER RESOLVED, that NBCSL members shall review the environmental justice policies of their States in an effort to improve them through the possible establishment of an Environmental Justice Advocate's Office that can review the environmental justice issues involved in constructing all new industry complexes where industrial processes occur; and

BE IT FINALLY RESOLVED, that copies of this Resolution be dispatched to the President of the United

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## ENERGY, TRANSPORTATION & ENVIRONMENT

# Resolution ETE-08-05

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States, the Vice President of the United States, Members of Congress, House and Senate Leadership, and other elected officials as appropriate.

**Sponsor:** The Rules Committee

**Committee of Jurisdiction:** Committee on Energy, Transportation, & Environment

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

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## HEALTH & HUMAN SERVICES

# Resolution HHS-08-03

### POWER TO END STROKE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that stroke is the third leading cause of death in the United States; each year over 160,000 Americans die from strokes; African Americans are two times more likely to suffer a first-ever stroke than Caucasian Americans; and age-adjusted death rates for stroke are also higher among African Americans; and

WHEREAS, stroke is also a leading cause of serious long-term disability, and more than 1.1 million American adults yearly experience functional limitations and difficulty with activities of daily living as a result of a stroke; and

WHEREAS, despite the fact that Americans are now more aware of stroke's risk factors and warning signs than in the past, less than one in five adults can correctly classify all stroke symptoms and warnings including:

- Sudden numbness or weakness of the face, arm, or leg, especially on one side of the body;
- Confusion, trouble speaking, or understanding;
- Trouble seeing in one or both eyes;
- Trouble walking, dizziness, loss of balance, or coordination;
- Severe headache with no known cause; and

WHEREAS, there is a need for a coordinated system of care for stroke that addresses stroke care along a continuum of care from primary prevention through rehabilitation to greatly reduce the fragmentation of care and the burden of stroke; and

WHEREAS, essential components of an effective coordinated system of care for stroke include patient access to the full range of services associated with stroke prevention, treatment, and rehabilitation, including:

- Primordial and primary prevention;
- Timely notification of and response by emergency medical service providers;
- Acute treatment;
- Sub-acute care and secondary prevention;
- Rehabilitation;
- Continual quality improvement initiatives; and

WHEREAS, timely recognition of the symptoms of stroke by stroke victims, family members, the public, and emergency medical service providers including, but not limited to, emergency medical responders, transport providers, and hospital emergency room and health clinic personnel, is crucial because the effects of stroke can be totally reversed if recognized, diagnosed, and treated within three hours; and

## HEALTH & HUMAN SERVICES

# Resolution HHS-08-03

WHEREAS, these groups can screen for stroke by remembering the first three letters of the word “STR,” and asking the individual to:

- Smile;
- Talk and speak a simple sentence coherently;
- Raise both arms; and

WHEREAS, another sign of stroke is noting whether an individual’s tongue is crooked or goes to one side; and

WHEREAS, a concerted focus on the dissemination of this type of information is one way to raise awareness about the power of communities, especially communities of color, to prevent stroke.

THEREFORE, BE IT RESOLVED, that NBCSL encourages its members and other legislators across the country to:

- Partner with the American Heart Association / American Stroke Association to promote the Power to End Stroke program as a precursor to a nationwide movement to address stroke as a serious health disparity in African Americans;
- Raise awareness that uncontrolled high blood pressure and diabetes in African Americans raises the risk for stroke;
- Promote adherence to primary and secondary stroke prevention guidelines by healthcare professionals; and

BE IT FINALLY RESOLVED, that NBCSL members, in collaboration with the American Heart Association / American Stroke Association, will seek to introduce and enact policy that will create and/or expand statewide coordinated systems of care for stroke, with special focus and attention on timely access to care, diagnosis, and the most advanced treatment for those most disproportionately affected by stroke.

**Sponsor:** Senator Constance N. Johnson (OK)

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

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

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

## HEALTH & HUMAN SERVICES

# Resolution HHS-08-07

### IN SUPPORT OF CHILDREN'S HEALTHCARE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes the value that healthcare plays in the lives of our children; and

WHEREAS, over 46 million people are without healthcare in America; and

WHEREAS, the number of uninsured has increased in recent years, along with an increase in the cost of healthcare; and

WHEREAS, preventative care can reduce the costs of healthcare in the long-term; and

WHEREAS, the disparity in children's healthcare funding has created surplus States and deficit States that may be pitted against one another in efforts to continue the program at a certain baseline.

THEREFORE, BE IT RESOLVED, that on behalf of its members, NBCSL calls on Congress to address the rising number of uninsured by providing assistance to children in America without necessarily taking funds from surplus States and allocating those funds to deficit States; and

BE IT FURTHER RESOLVED, that NBCSL supports Congressional efforts to expand the State Children's Health Insurance Program (SCHIP) authorization level, an effort that was vetoed by the President; and

BE IT FURTHER RESOLVED, that NBCSL members work within their own States to bolster child healthcare services for the same population as the SCHIP bill covered in the first vetoed version of the bill; 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:** The Rules Committee

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

## HEALTH & HUMAN SERVICES

# Resolution HHS-08-08

### CERVICAL CANCER PREVENTION

WHEREAS, the American Cancer Society estimates that 9,710 women were diagnosed with cervical cancer and 3,700 died from the disease in 2006; and

WHEREAS, national estimates of infection indicate that African Americans and Hispanic Americans are disproportionately impacted by the disease; and

WHEREAS, an estimated \$2 billion per year is spent in the United States on the treatment of cervical cancer; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), approximately 20 million American women are currently infected with the human papilloma virus (HPV) and 6.2 million become newly infected each year; and

WHEREAS, persistent infection with certain types of human papilloma virus (HPV) is the main risk factor for cervical cancer; and

WHEREAS, the Food and Drug Administration (FDA) has approved a vaccine that is 100 percent effective in preventing high-risk HPV types 16 and 18, which cause 70 percent of cervical cancers, and is expected to approve, in 2008, a second vaccine that has been shown to potentially provide protection against high-risk HPV types 45 and 31, in addition to types 16 and 18; and

WHEREAS, the Advisory Committee on Immunization Practices (ACIP) has recommended use of the FDA-approved HPV vaccine in adolescent girls and women aged 9-26; and

WHEREAS, CDC's National Immunization Survey found that immunization coverage levels among adolescents in 2006 did not meet the Healthy People 2010 objective of 90 percent coverage for 13-15 year olds for any of the vaccines measured; and

WHEREAS, the ACIP, American Academy of Pediatrics (AAP), American Academy of Family Practitioners, and the American Medical Association recommend a routine healthcare visit for adolescents ages 11-12 to receive recommended immunizations and other evidence-based preventative healthcare services; and

WHEREAS, the United States Department of Health and Human Services' Health Resources and Services Administration has developed, in conjunction with AAP, the Bright Futures Initiative, which provides a set of guidelines including recommendations on immunizations and routine health screenings for adolescents; and

WHEREAS, the National Association of County and City Health Officials (NACCHO) supports the development of an adolescent healthcare platform which would address unmet prevention needs among adoles-

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## HEALTH & HUMAN SERVICES

# Resolution HHS-08-08

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cents, including healthcare screenings and testing, age-appropriate immunizations, injury prevention, obesity prevention, and mental health screenings; and

WHEREAS, adolescents may not have access to primary healthcare, and NACCHO encourages the adolescent healthcare platform to occur in multiple settings, including traditional and non-traditional.

