

NBCSL

THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

CURRENT PRESIDENT



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FOUNDERS



NBCSL★2016

LA★

40TH ANNUAL LEGISLATIVE CONFERENCE

Celebrating the Past and Preparing for the Future

...40 YEARS OF SERVICE

NEW ORLEANS, LA ★ NOVEMBER 30 - DECEMBER 3, 2016

2017 Ratified Policy Resolutions - Ratified December 2, 2016

National Black Caucus of State Legislators

December 2, 2016 - 2017 Ratified Policy Resolutions

December 5, 2016

Dear Members and Supporters,

The National Black Caucus of State Legislators (NBCSL) hosted our 40th Annual Legislative Conference in New Orleans, LA November 30 – December 3, 2016. This year's theme was Celebrating the Past and Preparing for the Future.


Collectively, NBCSL's members represent over 70 million constituents. During the conference, legislators debated and ratified resolutions that addressed not only the needs of their constituents but America as a whole. Ratified policy resolutions called for educational and economic opportunities for women and girls of color, repeal of the death penalty, reparations for the descendants of enslaved Africans, sponsored data programs, fairness in trade agreements, solidarity with the Sioux nation against the Dakota Access Pipeline, increasing prostate cancer awareness and prevention for Black men, and more.

NBCSL Policy Resolutions address pressing policy challenges facing our nation and provide policy solutions that enable our members to resolve these challenges. Our resolutions, anchored by NBCSL's commitment to parity, embody the core values of the organization and create a platform for legislative action and change across the country.

We are pleased to send you the 2017 Policy Resolutions, ratified on Friday, December 2, 2016. NBCSL will disseminate these resolutions to state and federal stakeholders, as they will inform and guide our 2017 advocacy efforts. We ask that you share these resolutions with your colleagues, build upon them in your statehouses, and use them to take action. NBCSL stands ready to assist you in working on behalf of your constituents to move this nation forward.

Thank you for a great year it has been a pleasure working with each of you. It is my hope that you will utilize these resolutions as a springboard to legislation in your state, as we continue to work on behalf of African Americans across this great nation.

Sincerely,



Maryland Senator Catherine Pugh
President, National Black Caucus of State Legislators

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2017 Ratified Policy Resolutions

Ratified December 2, 2016

NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-10

A RESOLUTION TO PROMOTE INCREASING EDUCATIONAL, ECONOMIC, AND ENTREPRENEURIAL OPPORTUNITIES FOR WOMEN AND GIRLS OF COLOR

WHEREAS, the National Black Caucus of State Legislators (NBCSL) maintains that American women of color are strong, resilient and dedicated to their families and communities, and are an essential part of our national economic and social fabric;

WHEREAS, women of color are robust participants in the labor force, with black women more likely to participate in the labor force at 61.1 percent; Hispanic women at 58.7 percent, and Asian women at 58 percent;

WHEREAS, out of 12 million single-parent families in 2015, more than 80 percent were headed by single mothers;

WHEREAS, women of color are often the primary family breadwinners: particularly among black families, 74 percent of black mothers are the primary breadwinners;

WHEREAS, the median income for a family headed by a single working mother was about \$26,000 in 2013, a third of the median income for a married couple;

WHEREAS, women of color earn far less than white males with Black women earning 66.2 percent of what white males earn and Hispanic women only 56.5 percent;

WHEREAS, nearly half of households with young children that are headed by Black or Hispanic single women live in poverty;

WHEREAS, entrepreneurship has the ability to close the economic disparities that exist for women of color;

WHEREAS, nearly five million U.S. businesses are owned by women of color, employ two million workers and generate \$344 billion in revenues;

WHEREAS, despite their growing numbers, small businesses owned by women of color still face challenges like access to capital, lack of investment, race and gender bias, and slower growth;

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-10

WHEREAS, African American and African Immigrant girls are suspended from school at six times the rate of White girls;

WHEREAS, Black girls represent 14 percent of the U.S. population but comprise 32 percent of those detained and committed; and

WHEREAS, Native American girls make up only 1 percent of the population but 3.5 percent of those detained and committed.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) support a multi-pronged approach to increase opportunities for women and girls of color to succeed and prosper—in school, in the workforce, and in small business ownership;

BE IT FURTHER RESOLVED, that NBCSL support increasing the academic success of girls of color, leading to reduced school suspensions, increased on-time high school graduation rates, and pursuit of post-secondary education;

BE IT FURTHER RESOLVED, that NBCSL support encouraging girls of color to explore and pursue STEM careers;

BE IT FURTHER RESOLVED, that NBCSL support educating women and girls of color in financial literacy and entrepreneurship;

BE IT FURTHER RESOLVED, that NBCSL support increasing the number of women of color in high-wage, high demand, nontraditional jobs—the skilled trades and STEM occupations—through job skills training and apprenticeships;

BE IT FURTHER RESOLVED, that NBCSL support small business loans and technical assistance to businesses owned by women of color.

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Representative Rena Moran (MN)

Committee of Jurisdiction: Business and Economic Development Policy Committee

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-10

Certified by Committee Chair: Senator Jeffery Hayden (MN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-12

A RESOLUTION ENCOURAGING ECONOMIC FAIRNESS AND ACCESS FOR SMALL BUSINESSES

WHEREAS, the Small Business Administration has reported that there are 28.2 Million small businesses operating in the U.S., approximately 99.7 percent of all U.S. businesses;

WHEREAS, minorities own 15.1 percent of all U.S. businesses and more than 1/3 of the minority owned small businesses in America are owned by members of the Hispanic community and African-American ownership makes up only 28.1 percent of minority small businesses in the U.S.;

WHEREAS, U.S. Census Bureau studies, as recently as 2012, have shown that African-American small business ownership at 2.6 million firms and has risen as much as 35 percent from similar studies in 2007;

WHEREAS, small business owners have significant burdens to start, manage, and grow their businesses including administrative burdens around managing employees and regulations and access to capital;

WHEREAS, the Small Business Administration has invested in partnerships and programs to provide resources to all communities, like Startup-in-a-Day and the Small Business Technology coalition;

WHEREAS, technology platforms are making it easier to provide benefits, access health insurance, advertise, and track customer engagements;

WHEREAS, access to capital investment is seen as a significant roadblock to new African-American entrepreneurs creating small businesses and that less than 50 percent of requested funding dollars are provided to any small business regardless of color;

WHEREAS, according to recent studies by the Corporation for Enterprise Development and the Institute for Policy Studies it will take 228 years for African-Americans to accumulate the same wealth as White Americans have now if current policies stay in place;

WHEREAS, studies found that over the past 30 years, the average wealth of white families has grown by 84 percent; three times the growth rate for African-Americans and 1.2 times the growth rate for Hispanics;

WHEREAS, contracts through local and state governments comprise a significant opportunity for capital

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-12

investment through guaranteed contracts and in most cases, have small carve outs for local or minority owned businesses;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) seeks to increase the number of African-American small businesses and bridge the wealth divide through common sense policies at the local, state, and federal level;

WHEREAS, NBCSL seeks to provide entrepreneurs with the local, state, and federal resources and toolkits needed to be successful;

WHEREAS, NBCSL seeks to support policies that will create new capital investment opportunities to small businesses in the minority community as well as identifying increased public contract carve outs for local and minority businesses.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) support local, state, and federal programs that make the process of opening and managing a small business easier such as Start Up in a Day programs, mentoring programs, and local Small Business Development Centers;

BE IT FURTHER RESOLVED, that NBCSL members seek funding for and encourage programs that foster relationships with government led toolkits such as the Small Business Technology Coalition;

BE IT FURTHER RESOLVED, that NBCSL members encourage partnerships with free technology solutions dedicated to making entrepreneurship easier;

BE IT FURTHER RESOLVED, that NBCSL members call on the next administration to continue programs like the SBA's Small Business Technology Coalition and invest in programs that will make African-American small businesses more competitive;

BE IT FURTHER RESOLVED that NBCSL members should call on the White House and members of Congress to identify policies that perpetuate a wealth divide through a government-wide audit of policies and procedures and to resolve tax policies to help families of color build wealth;

BE IT FURTHER RESOLVED, that NBCSL members call on Congress and the Administration to develop more competitive and available investment models that will provide universal access to capital and work with state and local governments to increase procurement opportunities to Minority and Women owned businesses; and

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-12

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United State Senate, and other federal, state and local government officials as appropriate.