THEREFORE, BE IT FINALLY RESOLVED, that the National Black Caucus of State Legislators (NBCSL) will seek to eliminate cervical cancer by introducing legislation to ensure that state departments of health have the resources required to increase awareness of and access to FDA-approved HPV / Cervical Cancer vaccines by minority and lowincome women ages 9-26, including Medicaid coverage of FDA-approved cervical cancer vaccines, and to ensure that adolescents receive recommended preventative healthcare services, including immunizations, through an adolescent healthcare platform.

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

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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## HEALTH & HUMAN SERVICES

# Resolution HHS-08-08A

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### TRANSPARENCY FOR PATIENTS IN PRESCRIPTION DRUG CARE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) encourages the free flow of information between physicians and patients about whether switching medication will provide the same or superior result between name brand, if available, and generic; and

WHEREAS, FDA-approved generics can be safe and effective and often represent an opportunity for much needed healthcare cost savings, especially to low-income patients with minimal to no insurance; and

WHEREAS, generic brand medicines do not always meet the need for the individual patient, and patient cases must be handled on a case-by-case basis; and

WHEREAS, patients should receive the best healthcare regardless of race or income level and should be prescribed medication that will provide the optimal result for the patient; and

WHEREAS, the patient–health practitioner relationship relies on confidential, honest, and transparent exchange of information; and

WHEREAS, physicians or health practitioners receiving financial incentives to prescribe certain medications strain that relationship when patients are not informed of practitioners' financial incentives; and

WHEREAS, the longevity, quality-of-life, and continued health of all people in this society depend on quality healthcare and on prescription medicines; and

WHEREAS, the death rate due to cardiovascular disease among African Americans is highest among all racial and ethnic groups in the United States, and 40 percent of African American adult men and women have some form of heart disease; and

WHEREAS, the cost of healthcare and prescription medicines may cause access issues for individuals of limited means; and

WHEREAS, it is in the public's interest for States to exercise their powers to provide their citizens with means and methods of improving access to healthcare and prescription medicines; and

WHEREAS, hundreds of patient assistance programs are currently offered by drug manufacturers and other private and public programs to provide help to low-income patients who lack prescription drug coverage.

THEREFORE, BE IT RESOLVED, that NBCSL encourages its membership to take steps to ensure transparency when physicians or other health practitioners receive financial compensation for clinical decisions; and

BE IT FURTHER RESOLVED, that NBCSL supports the complete disclosure of information on all drugs that

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## HEALTH & HUMAN SERVICES

# Resolution HHS-08-08A

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are available and the benefits of each so both the physician and the patient can make the decision together; and

BE IT FURTHER RESOLVED, that NBCSL members examine the status of access to quality healthcare, including prescription medicines, by African Americans in their respective States; and

BE IT FURTHER RESOLVED, that NBCSL strongly supports State efforts to improve and publicize information on both public and private healthcare and prescription drug programs that can help improve access for patients in need; and

BE IT FURTHER RESOLVED, that these State efforts should include foreign language education and outreach programs, if necessary, to facilitate enrollment in these programs; and

BE IT FINALLY RESOLVED, that because the ability of African Americans to access healthcare, including prescription medicines, varies from State to State, individual States should craft responses that best address the needs of their respective communities.

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

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

## HEALTH & HUMAN SERVICES

# Resolution HHS-08-20

### HIGH TRIGLYCERIDES: THE FORGOTTEN FAT

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that today more than 30 percent of Americans are affected by elevated triglycerides, and roughly 5 percent of Americans are affected by mixed dyslipidemia that can lead to the number one killer, heart disease; and

WHEREAS, women tend to have higher triglyceride levels than men and are traditionally undertreated for elevated triglycerides and increased risk for heart disease; and

WHEREAS, over 40 percent of African Americans have rates of blood cholesterol above recommended guidelines; and

WHEREAS, high triglycerides, the “Forgotten Fat,” is a key predictor or indicator of dyslipidemia, heart disease, metabolic syndrome, hypothyroidism, and pancreatitis and may lead to heart disease and events such as heart attacks, liver damage, diabetes, and high blood pressure; and

WHEREAS, high triglycerides and high blood cholesterol are risk factors for heart disease and stroke, conditions which cost the United States an estimated \$403 billion in 2006; and

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

WHEREAS, the Centers for Medicare and Medicaid Services (CMS) includes screening for triglycerides to prevent cardiovascular disease in the Medicare Prevention Benefits offered free to beneficiaries without symptoms every five years; and

WHEREAS, both the National Lipid Association and the National Medical Association (NMA) encourages consumer education and awareness aimed at all individuals, in particular those at the greatest risk for developing cardiovascular disease and elevated triglycerides; and

WHEREAS, cost-effective screening and testing are beneficial tools for physicians to identify individuals with elevated triglycerides so physicians can prescribe lifestyle changes and other needed therapies to increase longevity and quality-of-life, to decrease mortality and morbidity, to reduce the financial burden to the nation’s healthcare system, and to improve cardiovascular screening and treatment of disparities; and

WHEREAS, public policy initiatives targeted at early identification and diagnosis of individuals with high triglycerides and those at risk for cardiovascular disease will improve the quality-of-life for all Americans, while significantly reducing the cost of health care.

THEREFORE, BE IT FINALLY RESOLVED, that NBCSL adopts the “Triglycerides: The Forgotten Fat Identification Initiative” and would thereby encourage each NBCSL member to enact public policy in their State

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## HEALTH & HUMAN SERVICES

# Resolution HHS-08-20

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that seeks to lower the risk of cardiovascular disease, the nation's number one killer of both women and men, and to include in such policies a focus on the early identification of elevated triglycerides; to ensure access to medical treatment and therapy aimed at reducing elevated triglycerides; and to support a state-wide education initiative on therapeutic lifestyle changes surrounding the reduction of elevated triglycerides.