SPONSOR: Representative Karla May (MO)

Committee of Jurisdiction: Business and Economic Development Policy Committee

Certified by Committee Chair: Senator Jeffery Hayden (MN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-14

A RESOLUTION CALLING FOR AN END TO ABUSIVE DEBT COLLECTION PRACTICES

WHEREAS, 77 million Americans have debt in collections reported on their credit files, with African American neighborhoods more likely to have residents who have debts in collection;

WHEREAS, as outlined by the US Senate Banking, Housing and Urban Affairs Committee in a report supporting the federal Fair Debt Collection Practices Act, the overwhelming majority of people who are in debt and being pursued by debt collectors are not in debt by choice, but due to circumstances such as unexpected job loss, divorce or marital problems, overextension, and serious illness;

WHEREAS, the Federal Trade Commission (FTC), Consumer Financial Protection Bureau (CFPB), and many state Attorneys General receive more complaints about debt collection than any other industry;

WHEREAS, the top complaint by consumers to the Consumer Financial Protection Bureau on debt collection is being pursued for debts not owed;

WHEREAS, debt collectors often use aggressive tactics to collect debts, including pursuing the wrong person, attempting to collect debts not owed or already paid, making harassing and threatening phone calls, and filing wrongful lawsuits;

WHEREAS, debt collectors, when they acquire or purchase debts, often receive limited or outdated information about the debts they are collecting and individuals who allegedly owe the debts and rarely receive account documentation establishing that the debt is owed;

WHEREAS, debt collectors file hundreds of thousands of lawsuits each year in state courts to collect debts, even if they lack sufficient information and documentation on the debts to establish that an individual owes a specific debt;

WHEREAS, the vast majority of debt collection cases result in judgments in favor of the debt collector, often because an individual does not defend against the case for reasons including lack of notice of the lawsuit, inability to afford an attorney, a lack of understanding of the legal process, or inability to get off work;

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Resolution BED-17-14

WHEREAS, in most states, a court judgment, which can last for a decade or more, enables a debt collector to garnish wages, freeze bank accounts, and place a lien on property to satisfy the judgment;

WHEREAS, court judgments are included in consumer credit reports, have a negative impact on credit scores, and as a result, may impede access to affordable credit and housing and shut individuals out of job opportunities;

WHEREAS, abusive debt collection tactics result in individuals paying money for debts they may not owe or are not legally required to pay;

WHEREAS, consumers suffer financial harm as a result of lawsuits filed using inadequate information, whether due to defending a wrongful lawsuit or for wages garnished following a judgment, and this is particularly true for debts not owed;

WHEREAS, black neighborhoods suffer a disproportionate share of debt collection lawsuits and judgments than white neighborhoods – black neighborhoods have two times the number of judgments than white neighborhoods, regardless of income level;

WHEREAS, armed with those judgments, debt collectors and creditors extract millions of dollars from black neighborhoods each year, some for debts they cannot prove or the individual does not owe, causing residents to struggle to make ends meet;

WHEREAS, the Consumer Financial Protection Bureau is currently considering the first ever federal rule on debt collection to address abusive debt collection practices;

WHEREAS, the federal government currently lacks regulations requiring debt collectors to possess, and creditors to pass on, necessary information and documentation before initiating debt collection activities, including filing lawsuits;

WHEREAS, some states have taken steps to enact important protections against abusive debt collection practices, many state governments and judiciaries similarly lack strong rules on documentation of debts and ownership required prior to attempting to collect, bringing suit, and obtaining judgments against consumers in court; and

WHEREAS, federal and state laws on wage garnishment are outdated and often do not protect enough income from seizure to allow families to subsist or provide for basic living expenses.

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-14

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators believes, individuals have the right to be free from unfair, abusive, and deceptive debt collection practices that result in harassment, coerced payments, or wrongful court judgments;

BE IT FURTHER RESOLVED, the NBCSL condemns abusive debt collection tactics that subject individuals to harassment and threats, cause them to pay money for debts they do not owe, and subject individuals to wrongful lawsuits and court judgments;

BE IT FURTHER RESOLVED, the NBCSL calls on state legislatures to adopt legislation requiring more detailed and accurate information and documentation when debt collectors seek to collect debts in their states, including filing lawsuits;

BE IT FURTHER RESOLVED, the NBCSL encourages state judiciaries to tighten evidentiary requirements for obtaining judgments – including default and summary judgments – against consumers in debt-related cases;

BE IT FURTHER RESOLVED, the NBCSL urges the Consumer Financial Protection Bureau to issue strong rules that bring needed reforms to abusive debt collection practices;

BE IT FURTHER RESOLVED, the NBCSL urges federal regulators, including federal banking regulators, to bring oversight to creditor debt collection practices, including the sale of old debts;

BE IT FURTHER RESOLVED, the NBCSL urges federal regulators, especially the Consumer Financial Protection Bureau in its upcoming debt collection rule, to prohibit the initiation of collection efforts on any debt unless the debt collector has the information necessary to substantiate and verify the debt being sought;

BE IT FURTHER RESOLVED, the NBCSL encourages federal and state legislators to pass legislation that protects more income and property from wage garnishment and seizure, particularly for lower-income households; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-14

SPONSOR: Senator Floyd B. McKissick, Jr. (NC)

Committee of Jurisdiction: Business and Economic Development Policy Committee

Certified by Committee Chair: Senator Jeffery Hayden (MN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-15

A RESOLUTION URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ADOPT RULES ADDRESSING PROBLEMS IMPACTING MINORITY CONSUMERS AND SMALL BUSINESSES IN THE RENEWABLE IDENTIFICATION NUMBERS MARKET

WHEREAS, Congress adopted a renewable fuel standard in 2005, and expanded it in 2007, to put more biofuels in the U.S. market in order to improve the environment and energy security;

WHEREAS, the Environmental Protection Agency developed Renewable Identification Numbers (RINs) as a way to keep track of each qualifying gallon of renewable fuels;

WHEREAS, big integrated oil companies and large gasoline convenience store chain are able to earn and sell RINs;

WHEREAS, Renewable Identification Numbers can be sold and traded on a secondary market, separately from biofuels, increasing the likelihood of fraud;

WHEREAS, the current method the EPA has chosen to demonstrate compliance with that standard, has caused both excessive Wall Street speculation and fraud in the market for renewable fuels, endangering the very purpose of the program;

WHEREAS, adverse impacts on refining related to these implementation problems endanger gasoline supply and price, creating substantial unequal impacts for consumers living on fixed incomes and in communities of color;

WHEREAS, people of color own about 42 percent of independent gasoline retail stations, which are often squeezed by these implementation problems;

WHEREAS, these implementation problems also create competitive disadvantages for small gasoline retailers and convenience stores with large numbers of minority owners; and

WHEREAS, a simple administrative change to the program moving the point of obligation for providing renewable identification numbers, or RINs, downstream could fix the problem for gasoline consumers and small businesses.

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-15

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) calls on the U.S. Environmental Protection Agency to adopt a rule to address problems in the RINs market by moving the point of obligation in order to eliminate incentives for excessive speculation and fraud;

BE IT FURTHER RESOLVED, the newly created Quality Assurance Program should have a component that addresses how fraud impacts minority owners and communities of color; and

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Representative Billy Mitchell (GA)

Committee of Jurisdiction: Business and Economic Development Policy Committee

Certified by Committee Chair: Senator Jeffery Hayden (MN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-29

A RESOLUTION FOR NBCSL TO REAFFIRM SUPPORT FOR STATEHOOD FOR THE DC; SUPPORTS REFERENDUMS ON THE QUESTION

WHEREAS, the NBCSL has robust, established policy in support of the home rule, budget autonomy and Congressional representation which come with full statehood for the residents of the District of Columbia in resolutions from 1978, 2002, 2004, 2005, 2006, 2007, and 2011;

WHEREAS, the residents of the District of Columbia pay federal taxes, serve in the U.S. military, and participate in jury service like all other Americans citizens;

WHEREAS, almost half of all the people living in the District of Columbia identify themselves as "Black" or "African American";

WHEREAS, according to the U.S. Census Bureau, there are more than 601,000 people living in the District of Columbia at the time of the most recent census, compared to Wyoming, which had less than 564,000 yet which has full voting representation in Congress with two Senators and one Congressperson;

WHEREAS, in fiscal year 2016, the gross state product for the District of Columbia was estimated to be more than \$120 billion, more than that of 16 states;

WHEREAS, as of 2015, Washington, D.C. residents paid \$1.6 billion a year in federal taxes -more per person than the residents of every state;

WHEREAS, in 2016, as a show of fiscal independence and for the first time, the elected officials of the District of Columbia plan to enact a local spending plan totaling \$13 billion — without Congressional appropriation of those funds. Instead, the city will begin spending its money in a manner determined by locally elected officials unless federal lawmakers act to stop it;

WHEREAS, there is also a move to put a referendum on the ballot in November 2016 allowing the residents of the District of Columbia to decide on whether or not they want statehood; and

WHEREAS, if such a ballot were to be placed on the ballot and ultimately approved, it would provide District of Columbia residents and their struggle for statehood with more and much-needed national impact.

BUSINESS AND ECONOMIC DEVELOPMENT

Resolution BED-17-20

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) reaffirms its resolutions from 1978, 2002, 2004, 2005, 2006,07, and 2011 supporting residents of the District of Columbia in their struggle for home rule, Budget autonomy, and representation in Congress;

BE IT FURTHER RESOLVED, that NBCSL supports a referendum which would give the residents of the District of Columbia the full representation they so rightly deserve, and the rights and responsibilities inherent in statehood; and

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

Committee of Jurisdiction: Business and Economic Development Policy Committee

Certified by Committee Chair: Senator Jeffery Hayden (MN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

CHILDREN, YOUTH, AND FAMILIES (CYF) POLICY COMMITTEE

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2017 Ratified Policy Resolutions

Ratified December 2, 2016

NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

CHILDREN, YOUTH, AND FAMILIES

Resolution CYF-17-22

A RESOLUTION CELEBRATING THE LIFE OF PRINCE

WHEREAS, Prince Rogers Nelson was born in Minneapolis, Minnesota on June 7, 1958;

WHEREAS, at the age of 17, Prince followed in his jazz musician father's footsteps and signed a recording; contract with Warner Brothers' Records, and would go on to sell over 100 Million albums worldwide;

WHEREAS, Prince became a household name with his innovative sounds, eccentric dress, and ability to write, arrange, produce and play an estimated 20+ instruments for his songs;

WHEREAS, in 1984 Prince starred in the blockbuster and loosely autobiographical film *Purple Rain* and accompanying soundtrack—becoming the first person to simultaneously hold a number one album and film;

WHEREAS, Prince's music, a combination of funk, R&B, Rock, and gospel created what is known as the "Minneapolis Sound" which influenced other Twin City artists and producers such as Morris Day and the Time, Mint Condition, and Jimmy Jam and Terry Lewis;

WHEREAS, Prince wrote and produced many songs for noted artists such as Patti Labelle, Chaka Khan, Tevin Campbell, Sheila E., and his songs have been sampled or covered by Beyoncé, Alicia Keys, 2Pac, Tom Petty, and Madonna;

WHEREAS, Prince has received numerous awards for his groundbreaking work including NAACP Image Awards, an Academy Award for *Purple Rain*, 7 Grammy Awards, a Golden Globe Award, and more;

WHEREAS, Prince's passion extended beyond his artistry to many philanthropic activities and a strong commitment to social justice. He donated his time and wealth to a host of issues that he was passionate about including Environmental Justice, Economic Empowerment, and overall social justice initiatives and campaigns;

WHEREAS, in 2015 in response to the protests surrounding the death of Freddie Gray in Baltimore, Prince held a benefit concert in the city and donated a portion of the proceeds to the NAACP ACT-SO program;

WHEREAS, Prince's influence can be heard in countless newer artists including Esperanza

CHILDREN, YOUTH, AND FAMILIES

Resolution CYF-17-22

Spalding, Janelle Monáe, Andy Allo, Miguel, and Frank Ocean;

WHEREAS, the Rock and Roll Hall of Fame inducted Prince into its esteemed institution in 2004, the first year that he was eligible for induction after more than 25 years in the music industry; and

WHEREAS, on April 21, 2016, Prince passed away at his home in Chanhassen, Minnesota. In the days and weeks after his premature passing, family, friends, and millions of adoring fans around the world took to the airwaves and streets to express their grief on this tremendous loss.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) pauses to celebrate the life and music of Prince and extends its heartfelt and deepest condolences to his family, friends, and fans around the world; and

BE IT FINALLY RESOLVED, that a copy of this resolution will be placed in the NBCSL archives and given to Prince's family.

SPONSOR: Representative Brenda Gilmore (TN)

Committee of Jurisdiction: Children, Youth, Families Policy Committee Policy Committee

Certified by Committee Co-Chair: Representative Raumesh Akbari (TN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

CHILDREN, YOUTH, AND FAMILIES

Resolution CYF-17-33

A RESOLUTION TO SUPPORT OF PEOPLE SUFFERING WITH DYSLEXIA

WHEREAS, low literacy and functional illiteracy is reaching crisis levels across the United States;

WHEREAS, according to the United States Department of Education and the National Institute of Literacy, fourteen percent of the population cannot read, twenty-one percent of adults in the United States read below a 5th grade level, and nineteen percent of high school graduates cannot functionally read;

WHEREAS, literacy impacts educational attainment, economic status and self-respect;

WHEREAS, low literacy levels can be responsible for unemployment, poverty, academic failure, failed personal relationships, increased criminal behavior, and poor health outcomes;

WHEREAS, Dyslexia is often hereditary and the most common reading disability, yet many individuals remain undiagnosed, untreated and struggle with the impact of their Dyslexia;

WHEREAS, Dyslexia is neurological in origin characterized by problems with accurate or fluent word recognition, poor decoding, and poor spelling abilities and is the only medical condition with an educational treatment and solution;

WHEREAS, in order to become successful readers, writers and spellers, students with Dyslexia require reading instruction or specialized reading intervention and therapy that is explicit, structured, multi-sensory, cumulative, sequential, and hierarchical;

WHEREAS, according to the Yale Dyslexia and Creativity Center, Dyslexia crosses racial, ethnic and socioeconomic lines and with proper instruction and accommodations it can be re-mediated;

WHEREAS, according to research, undiagnosed and untreated reading disabilities increase the risk of youth involvement in the juvenile justice systems and perpetuates the school-to-prison pipeline; and

WHEREAS, many teachers are generally not trained to successfully screen, identify, teach, and provide reading prevention, intervention, and remediation to the twenty percent of students across the United States who is struggling with Dyslexia.

CHILDREN, YOUTH, AND FAMILIES

Resolution CYF-17-33

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) reaffirms their support of those living with dyslexia;

BE IT FURTHER RESOLVED, NBCSL supports making correct, consistent, and routine screening and identification of students who have dyslexia an educational priority and supports offering all students across the United States who have been screened and identified as having dyslexia with evidence and research-based educational treatment options proven to improve literacy rates;

BE IT FURTHER RESOLVED, NBCSL recognizes the need for more literacy services and resources in schools so that all students receive Dyslexia screening and the need for appropriate classroom reading instruction, proper tutoring, therapy and remediation to combat the educational literacy crisis;

BE IT FURTHER RESOLVED, NBCSL recognizes the need to close the reading achievement gap by requiring appropriate teacher training for teaching reading to students with Dyslexia;

BE IT FURTHER RESOLVED, NBCSL stands with those impacted by Dyslexia by supporting increased public awareness of Dyslexia, by urging all Legislators and Citizens to learn about Dyslexia and its impact on students and by educating the public about the adverse effects untreated reading disabilities can have on their communities.

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice president of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Mike Shelton (OK)

Committee of Jurisdiction: Children, Youth, Families Policy Committee Policy Committee

Certified by Committee Co-Chair: Representative Raumesh Akbari (TN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

EDUCATION (EDU) POLICY COMMITTEE

EDU-17-09 A RESOLUTION TO SUPPORT OF PEOPLE SUFFERING WITH DYSLEXIA.....**PG 27**

2017 Ratified Policy Resolutions

Ratified December 2, 2016

NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

EDUCATION

Resolution EDU-17-09

A RESOLUTION ON COMMUNITY OF SCHOOLS

WHEREAS, a community school is both a place and a set of partnerships between the school and other community resources;

WHEREAS, its integrated focus on academics, health and social services, youth and community development and community engagement leads to improved student learning, stronger families and healthier communities;

WHEREAS, community schools offer a personalized curriculum that emphasizes real-world learning and community problem-solving; and

WHEREAS, community schools focus on short and long term goals, including ensuring consistent school attendance, increased family participation in education, and safe and healthy children.

THEREFORE BE IT RESOLVED, the National Black Caucus Of State Legislators (NBCSL) encourages local education authority and schools to form community consortiums with a variety of community partners to establish communities of schools with an integrated focus on academics, health and social services, youth and community development, and community engagement that will lead to improved student learning, stronger families, and healthier communities;

BE IT FURTHER RESOLVED, community of schools formed pursuant to this bill to strive to become centers of their communities providing programs and services for persons of all ages;

BE IT FURTHER RESOLVED, schools should be open to everyone throughout each day, including in the evenings, on weekends, and in the summer. if a community of schools is not able to locate services for all ages in one of the public schools of the neighborhood, the community of schools is encouraged to locate activities, particularly those that occur outside of regular school hours in a central facility, if one is available, that provides easy access to all of the partnering schools, their students, and parents;

BE IT FURTHER RESOLVED, community of schools will have all the rights, privileges, and obligations accorded to a community school under present law, and authorizes school departments to seek funds for creation of communities of schools as it does for community schools; and

EDUCATION

Resolution EDU-17-09

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice president of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Barbara Cooper (TN)

Committee of Jurisdiction: Education Policy Committee

Certified by Committee Co-Chair: Senator Tanya Cook (NE)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

ENERGY, TRANSPORTATION, AND ENVIRONMENT (ETE) POLICY COMMITTEE

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ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-01

A RESOLUTION URGING COMPLIANCE WITH PROTECTIVE STANDARDS FOR BENEFICIAL USE OF INDUSTRIAL SOLID WASTE MANAGEMENT

WHEREAS, in 2015, the US Environmental Protection Agency (EPA) took major steps forward in encouraging the beneficial use of industrial wastes that otherwise would be disposed;