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

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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## HEALTH & HUMAN SERVICES

# Resolution HHS-08-21

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### **REDUCING HYPERTENSION IN THE UNITED STATES OF AMERICA**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that more than 70 million Americans suffer from hypertension; and

WHEREAS, the American Heart Association estimates that hypertension will cost the United States economy \$66.4 billion in 2007; and

WHEREAS, high blood pressure is the most common diagnosis in the United States and affects nearly one in three adults; and

WHEREAS, high blood pressure is the most consistent and powerful predictor of stroke and is causally involved in nearly 70 percent of all strokes; and

WHEREAS, according to the American Heart Association, the overall estimated prevalence of high blood pressure was 72 million, with women having higher rates of prevalence than men; and

WHEREAS, the prevalence of high blood pressure is increasing in children; and

WHEREAS, the leading causes of death for Hispanic Americans are diseases of heart and stroke; for Hispanic American men, 27.9 percent of deaths are attributed to diseases of heart and stroke; and for Hispanic American women, 34.9 percent deaths are attributed to diseases of heart and stroke; and

WHEREAS, among Hispanic Americans ages 20-74, the prevalence of high blood pressure is 24.2 percent for men and 22.4 percent for women; and

WHEREAS, the prevalence of hypertension in African Americans is over 41 percent, which is among the highest rates in the world and continues to increase; and

WHEREAS, compared to Caucasian Americans, African Americans develop high blood pressure earlier in life and their average blood pressure levels are much higher; and

WHEREAS, as a result of the increased prevalence of high blood pressure in African Americans, compared to Caucasian Americans they have a 1.3 greater rate of nonfatal stroke, a 1.8 times greater rate of fatal stroke, a 1.5 times greater rate of heart disease death, and a 4.2 times greater rate of end stage kidney disease; and

WHEREAS, significant barriers to accessing quality hypertension care exist in America that adversely affect the health of patients, limit their ability to effectively control their high blood pressure, and adversely affect their quality-of-life; and

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## HEALTH & HUMAN SERVICES

# Resolution HHS-08-21

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WHEREAS, people with hypertension can significantly lower their risk for complications if they are educated about hypertension, receive the right medical treatment needed to control their blood pressure, learn and practice the skills needed to control blood pressure levels, and receive regular checkups from a healthcare professional.

THEREFORE, BE IT FINALLY RESOLVED, that NBCSL membership is interested in addressing hypertension among Americans by working together to improve clinical outcomes of hypertension care, increase access to quality hypertension care, and enhance the health of Americans who have hypertension or are at risk of developing hypertension.

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

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

## HEALTH & HUMAN SERVICES

# Resolution HHS-08-23

### TO ADOPT ADDITIONAL FUNDS FOR EDUCATION, AWARENESS OUTREACH, AND EARLY DETECTION FOR PROSTATE CANCER

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that the occurrence of prostate cancer in African American men has reached epidemic proportions and recognizes the need for State Governments to address that health crisis by designating additional funds for prostate cancer education, awareness outreach, and early detection; and

WHEREAS, the incidence of prostate cancer in African American men is 60 percent higher than it is in any other racial or ethnic group in the United States; and

WHEREAS, African American men have the highest mortality rate of any ethnic and racial group in the United States, dying at a rate that is 140 percent higher than other ethnic and racial groups; and

WHEREAS, that rate of mortality represents the largest disparity of mortality rates in any of the commonly occurring cancers; and

WHEREAS, prostate cancer can be cured with early detection and the proper treatment, regardless of the ethnic or racial group of the cancer patient; and

WHEREAS, African Americans are more likely to be diagnosed earlier in age and at a later stage of cancer progression than all other ethnic and racial groups, thereby leading to lower cure rates, a lower quality-of-life, and lower chances of survival; and

WHEREAS, according to a paper published in the Proceedings of the National Academy of Sciences in 2006 and findings presented at the “2nd Annual African American Prostate Cancer Disparity Summit” in 2006, researchers from the Dana Farber Cancer Institute and Harvard Medical School have discovered a variant of a small segment of the human genome that could account for the higher risk of prostate cancer in African American men; and

WHEREAS, according to findings presented at the “3rd Annual African American Prostate Cancer Disparity Summit” in 2007, researchers have established that there is a “Global Black Prostate Cancer Crisis” with incidence and mortality rates similar to those in the United States.

THEREFORE, BE IT FINALLY RESOLVED, that NBCSL recognizes that prostate cancer has created a health crisis among African American men, adversely impacting them and their families; and recognizes that prostate cancer among African American men is an epidemic, thereby requiring greater visibility and programs; and urges State Governments to designate additional funds for efforts relating to education, awareness, and early detection at the grassroots levels to end such health crisis.

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

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

## HEALTH & HUMAN SERVICES

# Resolution HHS-08-40

### IMPROVING QUALITY OF AND LOWERING COST FOR MEDICAID-FINANCED LONG-TERM CARE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that, in many States, the current system of Medicaid-financed long-term care is a fragmented mix of institutional, state plan, and home- and community-based services; and

WHEREAS, there is limited coordination and integration across programs and payers; and

WHEREAS, waiting lists for home- and community-based services often prevent eligible individuals from receiving services, leading to inappropriate institutionalization; and

WHEREAS, up to 80 percent of State spending on Medicaid is focused on approximately 20 percent of Medicaid beneficiaries, primarily those with chronic illness and disabilities; and

WHEREAS, individuals requiring long-term care services prefer home- and communitybased services over institutional care; and

WHEREAS, managing the care for those with Medicaid-financed long-term care provides more flexibility for the consumer, more coordination among service providers, increased budget predictability, and more accountability; and

WHEREAS, programs in Arizona, Florida, Texas, Washington, and other States have demonstrated that using capitated systems to rebalance Medicaid-financed long-term care is cost-effective and improves quality of care.

THEREFORE, BE IT FINALLY RESOLVED, that members of the National Black Caucus of State Legislators (NBCSL) will seek to improve the health of Americans with long-term care needs funded by Medicaid by introducing legislation in their respective States to implement coordinated, community-based programs to control costs and improve quality of care for aged, blind, and disabled Medicaid recipients.

**Sponsors:** Representative Joe Armstrong (TN) and Speaker Pro Tempore Lois DeBerry (TN)

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

# 2008 RATIFIED RESOLUTIONS

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## HOUSING

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- **Resolution HO-08-19** Supporting Congressional and State Efforts to Eleviate the Foreclosure Crises of 2007-2008 and Reasserting the Importance of Public Housing .....36

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*PASSED DECEMBER 14, 2007*

NBCSL 31<sup>st</sup> Annual Legislative Conference  
Little Rock, Arkansas  
December 12 - 16, 2007

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## HOUSING

# Resolution HO-08-19

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### **SUPPORTING CONGRESSIONAL AND STATE EFFORTS TO ELEVATE THE FORECLOSURE CRISES OF 2007-2008 AND REASSERTING THE IMPORTANCE OF PUBLIC HOUSING**

WHEREAS, the foreclosure crises of 2007-2008 are sweeping across our nation precipitated by subprime mortgage lending, predatory lending practices, and a super-inflated housing market; and

WHEREAS, a subprime mortgage is made to a borrower who does not qualify for a traditional mortgage with market interest rates because of his/her weak credit history; and a subprime mortgage is offered at a higher interest rate or includes terms such as a prepayment penalty to offset the higher risk; and

WHEREAS, studies show African American and Hispanic American borrowers are more likely to pay subprime interest rates than Caucasian American borrowers; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes the importance public housing is to the future of our communities because public housing supports almost 3 million low-income, disabled, and senior citizens while stabilizing our communities; and

WHEREAS, according to the Center for Responsible Lending, 2.2 million families with subprime loans made after 1998 face or will soon face foreclosure because of predatory mortgage lending practices; and

WHEREAS, the Mortgage Bankers Association and the Center for Responsible Lending project that one out of five subprime loans issued during the past two years will be foreclosed; and

WHEREAS, foreclosure is a crisis for families, undermines wealth accumulation, and impacts local communities and municipal revenues.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) is committed to developing solutions that will keep families in their homes and promote home ownership preservation and wealth accumulation; and

BE IT FURTHER RESOLVED, that on behalf of its members, NBCSL calls on Congress to fund, at the least, the Public Housing Capital Fund at \$3.5 billion and the Public Housing Operating Subsidy at \$5.0 billion for Fiscal Year 2009; and

BE IT FURTHER RESOLVED, that African American State Legislators are encouraged to introduce legislation in their State that addresses predatory mortgage lending practices and provides homeowners with access to information and resources that will help prevent foreclosures; and

BE IT FURTHER RESOLVED, that NBCSL supports the creation of a National Affordable Housing Trust Fund (H.R.2895), which creates a separate fund to specifically aid low-income housing and will help our communities meet their housing needs; and

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## HOUSING

# Resolution HO-08-19

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BE IT FURTHER RESOLVED, that NBCSL calls upon Congress and the Federal Government, including the Federal Reserve, the Federal Deposit Insurance Company, and the Office of the Comptroller of the Currency, to provide greater oversight and regulation of mortgage brokers; provide counseling assistance to borrowers seeking a mortgage loan; and provide assistance to homeowners who are facing foreclosure due to predatory mortgage lending practices; and

BE IT FURTHER RESOLVED, that NBCSL supports the Mortgage Reform and Anti-Predatory Lending Act (H.R.3915) and encourages African American State Legislators, the National Conference of Black Mayors, the National Association of Black County Officials, and other organizations to work together to address predatory mortgage lending practices and provide homeowners with access to information and resources that will help prevent foreclosures; 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.

**Sponsors:** Representative Laura Hall (AL) and Representative Juanita Head Walton (MO)

**Committee of Jurisdiction:** Committee on Housing

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

# 2008 RATIFIED RESOLUTIONS

## LABOR, MILITARY & VETERANS AFFAIRS

- **Resolution LMV-08-11** Supporting Job Creation in the “Green” Economy ..... 39
- **Resolution LMV-08-15** Employee Free Choice Act ..... 41

*PASSED DECEMBER 14, 2007*

NBCSL 31<sup>st</sup> Annual Legislative Conference  
Little Rock, Arkansas  
December 12 - 16, 2007

## LABOR, MILITARY & VETERANS AFFAIRS

# Resolution LMV-08-11

### SUPPORTING JOB CREATION IN THE “GREEN” ECONOMY

WHEREAS, the National Black Caucus of State Legislators (NBCSL) understands that the creation of jobs is vital to keeping our economy functioning; and

WHEREAS, the United States manufacturing industry has been hurt by the outsourcing of jobs to foreign countries; and

WHEREAS, high-tech industry has been gaining importance and positions in recent history; and

WHEREAS, medium-skilled industries are in great demand, and those positions can be more difficult to fill from more impoverished job seekers such as those on Temporary Assistance for Needy Families (TANF); and

WHEREAS, as our industries further explore implementing the technological advances of a “greener” economy, new opportunities in the labor market potentially become available for low-, medium-, and high-skilled workers; and

WHEREAS, the Ella Baker Center, in conjunction with the Workforce Alliance, the Apollo Alliance, and the American Federation of Labor & Congress of Industrial Organizations (AFL-CIO), helped to establish the “Green Jobs Act of 2007” (H.R.2847), which passed the House of Representatives on August 4, 2007 as H.R.3221; the Green Jobs Act authorizes:

- up to \$125 million for green job training programs;
- \$80 million for labor-management training partnerships (essentially to green-up labor union programs);
- \$20 million for labor market research;
- \$25 million for the “green pathways out of poverty” program, which trains communities with barriers to employment, such as those formerly incarcerated, atrisk urban youth, military veterans, etc; and

WHEREAS, Congress has put forward other proposals to help incentivize various sectors of the burgeoning “green” economy such as the “Extend the Energy Efficiency Incentives Act” (H.R.1385), which offers incentives for consumers to purchase renewable energy, and the Federal Renewable Energy Portfolio Act (H.R.969), which requires that 20 percent of Americans’ electricity come from clean, renewable energy sources by 2020.

THEREFORE, BE IT RESOLVED, that on behalf of its members, the National Black Caucus of State Legislators (NBCSL) calls on Congress to provide the resources needed to train and develop our workforce to fill the needs of our nation; and

BE IT FURTHER RESOLVED, that NBCSL supports the Green Jobs Act of 2007, which provides the resources needed for this growing industry in our nation; and

BE IT FURTHER RESOLVED, that job creation in the United States requires a holistic approach by taking

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## LABOR, MILITARY & VETERANS AFFAIRS

# Resolution LMV-08-11

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advantage of as many economy sectors as possible; job creation should focus on addressing multiple issues in society such as poverty and juvenile justice; and

BE IT FURTHER RESOLVED, that NBCSL members work within their States to explore the feasibility of bolstering their job markets through incentivizing further consumer participation in green sectors of each State's economy, such as the mandating of green roofs in building codes whose maintenance can be addressed by communities with barriers to employment, such as those formerly incarcerated, at-risk urban youth, military veterans, etc.; 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:** The Rules Committee

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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## LABOR, MILITARY & VETERANS AFFAIRS

# Resolution LMV-08-15

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### EMPLOYEE FREE CHOICE ACT

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions; and

WHEREAS, the freedom to form or join a union is internationally recognized by the 1948 Universal Declaration of Human Rights as a fundamental human right; and