WHEREAS, in its final rule, Disposal of Coal Combustion Residuals from Electric Utilities the EPA articulated a framework to ensure that safe recycling of coal ash will continue and that other forms of beneficial use will be subject to "legitimacy criteria";

WHEREAS, these criteria balance the goal of reusing wastes with a commitment to ensure that reuse will not adversely impact the environment or the health of affected communities;

WHEREAS, the beneficial use criteria in the Coal Combustion Residuals rule are consistent with EPA's long-standing "Sham Recycling" policy as most recently employed in the Agency's Non-Hazardous Secondary Materials Rule;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has a long history of supporting programs designed to protect the environment and health of communities affected sham recycling policies;

WHEREAS, NBCSL supports the beneficial use of industrial wastes, including the reuse of Coal Combustion Residuals (CCRs) in applications like cement and road aggregate; and

WHEREAS, state legislatures and regulatory bodies, possess the authority necessary to implement policies, programs, and incentives to protect the environment and encourage industry compliance with the Final Rule.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the EPA's final rule, Disposal of Coal Combustion Residuals from Electric Utilities, and the framework articulated to ensure that safe recycling of coal ash will continue and that other forms of beneficial use will be subject to "legitimacy criteria";

BE IT FURTHER RESOLVED, that NBCSL respectfully urges state regulators, state legislatures, and other relevant state-level policymakers to review the U.S. EPA's beneficial use standard and its "legitimacy criteria" for applicability in state and local programs authorizing reuse of non-hazardous

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-01

solid waste, including the following criteria elements:

1. The wastes provide a functional benefit (e.g., gypsum in wallboard or ash in cement, or Coal Combustion Residuals (CCRs) used as a soil amendment to adjust the pH of soil);
2. The wastes substitute for use of a virgin material (e.g., FGD gypsum in wallboard, fly ash in Portland cement, CCR in road bed to replace quarried aggregate)
3. The beneficial use complies with relevant product specifications or regulatory standards (e.g. Fly ash in highway construction pursuant to ASTM C 593, ASTM D 560 freezing and thawing test, and a 7-day compressive strength above 2750 (400 psi)). In agricultural settings, the beneficial use would follow EPA's standards governing agricultural application of bio solids. Use of CCRs as structural fill would follow ASTM Standard E2277-03.
4. For un-encapsulated uses involving placement on land of 12,400 tons or more in non-roadway applications, the residuals generator must document that environmental releases to groundwater, surface water, soil or air will be at or below those of analogous products made without CCR (the "comparability" criteria) or that environmental releases will be at or below relevant regulatory and health-based benchmarks. CCR uses subject to this criterion include flowable fill, structural fill, soil modification/stabilization, waste stabilization, use in agriculture as a soil amendment, and aggregate. This demonstration might include a conceptual model evaluating potential exposure pathways (groundwater, surface water, air, soils, dust, leaching mercury inhalation and plant uptake), and a screening comparison of the characteristics of the CCR with its non-CCR substitute in terms of human soil ingestion, ecological soil, water and fish ingestion, surface water, sediment and inhalation.

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Billy Mitchell (GA)

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

Certified by Committee Co-Chair: Representative Billy Mitchell (GA)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-11

A RESOLUTION PROMOTING STRATEGIES THAT SUPPORT SAFE AND CONVENIENT TRANSPORT ALONG ALL MODES OF TRANSPORTATION, INCLUDING BIKING AND WALKING, FOR ALL USERS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that our constituents face a growing burden of largely preventable chronic illnesses, such as heart disease, stroke, obesity, and diabetes;

WHEREAS, engaging in daily physical activity reduces the risk of obesity, coronary heart disease, stroke, hypertension, diabetes, and some types of cancer;

WHEREAS, some low-income communities and communities of color have lacked well-maintained routes to parks and schools, roads, bike lanes, and sidewalks for decades, and in many cases they simply do not have transportation options at all; and the same neighborhoods often experience higher rates of chronic diseases like diabetes and heart disease;

WHEREAS, the NBCSL has previously adopted policy resolutions recognizing the importance of physical activity and social determinants of health, such as HSE-15-05 “RECOGNIZING THE SOCIAL DETERMINANTS OF HEALTH AND URGING THE CREATION OF HEALTH-IN-ALL-POLICIES TASK FORCES IN THE STATES”;

WHEREAS, one study has concluded that streets with sidewalks on one or both sides of the street are significantly more common in high-income communities (89 percent) than they are in middle-income (59 percent) or low-income (49 percent) communities, while another study concluded that children from low-income and households of color, are more likely to bike or walk to school than whites or higher-income students;

WHEREAS, researchers concluded that African Americans suffer a 60 percent higher rate of pedestrian fatalities when compared to white counterparts;

WHEREAS, researchers concluded that sidewalks contribute to safety and a pedestrian friendly environment and can increase walking within a community;

WHEREAS, investments in bicycle and pedestrian infrastructure create more jobs per million dollars spent when compared to highway projects;

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Resolution ETE-17-11

WHEREAS, a study published in Social Science and Medicine, shows that people in walkable neighborhoods generally get about 35 to 45 more minutes of moderate intensity physical activity a week and are less likely to be overweight or obese than those in low-walkability neighborhoods; and

WHEREAS, physically active children may perform better academically and evidence suggests that physical activity among children is related to better mental health.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes the importance of access to safe and convenient transportation in communities;

BE IT FURTHER RESOLVED, that NBCSL applauds the U.S. Department of Transportation's Safer People, Safer Streets initiative and for available funding for transportation projects throughout the country under the Transportation Investment Generating Economic Recovery (TIGER) grant program;

BE IT FURTHER RESOLVED, that NBCSL urges the creation of plans and goals to ensure successful implementation of walking & biking projects in low-to-moderate income communities and identification of barriers and solutions;

BE IT FURTHER RESOLVED, that NBCSL recommends supporting state and local financing mechanisms that create long-term funding for bicycling and walking projects;

BE IT FURTHER RESOLVED, that NBCSL urges the U.S. Department of Transportation to adopt performance measures that focus not only on vehicular traffic but also performance measures around equitable design tied to walking, biking, rolling, and other active forms of transportation; recognizing that these performance measures help local and state agencies determine where funding should be prioritized;

BE IT FURTHER RESOLVED, that NBCSL urges states and communities to pass complete streets policies in order to create a safe multimodal transportation network through the strategy of requiring that road construction and reconstruction projects make a street safe and comfortable for all users, and that these states and communities develop plans for the equitable implementation of complete streets; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, U.S. Department of Transportation Secretary and other federal and state government officials, as appropriate.

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-11

SPONSOR: Senator Rodney Ellis (TX)

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

Certified by Committee Co-Chair: Representative Billy Mitchell (GA)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-16

A RESOLUTION ON CONSUMER PROTECTION

WHEREAS, The National Black Caucus of State Legislators (NBCSL) supports the ability of residential and business customers to generate their own electricity through solar panels (i.e., distributed generation) as a key pathway to energy democracy whereby communities can own solar panels and be partners in the nation's electricity infrastructure;

WHEREAS, solar success in America is the promotion of innovation and procompetitive behavior in solar markets; and

WHEREAS, Solar Leasing Disclosure Statements should be streamlined statements designed to help solar customers understand the terms and costs of solar leasing and not intended to be a substitute for reading the contract, lease and other documents associated with a solar transaction.

THEREFORE, BE IT RESOLVED, in an effort to make going solar as effortless and streamlined as possible, the National Black Caucus of State Legislators (NBCSL) recommends members become educated on solar financing options available, contracting terms to be aware of, and other useful tips;

BE IT FURTHER RESOLVED, that the NBCSL will work with the Federal Trade Commission and other appropriate organizations to develop a guide for homeowners that provides insight on solar financing, including leases and loans;

BE IT FURTHER RESOLVED, that the NBCSL believes that the protection of consumers should be a priority for both state and federal governments;

BE IT FURTHER RESOLVED, that NBCSL encourages state policymakers to increase their awareness to ensure consumers are protected and accountable for their respective states, and to consider introducing consumer protection legislation in their State Legislatures;

BE IT FURTHER RESOLVED that NBCSL work through the local, state and federal agencies to ensure that the solar leasing industry will be closely monitored and appropriately regulated to ensure the protection of our communities; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Billy Mitchell (GA)

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

Certified by Committee Co-Chair: Representative Billy Mitchell (GA)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-40

A RESOLUTION SUPPORTING COMMONSENSE POLICIES THAT ENCOURAGE TRANSPORTATION NETWORK COMPANY DRIVERS

WHEREAS, Transportation Network Companies (TNCs) are committed to increasing communities' access to transportation, thereby helping to expand communities' access to employment opportunities, education, commerce, art, and culture, particularly in communities of color where traditional public transportation options are often lacking;

WHEREAS, TNCs offer new entrepreneurship opportunities for communities of color by offering licensed drivers in good-standing the opportunity to earn additional income on a flexible schedule;