WHEREAS, the free choice to join with others and bargain for better wages and benefits is essential to economic opportunity and good living standards; and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment, and enhancing civic participation; and

WHEREAS, States in which more people are union members are States with higher wages, better benefits, and better schools; and

WHEREAS, union workers receive better wages and benefits, with union workers earning 29 percent more than workers without a union, are 35 percent more likely to have access to health insurance, and are four times more likely to have access to a guaranteed defined-benefit pension; and

WHEREAS, unions help raise workers' pay and narrow the income gap for minorities and women, by increasing median weekly earnings by 31 percent for union women workers, 31 percent for African American workers, 50 percent for Hispanic American workers, 9 percent for Asian American workers; and

WHEREAS, workers across the nation are routinely denied the freedom to form unions and bargain for a better life, with 25 percent of private sector employers illegally firing at least one worker for union activity during organizing campaigns; and

WHEREAS, 77 percent of the public believes it is important to have strong laws protecting the freedom for workers to make their own decision about having a union, and 58 percent of workers would join a union if they had the chance; and

WHEREAS, employers often refuse to bargain fairly with workers after forming a union by dragging out first contract bargaining for up to two years in 45 percent of successful campaigns; and

WHEREAS, each year millions of dollars are spent to frustrate workers' efforts to form unions, and most violations of workers' freedom to choose a union occur behind closed doors, with 78 percent of employers forcing employees to attend mandatory antiunion meetings; and

WHEREAS, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

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## LABOR, MILITARY & VETERANS AFFAIRS

# Resolution LMV-08-15

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WHEREAS, a worker's fundamental right to choose a union free from coercion and intimidation is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, the Employee Free Choice Act has been introduced in the United States Congress in order to restore workers' freedom to join a union;

WHEREAS, the Employee Free Choice Act will safeguard workers' ability to make their own decisions without these abuses, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the Employee Free Choice Act of 2007, H.R.800, which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union; and

BE IT FURTHER RESOLVED, that neither union representatives nor employers should participate in intimidation to gain the support of an individual in such negotiations, and that individual workers be protected from harsh practices of groups that may attempt to force or dissuade union membership upon or away from employees where membership or non-membership is welcomed by the individual; and

BE IT FURTHER RESOLVED, that NBCSL supports protection and means of dispute and resolution in the Employee Free Choice Act for employees that are victims of intimidating practices on the part of unions to join, as well as on the part of employers to not join; 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 Sharon Beasley-Teague (GA)

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

# 2008 RATIFIED RESOLUTIONS

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*PASSED DECEMBER 14, 2007*

NBCSL 31<sup>st</sup> Annual Legislative Conference  
Little Rock, Arkansas  
December 12 - 16, 2007

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## LAW, JUSTICE & ETHICS

# Resolution LJE-08-10

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### COMBATING RISING CRIME

WHEREAS, the nation has witnessed an alarming increase in violent crime 2004-2006, as much as 20 percent in some localities and over two percent nationwide; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is committed to combating crime on our streets and supports any measures we can take as legislators to empower our police and justice systems; and

WHEREAS, two major steps NBCSL can take immediately are to support microstamping and greater sharing of gun trace data; and

WHEREAS, microstamping is a comprehensive ballistic technology that provides law enforcement with the ability to link a used cartridge case to the firearm from which it was fired; and

WHEREAS, microstamping is an array of microscopic characteristics that enable identification of the make, model, and serial number of a firearm; and

WHEREAS, microstamping provides law enforcement with more accurate, less costly, and less time-consuming ballistic identification than conventional ballistic identification techniques; and

WHEREAS, microstamping characteristics will be etched in two or more places on the interior surface of a firearm; and

WHEREAS, microstamping characteristics may be etched on the firing pin or other internal working parts of a firearm; and

WHEREAS, microstamping characteristics are transferred by imprinting onto each cartridge case when the firearm is fired; and

WHEREAS, any person may not manufacture, assemble, sell, or transfer a firearm that is not designed and equipped with microstamping characteristics; and

WHEREAS, gun trace data is one of the most effective ways to trace the location of gun dealers who regularly violate the law and knowingly sell firearms to criminals; and

WHEREAS, the cooperation between State and local law enforcement accounts for 68 percent of investigations by the Bureau of Alcohol, Tobacco, & Firearms (ATF); and

WHEREAS, access to the ATF's crime gun tracing program is critical to the crime solving capabilities of law enforcement and the prevention of future crimes in our communities through such illegal practices as "straw purchases;" and

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## LAW, JUSTICE & ETHICS

# Resolution LJE-08-10

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WHEREAS, it is vital for our local law enforcement to have knowledge of gun traffickers who pose a threat to our communities to prevent crime; and

WHEREAS, 60 percent of illegal guns are traced back to just one percent of gun dealers; and

WHEREAS, the Tiahrt Amendment, annually considered in Congressional funding bills, restricts access to crime gun data and data from neighboring jurisdictions, limits the use of the data in civil enforcement proceedings, and ends the publication of national ATF reports on illegal gun trafficking.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports a national policy that prohibits the manufacture, sale, or transfer of firearms without microstamping characteristics; and

BE IT FURTHER RESOLVED, that NBCSL stands in opposition to the Tiahrt Amendment, which limits the use of gun data to locate illegal gun dealers and combat crime on our streets; and

BE IT FURTHER RESOLVED, that NBCSL endorses and applauds all Congressional efforts to increase the authorization level of the COPS (Community Oriented Police Services) Program as such additional funding will allow for more police to be placed on the street with better training and better equipment to aid our communities in their struggle against violent crime; and

BE IT FURTHER RESOLVED, that NBCSL members examine ways in which they can fund neighborhood programs within their States that empower citizens to combat violent crime and establish temporary shelters for troubled youth attempting to escape gang membership with the capability of offering both vocational education and job counseling; 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.

**Sponsors:** Representative Harold James (PA), Representative Jewell Williams (PA), Representative Ronald Waters (PA), and Representative Thaddeus Kirkland (PA)

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

LAW, JUSTICE & ETHICS  
**Resolution LJE-08-13**

**URGING REFORM OF THE JUVENILE JUSTICE SYSTEM AND EXPANSION OF JUVENILE JUSTICE PROGRAMS**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes that both Congress and State Legislatures can take steps that make a positive impact on our juvenile justice system such as greater funding for drug courts, serious consideration of addiction as solely a health issue, increasing the use of alternatives to incarceration, holding juvenile justice camps accountable for abuses, minimizing the disparities in drug sentencing guidelines that place our penal system under undo stress, and by expanding juvenile justice programs; and

WHEREAS, NBCSL believes that rehabilitating our youth is the best way to ensure their long-term success; and

WHEREAS, research has indicated that drug courts are assisting participants with getting the proper substance abuse treatment, thereby reducing their dependence on drugs and deterring them from criminal activity; and

WHEREAS, drug courts provide the necessary structure, incentives, and length of time an offender needs to successfully complete a treatment program so that he/she can return to society as a productive citizen; and

WHEREAS, studies also show that recidivism rates for those who participate in drug courts are lower, and there is also a cost- benefit savings because of reduced incarceration costs for nonviolent offenders who get treatment; and

WHEREAS, family treatment drug courts, which are also involved with the child welfare system in their respective States, were developed to assist parents with substance abuse issues; and

WHEREAS, the goal of these specialized courts is to work toward the successful treatment and recovery of parents so that they can be reunited with their children in a timely fashion when appropriate; and

WHEREAS, studies show that family treatment drug courts are more effective in treating parents with substance abuse issues, thus leading to a higher rate of reunification with a child(ren) and providing more permanency outcomes for the child(ren); and

WHEREAS, additional funding is needed to expand and improve the services provided by drug courts and family treatment drug courts so that States can help more offenders break the cycle of addiction and assist them with becoming law-abiding and productive parents and citizens; 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 NBCSL is a member organization, conducted hearings in several cities between October 2005 and March 2006 and, thereafter, made the

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## LAW, JUSTICE & ETHICS

# Resolution LJE-08-13

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following recommendations:

- The First Recommendation calls for access to comprehensive quality health services;
- The Second Recommendation calls for substance abuse to be treated as a disease to be treated medically and not a criminal justice issue; and

WHEREAS, drug addiction is considered a brain disease because the abuse of drugs leads to changes in the structure and function of the brain; and

WHEREAS, although it is true that for most people the initial decision to take drugs is voluntary, over time the changes in the brain caused by repeated drug abuse can affect a person's self control and ability to make sound decisions; and

WHEREAS, similar to other chronic, relapsing diseases, such as diabetes, asthma, or heart disease, drug addiction can be managed successfully; although, as with other chronic diseases, it is not uncommon for a person to relapse and begin abusing drugs again; and

WHEREAS, it is estimated that for every dollar spent on addiction treatment programs, there is a \$4 to \$7 reduction in the cost of drug-related crimes; and

WHEREAS, the goal of introducing alternatives to prison is not only to address the problem of overcrowding in prisons but also reflects a fundamental change in the approach to crime, offenders, and their place in society, changing the focus of penitentiary measures from punishment and isolation to restorative justice and reintegration; and

WHEREAS, when alternatives to incarceration are accompanied by adequate support for offenders, it assists some of the most vulnerable members of society to lead a life without having to relapse into criminal behavior patterns; and

WHEREAS, a large part of the problems associated with prison overcrowding, drug treatment deficits, and high recidivism rates is the disparity in how drug offenses are punished in the first place, such as the difference between sentencing for crack cocaine and powder cocaine; and

WHEREAS, NBCSL is committed to requiring Congress to develop standards, oversight, and accountability for alternative rehabilitative programs such as juvenile justice camps, which will ensure the health and safety our youth; and

THEREFORE, BE IT RESOLVED, that NBCSL hereby urges and requests expanded funding for drug treatment, drug courts, and family treatment drug courts in order to assist more offenders who have become part of the criminal justice system and the child welfare system to move beyond their substance abuse problems; and

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## LAW, JUSTICE & ETHICS

# Resolution LJE-08-13

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BE IT FURTHER RESOLVED, that NBCSL endorses H.R.1593, the Second Chance Act, which will provide increased resources to State and Local Government to provide drug treatment and rehabilitation and thus urges State Legislators to support recidivist programs in their States to make way for and bolster eventual passage of H.R.1593; and

BE IT FURTHER RESOLVED, that NBCSL applauds Senate passage of S.456, The Gang Abatement and Prevention Act of 2007; however, NBCSL does express concern over the bill's concentration on suppression measures over intervention / prevention, as well as over the creation of eight new federal offenses punishable by incarceration; and

BE IT FURTHER RESOLVED, that NBCSL supports reauthorization of the Juvenile Justice Delinquency Prevention Act (JJDP A) and urges an increase to the authorization levels for the JJDP A "Grants for New Initiatives Program," the "Juvenile Accountability Block Grant Program," and all Part C "Prevention Block Grant Programs;" 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.

**Sponsors:** Senator Charles D. Jones (LA) and Representative Gilda Cobb-Hunter (SC)

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

## LAW, JUSTICE & ETHICS

# Resolution LJE-08-14

### CLOSING THE JUSTICE DIVIDE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes that a fair justice system is paramount to bridging the racial divide that exists in our nation; and

WHEREAS, the travesties known as the “Jena 6” in Louisiana, the kidnapping and beating of Megan Williams in West Virginia, the beating and shooting of Deonte Rawlings by off duty Washington, DC Police Officers, the 50 shots fired at Sean Bell by New York Police Officers, and the death of Martin Lee Anderson at a Florida juvenile boot camp all exemplify the racial disparities that still exist in our nation; and

WHEREAS, tragedies occur on the law enforcement side as well, when Police are assaulted, shot, or critically injured in the line of duty and those offenses are either never prosecuted or are plea bargained out for cooperation with the State’s prosecutors, sending a terribly demoralizing, chilling effect upon the morale and resolve of our Police forces who place their lives in harm’s way for our protection and benefit everyday.

THEREFORE, BE IT RESOLVED, that NBCSL directs all member-States to review and modify their hate crime laws, the prosecution records of cases when the charge of assaulting a Police Officer was not pursued, the occurrences of overcharging toward young men of color and undercharging of their Caucasian American counterparts, the apprehension and detainment practices and training of State Police forces, and the civil rights abuse records by authorities over the past three years in each of our respective States; 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:** Senator Charles D. Jones (LA)

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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**LAW, JUSTICE & ETHICS**  
**Resolution LJE-08-24**

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**URGE AND REQUEST THE UNITED STATES DEPARTMENT OF JUSTICE TO INVESTIGATE THE PROSECUTORIAL PREJUDICE OF DISTRICT ATTORNEY REED WALTERS AND JUDGE J.P. MAUFFRAY, JR. THAT VIOLATED THE CONSTITUTIONAL RIGHTS OF THE “JENA 6”**

WHEREAS, the National Black Caucus of State Legislators (NBCSL) urges the United States Department of Justice to investigate the prosecutorial prejudice of District Attorney Reed Walters and Judge J.P. Mauffray, Jr. that violated the constitutional rights of the “Jena 6;” and

WHEREAS, Jena High School has a 10 percent African American student population; and