WHEREAS, recent studies have proven that ridesharing offers public safety benefits by reducing the number of fatal vehicle crashes, the instances of drunk or impaired driving, and the number of arrests for assault and disorderly conduct;

WHEREAS, fingerprint-based criminal history databases, such as the one maintained by the Federal Bureau of Investigations, often only indicate whether an individual has been arrested, not whether that individual was convicted of a crime;

WHEREAS, approximately one-third of all arrests do not result in a conviction;

WHEREAS, approximately one-third of all Americans are arrested by the age of twenty-three;

WHEREAS, according to a USA Today investigation conducted in 2014, in at least seventy police departments across the country, African-Americans are arrested at a rate that is ten times higher than other racial groups;

WHEREAS, fingerprint-based background checks, such as the one maintained by the Federal Bureau of Investigations, disproportionately burden communities of color who wish to participate in the new economic opportunities offered by TNCs;

WHEREAS, TNCs have developed safe, innovative, quality-controlled networks to connect drivers and riders;

WHEREAS, the number of individuals seeking to participate in ridesharing as TNC drivers decreases significantly as barriers to entry are increased;

WHEREAS, examples of such barriers to entry for TNC drivers include requirements that TNC drivers pay business license fees, obtain medical examinations, complete geography tests or in-person driving courses, obtain commercial driver's licenses, and submit to drug testing;

WHEREAS, according to a 2016 Pew Research Center survey, overall 14 percent of whites, 15 percent of African-Americans, and 18 percent of Latinos have used TNC services;

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WHEREAS, the 2016 Pew Research Center survey further found that Americans who live in majority-minority communities are more likely than those who reside in predominantly white communities to say that TNCs serve neighborhoods that taxis won't visit;

WHEREAS, a Harvard study on upward mobility has found that the relationship between transportation, specifically commuting time, and social mobility is the single strongest determinant of a family's chances of escaping poverty, stronger even than factors such as crime, elementary-school test scores, or the percentage of two-parent families in a community;

WHEREAS, that same Harvard study concluded that the longer the average commuting time the less likely a low-income family is to move out of poverty;

WHEREAS, a New York University Rudin Center for Transportation report found that, in New York City, residents of communities that had the lowest access to mass transit relied on personal vehicles to commute to work while residents of communities with insufficient access to mass transit experienced the highest rates of unemployment and the lowest incomes;

WHEREAS, a 2012 Brookings Institution study found that, in the 100 largest metropolitan areas, only 27 percent of jobs could be reached via mass transit within 90 minutes, more than three times the average commuting time in the United States;

WHEREAS, in a survey of over 800 people in Chicago about their experiences hailing taxis, researchers found that 48 percent of black respondents stated that, at some point in their lives, they had been ignored by a taxi driver, more than double the rate of whites who reported the same experience, and more than half of all black respondents stated that a taxi company had refused to send a car to their neighborhood when called; and

WHEREAS, NBCSL seeks to create an environment where TNC services will thrive and facilitate the development of a robust market—including supply and demand—for TNC services.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports legislation that supports the development of TNC services by providing a commonsense regulatory framework for TNCs;

BE IT FURTHER RESOLVED, NBCSL urges the adoption of TNC rules designed to provide a framework for safe transportation options, reduce discriminatory practices, and increase entrepreneurial activity;

BE IT FURTHER RESOLVED, that all state legislators are urged to ensure that the economic, environmental, and social opportunities provided by TNC services continue to thrive across the country;

BE IT FURTHER RESOLVED, that all state legislators are encouraged to ensure that these economic, environmental, and social opportunities are equally available to all people seeking to participate in ridesharing through the enactment of TNC regulations that ensure the safety of

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-40

passengers and fair and equitable processes for those seeking to become TNC drivers; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Harold M. Love, Jr. (TN)

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

Certified by Committee Co-Chair: Representative Billy Mitchell (GA)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-41

A RESOLUTION ON CREATING A SAFE AND HEALTHY ENVIRONMENT THROUGH INNOVATION

WHEREAS, there has been a history of environmental dangers, particularly in communities of color, in cities like West Dallas, TX, Uniontown, AL, Chester, PA, East Chicago, IN, and as recently Flint, MI;

WHEREAS, a 2016 study published in *Environmental Research Letters* demonstrated factories, warehouses, and other facilities using hazardous chemicals, are overwhelmingly in low-income communities of color;

WHEREAS, a 2015 study published the same journal, showed that hazardous waste treatment, storage, and disposal plants often are located in low-income communities of color as well;

WHEREAS, African Americans are 75 percent greater and Latinos are 60 percent greater to live in “fenceline zones,” places where chances are highest for death or injury after a chemical accident;

WHEREAS, environmental justice is the “fair treatment and meaningful involvement of people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies;”

WHEREAS, the Hazardous Substances Emergency Events Surveillance (HSEES) was established by the Agency for Toxic Substances & Disease Registry ATSDR, to “collect and analyze information about acute releases of hazardous substances and threatened releases that result in a public health action;”

WHEREAS, only 14 states participate in the HSEES: Colorado, Florida, Iowa, Louisiana, Michigan, Minnesota, New Jersey, New York, North Carolina, Oregon, Texas, Utah, Washington, and Wisconsin; and

WHEREAS, safer environmental regulations on chemical production, distribution, and elimination can reduce the risk to all communities.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) calls for the use of alternative production processes, the use of safer chemicals, redesigned products and systems, and innovative products in efforts to eliminate hazardous chemicals;

BE IT FURTHER RESOLVED, chemicals slow to degrade, accumulate in our bodies or living organisms, or are highly hazardous to humans or the environment be the first to be eliminated from regular use are not exported to other countries;

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-41

BE IT FURTHER RESOLVED, the public and workers should have a full right to know and participate on the decision of chemicals, including, disclosing chemicals and materials, listing quantities of chemicals produced, used, released, and exported, and providing public/worker access to chemical hazard, use and exposure information;

BE IT FURTHER RESOLVED, NBCSL urges companies to act with foresight and prevent harm from new or existing chemicals when credible evidence of harm exists, even when some uncertainty remains regarding the exact nature and magnitude of the harm;

BE IT FURTHER RESOLVED, NBCSL urges manufacturers to publicly provide available safety information about a chemical. The information must be sufficient to permit a reasonable evaluation of the safety of the chemical for human health and the environment, including hazard, use and exposure information;

BE IT FURTHER RESOLVED, that when communities and workers are exposed to levels of chemicals that pose a health hazard, that immediate action is taken to contain and eliminate these exposures and resulting harm; and

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Representative Harold Mitchell (SC)

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

Certified by Committee Co-Chair: Representative Billy Mitchell (GA)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-44

A RESOLUTION SUPPORTS THE PROTECTION OF LANDS, WATERS AND SACRED PLACES FOR THE STANDING ROCK SIOUX NATION

WHEREAS, Native Americans, Native Alaskans and Native Hawaiians have experienced a traumatic history of discrimination;

WHEREAS, the United States has historically recognized Indian Nations in the United States as sovereign nations having inherent sovereign powers and rights including the right to make their own laws and the right to govern all people who come onto the Indian Nations;

WHEREAS, sovereign Indian Nations predate the United States Constitution and therefore Indian Nations are not subject to the United States Constitution but are subject to the plenary authority of the United States Congress;

WHEREAS, the Standing Rock Indian reservation was established as the homeland for the Hunkpapa, Yanktonai, Cuthead and Blackfoot bands of the Great Sioux Nation:

WHEREAS, the Standing Rock Sioux Tribe depends on the Missouri River as its sole water source as well as for general wellbeing and sustainability of the Standing Rock Indian Reservation;

WHEREAS, the Dakota Access Pipeline poses a serious risk to the wildlife and fish along the Missouri River and the Standing Rock Sioux Tribes ability to provide a livable homeland for its people;

WHEREAS, the horizontal direction drilling in the construction of the Dakota Access pipeline would harm sacred places and cultural resources;

WHEREAS, the National Black Caucus of State Legislators understands the importance of government-to-government consultation and understands there has been a lack of meaningful consultation with the Standing Rock Sioux Tribe; and

WHEREAS, NBCSL supports the Standing Rock Sioux Tribe and the many other tribes that have expressed opposition to the Dakota Access Pipeline.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) supports the inherit sovereignty of the Standing Rock Sioux Tribe and their efforts to stop construction of the pipeline;

BE IT FURTHER RESOLVED, NBCSL urges the U.S. Army Corps of Engineers to rescind all permitting or easement for the Dakota Access Pipeline on all tribal lands until a full environmental impact study is done with meaningful consultation with the Standing Rock Sioux Tribe; and

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-17-44

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Senator Anastasia Pittman (OK)

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

Certified by Committee Co-Chair: Representative Billy Mitchell (GA)

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Ratification is certified by: Senator Catherine Pugh (MD), President