WHEREAS, African American students typically sat on bleachers near the auditorium, while Caucasian American students sat under a large tree, referred to as the “white tree,” in the center of the school courtyard; and

WHEREAS, on August 31, 2006, an African American male freshman asked the principal at the school assembly whether he could sit under the “white tree;” and

WHEREAS, the principal told the students they could sit wherever they wanted; and

WHEREAS, the following morning, nooses were discovered hanging from the tree; and

WHEREAS, Jena’s principal learned that three Caucasian American students were responsible and recommended expulsion; and

WHEREAS, in a zero tolerance school system, the school board overruled his recommendation; and

WHEREAS, the three students were isolated at an alternative school for nine days, spent two weeks on in-school suspension, served Saturday detentions, had to attend Discipline Court, were referred to Families in Need of Services, and had to have an evaluation before they were able to return to school as part of the district’s Crises Management Policy Procedures; and

WHEREAS, District Attorney Reed Walters stated that he warned the students saying: “I can be your best friend or your worst enemy; with the stroke of a pen I can make life miserable on you or ruin your life;” and

WHEREAS, on September 10, 2006, African American students attempted to address the school board concerning the recent events but were refused because the board was of the opinion that the noose incident had been adequately resolved; and

WHEREAS, on November 30, 2006, a wing of the main building of the high school was set on fire, and arson was determined to be the cause; and

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## LAW, JUSTICE & ETHICS

# Resolution LJE-08-24

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WHEREAS, on December 1, 2006, there was a private party, attended mostly by Caucasian Americans, and five African American youth attempted to enter the party; and

WHEREAS, Justin Sloan, a Caucasian American male who was not a student, initiated a fight, was charged with simple battery for his role in the fight, and put on probation; and

WHEREAS, on December 2, 2006, another incident occurred where a Caucasian American student ran to get his gun and the African American students wrestled it away from him; and

WHEREAS, the young African American men were charged with theft of a firearm, second-degree robbery, and disturbing the peace; and

WHEREAS, the Caucasian American student who produced the weapon was not charged; and

WHEREAS, on December 4, 2006, 17-year-old Justin Barker, a Caucasian American Jena High School student, was assaulted at school; and

WHEREAS, according to court documents, Barker spent about three hours in a local emergency room for treatment of injuries to his head and face and attended his school's ring ceremony that evening; and

WHEREAS, the six defendants known as the "Jena 6" were all expelled from school for the fight; and

WHEREAS, five of the Jena 6 (Robert Bailey, Jr., then 17; Mychal Bell, then 16; Carwin Jones, then 18; Bryant Purvis, then 17; and Theo Shaw, then 17) were charged with attempted second-degree murder; and

WHEREAS, the sixth student, Jesse Ray Beard, was charged as a juvenile because he was 14 at the time; and

WHEREAS, on June 26, 2007, the first day of trial for defendant Mychal Bell, District Attorney Reed Walters reduced the charges for Bell to aggravated second-degree battery and conspiracy to commit aggravated second-degree battery; and

WHEREAS, a charge of aggravated battery requires the use of a "deadly weapon;" and

WHEREAS, District Attorney Walters argued that the tennis shoes that Bell was wearing and used to kick Barker were deadly weapons; and

WHEREAS, Public Defender Blane Williams, an African American man, urged Bell to accept a plea bargain; and

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## LAW, JUSTICE & ETHICS

# Resolution LJE-08-24

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WHEREAS, he did not challenge the composition of the all Caucasian American jury, any juror, nor the tennis shoes as a deadly weapon; and

WHEREAS, he rested the defense case without calling any witnesses even though there was an adult witness to the incident; and

WHEREAS, the jury found Bell guilty, and he faced the possibility of up to 22 years in prison; and

WHEREAS, following the trial, Bell's new defense attorneys, Louis Scott and Carol Powell-Lexing, requested a new trial on the grounds that Bell should not have been tried as an adult and there should have been a change of venue; and

WHEREAS, the request to lower Mychal Bell's \$90,000 bond was denied; and

WHEREAS, on August 24, 2007, Bell had been put on probation for a battery that occurred December 25, 2005, and he was subsequently convicted of another battery charge and two charges of criminal damage to property while still on probation; and

WHEREAS, Mychal Bell, age 16 at the time of the incident, was charged as an adult; and

WHEREAS, the District Attorney stated that he charged Bell as an adult due to his criminal record; and

WHEREAS, on September 4, 2007, a judge dismissed the conspiracy charge on the grounds that he should have been tried as a juvenile, but let the battery conviction stand; and

WHEREAS, on September 14, 2007, Louisiana's Third Circuit Court of Appeals overturned Bell's battery conviction, also ruling that the remaining charge was not among those for which a juvenile may be tried as an adult; and

WHEREAS, following an order by the Third Circuit Court of Appeal, a hearing was held on September 21, 2007, to determine whether to set bond for Bell; and

WHEREAS, the judge in the hearing denied the request for Bell to be freed while his appeal was being reviewed; and

WHEREAS, a motion by Bell's attorneys to have Judge J.P. Mauffray recused was also denied; and

WHEREAS, Bell was incarcerated in an adult jail for almost 10 months before being released on September 27, 2007; and

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## LAW, JUSTICE & ETHICS

# Resolution LJE-08-24

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WHEREAS, after serving ten months in an adult facility, on October 11, 2007, Judge J.P. Mauffray Jr. found that Bell had violated the terms of his probation for previous convictions; and

WHEREAS, the judge then sentenced Bell to 18 months in a juvenile facility on two counts of simple battery and two counts of criminal destruction of property; and

WHEREAS, charges against Carwin Jones, Theo Shaw, and Robert Bailey, Jr. were reduced to aggravated second-degree battery and conspiracy; and

WHEREAS, despite the overturning of Mychal Bell's conviction, the charges against the other four teenagers remained unaffected because they were over 17 at the time of the incident, thus making them adults under Louisiana law; and

WHEREAS, Federal Bureau of Investigation (FBI) agents who investigated the incident and the Federal Officials who examined it found that the hanging of the nooses "had all the markings of a hate crime;" and

WHEREAS, it could not be prosecuted as such because it failed to meet federal standards required for the teens to be certified as adults; and

WHEREAS, the impact of a hate crime has the same intent, effect, and impact on a victim; and

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) directs all States to review and modify their hate crime laws and, in particular, hate crime committed by juveniles; and

BE IT FURTHER RESOLVED, that NBCSL urges the United States Department of Justice to defend the interests of all United States citizens and to seek just punishment against District Attorney Reed Walters and Judge J.P. Mauffray for their unfair and impartial administration of justice toward Mychal Bell; and

BE IT FURTHER RESOLVED, that copies of this Resolution be dispatched to the all States' House and Senate Committees on the Judiciary; and

BE IT FINALLY RESOLVED, that copies of this Resolution be dispatched to the United States Department of Justice; and that the United States Department of Justice report back to NBCSL no later than March 31, 2008.

**Sponsor:** Senator Charles D. Jones (LA)

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

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

# 2008 RATIFIED RESOLUTIONS

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## TELECOMMUNICATIONS, SCIENCE & TECHNOLOGY

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- **Resolution TST-08-04** Call For States to Facilitate Competitive Advanced Voice Services ..... 55
- **Resolution TST-08-06** Telecommunications..... 57

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*PASSED DECEMBER 14, 2007*

NBCSL 31<sup>st</sup> Annual Legislative Conference  
Little Rock, Arkansas  
December 12 - 16, 2007

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## Resolution TST-08-04

### CALL FOR STATES TO FACILITATE COMPETITIVE ADVANCED VOICE SERVICES

WHEREAS, technological innovation has led to an explosion of new advanced voice services, including facilities-based and non-facilities-based digital voice services; and

WHEREAS, these digital voice services, often referred to as Voice over Internet Protocol (VoIP) or IP-based voice services, are bringing significant new competition to the voice market; and

WHEREAS, these new competitive choices have resulted in lower prices, significant savings, and other benefits for State economies and consumers; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that advanced communication services and information technology are major economic drivers for State economies, provide a competitive edge, and can help to ensure economic empowerment in African American communities; and

WHEREAS, reliable estimates show that full-scale deployment of IP voice services will lead to consumer savings in the next five years of over \$100 billion nationwide, benefiting consumers in every State; and

WHEREAS, in addition to these savings, consumers are benefiting from innovative features and functions, including the ability to manage accounts online, the ability to check voicemail messages online and forward them to other E-mail users, easy conference calling, and many other attractive innovations; and

WHEREAS, we are unable to predict what other innovations may be forthcoming that will benefit consumers and society; and

WHEREAS, policymakers and voice service providers have recognized that voice providers should live up to certain social obligations such as providing enhanced 911 (E-911) service, ensuring universal access for low-income consumers and those in rural and high-cost areas, supporting schools and libraries and rural healthcare facilities, ensuring access for the disabled, working with the law enforcement community, and complying with privacy laws; and

WHEREAS, many policymakers and service providers have also recognized that economic regulation of these competitive and advanced services is unnecessary and counterproductive in a competitive environment; and

WHEREAS, economic regulation of VoIP would be of little benefit to consumers and would chill investment and innovation; and

WHEREAS, at least eight States have taken legislative action and appropriately ensured that such services will not be regulated by their respective Public Utility Commissions (PUCs), nor by another State or local agency, even as generally applicable business regulations, antitrust laws, deceptive trade practices, and consumer protection laws continue to apply; and

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## TELECOMMUNICATIONS, SCIENCE & TECHNOLOGY

# Resolution TST-08-04

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WHEREAS, in these eight States, the PUCs maintain the rights and responsibilities conferred by the Federal Communications Act of 1934, as amended; and

WHEREAS, some State PUCs have determined that state regulation of such services is unnecessary, counterproductive, and harmful to consumers, while other PUCs have simply chosen not to regulate; and

WHEREAS, the consumer savings, benefits, and innovative features and functions of IP voice services are at-risk in States that have not enacted such legislation or made such determinations; and

WHEREAS, it is in the interest of NBCSL and all consumers to allow competition and innovation in advanced voice services to flourish without unnecessary regulation.

THEREFORE, BE IT RESOLVED, that NBCSL recognizes that there are some States that have taken action to ensure that IP-based voice services are free from economic regulation, even as generally applicable business regulations, antitrust laws, deceptive trade practices, and consumer protection laws continue to apply; and

BE IT FINALLY RESOLVED, that, in 2008, NBCSL will examine what best practices are broadly deployed and promote the best practices of insuring that IP-based voice services are free from unnecessary or burdensome regulation in all States.

**Sponsors:** Representative Billy Mitchell (GA) and Representative David Meyers (MS)

**Committee of Jurisdiction:** Committee on Telecommunications, Science, & Technology

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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

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## TELECOMMUNICATIONS, SCIENCE & TECHNOLOGY

# Resolution TST-08-06

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### TELECOMMUNICATIONS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) seeks to ensure that advanced communications services and broadband technologies are universally available; and

WHEREAS, NBCSL recognizes advanced communication services and information technology are the economic forces that help ensure economic empowerment in African American communities; and

WHEREAS, NBCSL seeks to ensure communications technology is affordable, universally available, and accessible; and

WHEREAS, NBCSL strongly supports a competitive and open marketplace for the benefit of consumers; and

WHEREAS, NBCSL recommends efforts be made to increase the speed of broadband services to compete with other areas of the world; and

WHEREAS, NBCSL supports Local, State, and Federal Government developing and implementing public-private broadband deployment partnerships, e.g., Connect Kentucky, which ensures urban and rural consumers have access to affordable broadband technologies; and

WHEREAS, NBCSL encourages government and industry to work cooperatively to provide our citizens, businesses, and governments with the best advanced communications infrastructure in the world; and

WHEREAS, NBCSL supports the rapid deployment of advanced communications by way of consumer-driven models, which ensure universal access to innovative products and services for all consumers; and

WHEREAS, NBCSL cautions against any government or corporate policies that increase cost to impede deployment, limit consumer access, and reduce affordability.

THEREFORE, BE IT RESOLVED, that any governmental regulation of communication services be minimal and that future expansion be dependent mostly upon private investment; and

BE IT FURTHER RESOLVED, that transaction taxes and fees imposed on telecommunication services be simplified to minimize confusion, remove distortion, and eliminate discrimination, as long as such fees and taxes are not confused with rental payments for public assets, such as rights-of-way; and

BE IT FURTHER RESOLVED, this Resolution shall not be read to reduce NBCSL's commitment to public safety support nor weaken NBCSL's support of Universal Service Funds and consumer protection; and

BE IT FURTHER RESOLVED, that the members of NBCSL will work with Congress, the Federal Communications Commission, and in their respective States to ensure the development of an integrated broadband strategy that incorporates universal deployment and is affordable across the nation; and

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## TELECOMMUNICATIONS, SCIENCE & TECHNOLOGY

# Resolution TST-08-06

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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, other elected officials as appropriate, and members of the Federal Communications Commission.

**Sponsor:** Senator Anthony C. "Tony" Hill, Sr. (FL)

**Committee of Jurisdiction:** Committee on Telecommunications, Science, & Technology

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

**Ratified in Plenary Session; Ratification Date:** December 14, 2007

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