HOUSING AND COMMUNITY DEVELOPMENT (HCD) POLICY COMMITTEE

HCD-17-21 A RESOLUTION CONDEMNING PREDATORY HOME BUYING PRACTICES ON
LOWINCOME FAMILIES..... **PG 44**

2017 Ratified Policy Resolutions

Ratified December 2, 2016

NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

HOUSING AND COMMUNITY DEVELOPMENT

Resolution HCD-17-21

A RESOLUTION CONDEMNING PREDATORY HOME BUYING PRACTICES ON LOW-INCOME FAMILIES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) strives for social and economic equality of all persons through the enactment of federal, state, and local laws securing civil rights;

WHEREAS, since the sub-prime housing crisis (2007 to 2009) African-American household wealth has continued to decrease, producing a loss of forty percent of non-home-equity wealth. Additionally, home equity wealth, which dropped 19 percent during the crisis, has declined an additional 13 percent;

WHEREAS, according to figures from recent American housing surveys, while only 5 percent of all owner-occupied households in the U.S. had contracts for deed in 2005, 9.5 percent of Hispanic owner-occupied households and 7.1 percent of Black owner-occupied households across the country used them;

WHEREAS, because most families desire to become homeowners, over three million families have entered into a Contract for Deeds in pursuit of their ambitions of homeownership. A Contract for Deeds, also known as a land sales contract or land installment contract, is a seller finance method to purchase a home where the seller retains the legal title to the property until the homebuyer finishes paying all principal payments and interest owed under the contract;

WHEREAS, Contracts for Deeds are used by low-income home-buyers who are unable to obtain a traditional mortgage or financing because of poor credit ratings, inadequate income or other issues;

WHEREAS, Contracts for Deeds allow the seller to avoid health and safety regulations, and crucial repairs to the property, while transferring the burden of property taxes, property insurance, and repairs to the homebuyer;

WHEREAS, in comparison to renting, the home-buyer must pay more per month for the property under Contracts for Deeds, make a larger upfront payment, and take better care of the premises, because the homebuyer believes he or she will eventually become the homeowner. However, sellers rarely end up transferring the title to the prospective home-buyer;

WHEREAS, a balloon payment often requires the buyer to secure a traditional mortgage to pay off the final amount or risk the contract being cancelled by the seller;

WHEREAS, Contracts for Deeds are often consummated between the home-buyer and the seller without the benefit of a title searches and title insurance, government regulatory protections and standardized legal documents in many states including Texas, Illinois, Michigan, Minnesota, West Virginia, South Dakota, Ohio, South Carolina, and Florida;

WHEREAS, investment firms ("Investors") that acquired land during the recent recession use

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Contracts for Deeds to target vulnerable people—largely low income minorities—who either: (1) are unable to fully comprehend the risk associated with a Contract for Deed; or (2) lack the financial means to satisfy the contract;

WHEREAS, Investors use Contracts for Deeds to "sell" homes requiring major repairs, due to: (1) physical damage; (2) biological contaminants (black mold); (3) structural problems (foundational issues); and (4) missing or improperly functioning building systems to low-income homebuyers;

WHEREAS, the Investors typically include in a 30-year Contract for Deeds provisions that require the homebuyer to: (1) pay an interest rate in excess of nine percent; and (2) bring the property to a habitable condition within four months of the contract. These terms force low-income home-buyers to devote large amounts of money into properties to satisfy the contracted provisions, on top of large monthly payments with exceptionally high interest rates;

WHEREAS, Investors promptly seek to evict the homebuyer for violating the contract once the homebuyers fail to bring the house up to a habitable standard in the brief or afford payments pursuant to the contract. Moreover, investors include in the Contract for Deed a one-sided clause for compulsory binding arbitration to avoid homebuyers' consumer protections from being adjudicated in a court of law;

WHEREAS, the eviction causes the low-income home-buyer to lose rights to the home and all capital spent on the property prior to the eviction. The seller retains the title to the property, income paid pursuant to the contract, and improvements the home-buyer was able to afford. The seller is then able to enter into a new contract for deed with a new prospective home-buyer and continue the cycle of contracting and evicting;

WHEREAS, contracts of deeds have existed for decades, but are now receiving new scrutiny at the federal level from the consumer financial protection bureau; and

WHEREAS, the proliferation and abuse of Contracts for Deeds presents the risk of creating yet another large drain on African-American wealth comparable in impact to the housing finance abuses that brought about the 2007-2009 sub-prime crisis.

THEREFORE BE IT RESOLVED, that the National Black Caucus Of State Legislators condemns the use of Contracts for Deeds to exploit low- income home-buyers;

BE IT FURTHER RESOLVED, that the NBCSL requests the Department of Housing and Urban Development, the Department of Veterans Affairs, and the Rural Housing Service of the Department of Agriculture to enact regulations and safeguards against predatory uses of Contracts for Deeds, and to prohibit the practice of using Contracts for Deeds to unjustly evict low-income families from their homes;

BE IT FURTHER RESOLVED, NBCSL encourages non-profit, community organizations, and banks to host programs on homeownership, especially for first-time home buyers; and

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BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN))

Committee of Jurisdiction: Housing and Community Development Policy Committee

Certified by Committee Co-Chair: Representative Brenda Gilmore (TN)

Ratified in Plenary Session: Ratification Date is December 3, 2016

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HEALTH AND HUMAN SERVICES (HHS) POLICY COMMITTEE

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NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

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A RESOLUTION PROMOTING POLICIES TO DECREASE THE DISPROPORTIONATE ACCESS TO HOME DIALYSIS FOR MINORITIES LIVING WITH END STAGE RENAL DISEASE

WHEREAS, End Stage Renal Disease (ESRD), which is also called kidney failure, currently impacts 661,000 Americans, and more than 89,000 Americans die from ESRD annually;

WHEREAS, more than 115,000 new ESRD cases are diagnosed each year;

WHEREAS, dialysis or transplant are the only treatments for ESRD and 70 percent of patients are on dialysis;

WHEREAS, a patient can obtain treatment in their home with either home hemodialysis (HHD) or peritoneal dialysis (PD), or transport to dialysis center 3 times a week for hemodialysis;

WHEREAS, home dialysis provides significant economic and lifestyle advantages such as greater autonomy and flexibility over when a patient dialyzes, reduced dependence on transportation, as there is no need for travel to a clinic for treatments, and is more conducive for work, demonstrated by higher rates of employment among home dialysis patients;

WHEREAS, the first three months of dialysis cost, on average, upwards of \$43,000 per patient;

WHEREAS, access to a home dialysis training program allows for Medicaid patients to move to Medicare as their primary payer on day one of treatment and not at month four which is called the “Medicare waiting period” and therefore saving the state Medicaid’s significant costs;

WHEREAS, this three-month Medicare waiting period creates significant costs for states and if there are 1,000 new Medicaid cases of ESRD in a state, this could mean as much as \$43 million in annual Medicaid costs during the waiting period;

WHEREAS, only 10 percent of dialysis patients receive treatment at home;

WHEREAS, End Stage Renal Disease disproportionately affects Americans of color and incidence among African Americans is 3.7 times greater than in Caucasians;

WHEREAS, Hispanic patients are 13 percent less likely than average to receive PD and 37 percent less likely than average to receive HHD, while African American patients are 29 percent less likely than average to receive PD and 17 percent less likely than average to receive HHD;

WHEREAS, there is less home hemodialysis and in-home training in poorer counties, and counties with fewer minorities offer greater access to home hemodialysis;

WHEREAS, there are many barriers that preclude many patients from accessing home dialysis

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which include the lack of sufficient provider education about home dialysis, insufficient reimbursement for home dialysis, limited patient awareness of the home modality, and potentially burdensome requirements for care partner support and most of these barriers were also noted in a report by the U.S. Government Accountability Office issued fall of 2015; and

WHEREAS, policymakers can alleviate these burdens by focusing on telehealth, medical waste laws, reimbursement, enable and encourage providers to offer more home dialysis to more of their patients and to provide a pathway for staff-assisted home hemodialysis.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognize the importance of equal access to all dialysis modalities for ESRD to preserve state funds by enabling more patients who can benefit from home dialysis to get access to it; and

BE IT FURTHER RESOLVED, that NBCSL urges state legislators, state agencies and policymakers to implement policies to decrease the disproportionate number of African- Americans and other minorities' lack of access to home dialysis modalities by improving access to home dialysis; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the president of the United States, the vice president of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Rep. Mia Jones (FL)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Co-Chair: Representative Mia Jones (FL)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

HEALTH AND HUMAN SERVICES

Resolution HHS-17-17

A RESOLUTION TO STAND IN SUPPORT OF DENTAL SUPPORT ORGANIZATIONS (“DSOS”)

WHEREAS, dental support organizations (DSOs) contract with dental practices to provide critical business management and support including non-clinical operations;

WHEREAS, DSOs provide dental services to traditionally under-served populations and locations, including, approximately 15 percent of children’s services in the United States;

WHEREAS, 47 percent of the patients in underserved communities served by the largest national DSO are African American and DSOs serve 20-25 percent of the Medicaid patients in some states;

WHEREAS, DSOs increase operational efficiency and lower dental care costs, allowing dental service providers to increase acceptance of Medicaid and Children’s Health Insurance Plan (CHIP) beneficiaries;

WHEREAS, health policy analysis completed by Dobson DaVanzo & Associates found that expansion of the DSO model in select states could generate savings sufficient to provide dental care to an additional 1.9 million Medicaid patients;

WHEREAS, DSOs play a pivotal role in ensuring a “culture of compliance” in the dental industry through the creation and implementation of standardized quality control policies and procedures;

WHEREAS, DSOs allow dental service providers to provide better dental care by increasing their ability focus on clinical expertise through their affiliation with professional organizations designed to assist them in meeting non-clinical responsibilities; and

WHEREAS, the National Black Caucus of State Legislators has been committed to improving oral health care as stated in HHS-15-24 “A Resolution Expanding Access to Oral Health Care.”

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) stands up and supports DSOs and their mission to provide affordable, quality dental services to all populations;

BE IT FURTHER RESOLVED, that NBCSL encourages federal and state policymakers to utilize the efficiencies and capabilities of DSOs to address oral health outcomes and drive new payment and evidence based treatment protocols;

BE IT FURTHER RESOLVED, that NBCSL encourages the resistance of anticompetitive policies that stifle the growth of the DSO industry and patient access to the benefits they provide, including the recognition of the division of clinical and nonclinical responsibilities and limiting overreaching regulation by state licensure boards;

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BE IT FURTHER RESOLVED, that NBCSL encourages representation of DSO affiliated dentists on state dental licensure boards to offer their unique perspective and experience to state licensure policy and disciplinary deliberations;

BE IT FURTHER RESOLVED, that NBCSL encourages eligibility for loan forgiveness programs for DSO dentists who serve in low-income and under-served areas; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Joan Carter Conway (MD)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Co-Chair: Representative Mia Jones (FL)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

HEALTH AND HUMAN SERVICES

Resolution HHS-17-18

A RESOLUTION ON PROSTATE CANCER AWARENESS

WHEREAS, prostate cancer is a disease that disproportionately affects African-American males, with incidence rates 1.6 times higher than non-African-American males;

WHEREAS, prostate cancer is a disease that disproportionately affects all men with a family history of this disease (particularly brother and/or father) and as they advance in age;

WHEREAS, African-American males die from prostate cancer at a rate 2.5 times higher than White males;

WHEREAS, prostate cancer is detected in African-American males, on average, at a younger age than White males;

WHEREAS, race, age and family history present a triple risk for older African Americans;

WHEREAS, early detection and treatment of prostate cancer can prevent deaths and metastatic spread of prostate cancer in the body and related pain and suffering; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has called for increased funding and outreach in resolution HHS-08-23 “To Adopt Additional Funds for Education, Awareness, Outreach, and Early Detection for Prostate Cancer.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) calls on states to take action on prostate cancer awareness;

BE IT FURTHER RESOLVED, NBCSL call on states to encourage culturally-competent outreach efforts to educate and inform communities of color on the importance of early detection;

BE IT FURTHER RESOLVED, NBCSL calls on states to encourage African-American men to participate in clinical trials and for clinical trials to actively recruit African-American men;

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Co-Chair: Representative Mia Jones (FL)

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Ratification is certified by: Senator Catherine Pugh (MD), President

HEALTH AND HUMAN SERVICES

Resolution HHS-17-19

A RESOLUTION TAKING ACTION ON THE CRITICAL SHORTAGE OF PRIMARY CARE DOCTORS IN THE U.S

WHEREAS, disease prevention programs for certain communities are not being implemented because health care deserts, that is, communities without doctors in pockets of the inner city and rural communities, are increasing and causing huge health disparities once again;

WHEREAS, roughly 65 million people live in a primary care desert;

WHEREAS, the U.S. could lose 100,000 doctors by 2025, 1/3 of which will be primary care physicians;

WHEREAS, this shortage of doctors, especially primary care doctors, as well as the lack of diversity in our physician workforce, have been long overlooked because many of the people harmed usually do not have a political voice and the clout to hold elected leaders accountable;

WHEREAS, medical schools remain closed systems and do not generate sufficient numbers of primary care physicians and few minority physicians, thus they are not responding to the needs of society ensuring positive patient outcomes;

WHEREAS, the Association of American Medical Colleges (AAMC) reports that in 1978, there were just 542 black males enrolled in U.S. medical schools and in 2014 there were only 515;

WHEREAS, the few doctors who will now take Medicare and Medicaid patients are limited by the federal government preventing them from having the resources necessary to provide the patients with adequate care;

WHEREAS, quality, accredited, off shore schools are significant sources of primary care doctors of color who are American citizens but attended an off shore medical school; whereas, primary care doctors of color who attended such accredited, off shore schools face an implicit bias and most doors remain closed to them, especially in most American teaching hospitals;

WHEREAS, "pipeline" programs have been proven to work but are underfunded, sporadically funded and undervalued;

WHEREAS, "pipeline" programs engage underrepresented students into a career track and may involve service, education, or research, while others may involve multiple components; and

WHEREAS, "pipeline" programs have proven to be effective at the elementary, middle and high school levels, as well as the college and post-baccalaureate levels.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) calls on Congress to increase the funding for African-American medical students and African-American

HEALTH AND HUMAN SERVICES

Resolution HHS-17-19

primary care residents;

BE IT FURTHER RESOLVED, that NBCSL calls for federal and state laws to support continuous, sustainable funding for the implementation and assessment of pipeline programs;

BE IT FURTHER RESOLVED, that NBCSL will initiate a plan of action to obtain sustainable private-sector support for pipeline programs for African Americans and other underrepresented people of color at all levels;

BE IT FURTHER RESOLVED, that most of this funding be distributed to institutions that focus on hiring and training African-American and other underrepresented doctors seeking to work in communities most in need;

BE IT FURTHER RESOLVED, that such legislation should include additional funding for medical school students focusing on general (primary care), internal medicine and family medicine;

BE IT FURTHER RESOLVED, NBCSL calls on state medical boards to work with off-shore medical schools to enable doctors that pursue degrees off-shore to receive the proper certifications with minimal obstacles; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Co-Chair: Representative Mia Jones (FL)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

HEALTH AND HUMAN SERVICES

Resolution HHS-17-32

A RESOLUTION ON MENINGOCOCCAL DISEASE AWARENESS

WHEREAS, meningococcal disease is any infection caused by the bacterium *Neisseria meningitides*, or meningococcus;

WHEREAS, 1 in 10 people are carriers for these bacteria with no signs or symptoms of disease, sometimes *Neisseria meningitidis* bacteria can cause illness;

WHEREAS, meningococcal disease is spread from person to person via the exchange of the bacteria through respiratory and throat secretion during close or lengthy contact;

WHEREAS, in the U.S., there are approximately 1,000 to 1,200 cases of meningococcal disease that occur each year;

WHEREAS, 10 to 15 percent of infected individuals will die, while 11 to 19 percent of those who live will suffer from serious morbidity, including loss of limbs and impacts to the nervous system;

WHEREAS, infants under one year of age, as well as young adults between the ages of 16 and 21, are most commonly impacted by this disease;

WHEREAS, there are different strains or serogroups of *Neisseria meningitidis*, with serogroups B, C, and Y accounting for most meningococcal diseases in the US;

WHEREAS, there have been several recent outbreaks of serogroup B meningococcal disease on college campuses, with some cases resulting in death;

WHEREAS, there are vaccines that help provide protection against all three serogroups (B, C, and Y) commonly seen in the United States;

WHEREAS, vaccination for serogroups A, C, W and Y is routinely recommended by the Centers for Disease Control and Prevention (CDC);

WHEREAS, the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices recommends that decisions to vaccinate adolescents and young adults 16 through 23 years of age against serogroup B meningococcal disease should be made at the individual level with health care providers;

WHEREAS, it is critical that students, parents, educators, and health care providers understand the dangers of meningitis B and are aware that a vaccine is available to prevent disease resulting from this serogroup; and

WHEREAS, the recent incidence of meningococcal disease has served as a reminder of the critical role vaccinations play in helping to prevent this devastating illness.

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THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators take all reasonable steps to urge all private and public high schools, colleges, and universities to provide information to all students and parents about meningococcal disease, explaining the different disease serogroups, symptoms, risks, and treatment;

BE IT FURTHER RESOLVED, that such information shall also include a notice of availability, benefits, risks, and limitations of all meningococcal vaccines receiving a recommendation from the Advisory Committee on Immunization Practices, including Category A and Category B recommendations, with specific information as to those persons at higher risk for the disease;

BE IT FURTHER RESOLVED, that each private and public high school, college, and university shall recommend that current and entering students receive meningococcal vaccines in accordance with current Advisory Committee on Immunization Practices guidelines.

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Donne E. Trotter (IL)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Co-Chair: Representative Mia Jones (FL)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

HEALTH AND HUMAN SERVICES

Resolution HHS-17-35

A RESOLUTION ENCOURAGING ADVANCEMENTS IN BIOPHARMACEUTICAL INNOVATION

WHEREAS, biopharmaceutical innovation is a major contributor to improvements in better health and increased life expectancy in the United States;

WHEREAS, biopharmaceuticals account for on average only 10 percent of healthcare expenditures in the U.S. compared with hospital and physician services, which account for more than 50 percent according to the Centers for Medicaid and Medicare Services;

WHEREAS, when a branded biopharmaceutical loses patent protection, it becomes “generic” and the cost of that innovation dramatically declines;

WHEREAS, generic medicines account for 80 percent of prescriptions and continue to add enormous value to society in perpetuity;

WHEREAS, no other part of the healthcare sector offers patients the same reduction in cost over time. Today’s expensive hospital admission is tomorrow’s even more expensive hospital admission;

WHEREAS, biopharmaceuticals are responsible in reducing overall healthcare costs;

WHEREAS, a small percentage of chronically sick patients require higher cost biopharmaceuticals for possible cures or for the management of serious illnesses such as cancer;

WHEREAS, such patients end up paying a greater percentage of the cost of their medicines than for a visit to an emergency room or a hospitalization;

WHEREAS, policy makers are asked to address the high cost of healthcare, insurance premiums and biopharmaceuticals for both society and patients;

WHEREAS, cost-containment policies may impede future biopharmaceutical innovation and its continued enhancements to quality of life and longevity; and

WHEREAS, inefficiencies across the healthcare system account for \$910 billion (34 percent) of healthcare spending.

THEREFORE BE IT RESOLVED, the National Black Caucus Of State Legislators (NBCSL) believes the focus should be on maximizing efficiencies and access in all parts of the health care systems, not just on biopharmaceuticals;

BE IT FURTHER RESOLVED, states should work to decrease impediments to biopharmaceutical innovation;

BE IT FURTHER RESOLVED, that NBCSL supports policy makers evaluating the societal benefit

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Resolution HHS-17-35

biopharmaceutical have provided and will provide in future years including improvements in patient life expectancy, quality of life and satisfaction.

BE IT FURTHER RESOLVED, NBCSL supports increased access to biopharmaceutical innovations for low-income and communities of color; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Donne E. Trotter (IL)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Co-Chair: Representative Mia Jones (FL)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

HEALTH AND HUMAN SERVICES

Resolution HHS-17-37

A RESOLUTION TO SUPPORT THE REPEAL OF THE MAXIMUM FAMILY GRANT RULE

WHEREAS, existing state law requires each county to provide cash assistance and other social services to needy families;

WHEREAS, the Maximum Family Grant (MFG) rule prevents parents receiving assistance from receiving a grant for any child born to the household while any member of the household is receiving aid;

WHEREAS, if the MFG rule was repealed, the amount most households would receive in additional benefits is hardly enough to pay for the child's basic needs and without it, these children face increased risk of homelessness and other hardship associated with extreme poverty;

WHEREAS, the MFG policy is intended to control impoverished parents' choices about the size of their families and when to conceive through the threat of economic hardship;

WHEREAS, the MFG rule has not led to changes in birthrates among poor women but has resulted in women being forced to make desperate decisions that endanger the health and safety of themselves and their children;

WHEREAS, most state laws allow few exemptions to the MFG rule, including when a child is conceived as a result of incest or rape or from a failure of contraceptives, but only for those contraceptives identified in state statute, thus forcing mothers to decide between disclosing personal and confidential medical information or going without a basic need grant for their child;

WHEREAS, of the 24 states that initially adopted child exclusion policies, nine have now repealed them, citing the policies' ineffectiveness to achieve the intended goal and its impact on reproductive privacy and child wellbeing; and

WHEREAS, repeal of the MFG rule will also free caseworkers to work with families helping them obtain the services they need to move toward reentering the workforce instead of spending their limited time determining whether children are subject to the MFG rule;

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports repealing Maximum Family Grant rules, to prevent the harmful health and human development consequences of denying services to infants and to restore reproductive privacy to families receiving aid;

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators urges the passage of state bills which would repeal of the Maximum Family Grant rules in their respective states; and

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BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Holly J. Mitchell (CA)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Co-Chair: Representative Mia Jones (FL)

Ratified in Plenary Session: Ratification Date is December 3, 2016

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LAW, JUSTICE, AND ETHICS (LJE) POLICY COMMITTEE

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NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-06

A RESOLUTION CELEBRATING THE 100TH ANNIVERSARY OF THE PASSAGE OF THE 19TH AMENDMENT AND WOMEN'S VOTING RIGHTS

WHEREAS, 2020 marks the 100th anniversary of most United States women achieving the right to vote through the 19th amendment to the Constitution;

WHEREAS, women worked tirelessly for this equal right since the founding of the country, in some cases even sacrificing their lives and health;

WHEREAS, women from all over the United States, right in their own communities, were instrumental in achieving women's suffrage through action and advocacy;

WHEREAS, every state had outstanding women who were important in achieving final victory;

WHEREAS, in the past 100 years, Native American, African American, Asian and other women of color, finally achieved full voting rights;

WHEREAS, women voters have been a major influence on United States politics and life, exercising their voting rights to achieve justice, equal rights, and good government;

WHEREAS, women hold nearly 20 percent of the seats in the U.S. congress, 24 percent of the seats in the state's legislatures and nearly 25 percent of statewide elected executive office;

WHEREAS, since 1980, women have consistently outnumbered men among registered voters;

WHEREAS, in recent years, the number of women turning out for elections has equaled or exceeded voter turnout rates for men;

WHEREAS, the number of female voters has exceeded the number of male voters in every presidential election since 1964;

WHEREAS, the ratification of the 19th amendment was one of the turning points in American history and should be recognized as one of the great human rights victories of our country and world; and

WHEREAS, the 1920 victory was and continues to be a beacon to other countries around the world showing that United States values women, their rights, and their contributions.

THEREFORE, BE IT RESOLVED that the National Black Caucus State Legislators (NBCSL) urges that the federal government establish a formal recognition committee or commission to commemorate and celebrate the 19th amendment and women's voting rights;

BE IT FURTHER RESOLVED, NBCSL believes that this committee or commission should have, among its various responsibilities, the duty to recognize this great achievement by identifying and

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appropriately honoring state suffragists and the places and events within the states where women organized for change and equal rights;

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

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Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-23

A RESOLUTION CALLING FOR BAIL REFORM ACROSS THE UNITED STATES

WHEREAS, the use of money bail bonds has increased significantly over the past two decades;

WHEREAS, the most common reason why people are held in prison or jail pretrial is their inability to afford to pay bail;

WHEREAS, between 1996 and 2014, the number of un-convicted jail inmates grew by 59 percent;

WHEREAS, the result of the increase in the money bail requirement disproportionately affects low-income people in our country and racial and ethnic minorities;

WHEREAS, African-Americans ages 18 through 29 receive significantly higher bail amounts than all other defendants and were less likely to be released on their own recognizance than white defendants;

WHEREAS, monetary bail amounts for minor infractions, misdemeanors, or felonies usually do not take into consideration a defendant's ability to pay in many jurisdictions across the United States;

WHEREAS, suspects who cannot afford bail are left to languish in prison or jail for days, weeks, or sometimes even months until their trials. This places additional pressure and the resulting unintended consequences on low-income people who risk losing their jobs, their homes, or more, if they are absent from work for too long;

WHEREAS, many Americans take a plea bargain and plead guilty (even if they are innocent) merely to get out of jail because they cannot afford the bail;

WHEREAS, the money bail system imposes a massive financial constraint on government budgets. Pretrial detention is estimated to cost state and local governments an estimated \$14 billion each year; and

WHEREAS, alternatives to bail include various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders. Risk assessments by specialists will determine if pretrial services are appropriate;

WHEREAS, alternatives to money bail amounts can be found in Washington, DC and in the Federal Court system, where money bail has been effectively eliminated. A judge can set bail only if the defendant can afford it; and

WHEREAS, a study from the Administrative Office of the United States Courts found that pretrial detention for a defendant was nearly 10 times more expensive than the cost of supervision of a defendant by a pretrial services officer in the federal system.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL)

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Resolution LJE-17-23

urges each state and municipality to adopt the Federal Bail System, to include various pretrial services such as drug rehabilitation and various forms of supervision such as GPS monitoring, drug tests, check-ins, and court call reminders in lieu of money bail; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officials as appropriate.

SPONSOR: Representative Brenda Gilmore (TN)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-24

A RESOLUTION DESIGNATING APRIL AS GENOCIDE AWARENESS MONTH

WHEREAS, the term Genocide was first coined after World War II by a Jewish-Polish lawyer named Raphael Lemkin. He coined the term in 1944 while working with the U.S. Department of War;

WHEREAS, the term appeared in Lemkin's published text *Axis Rule in Occupied Europe* which studied the path of occupied areas of Nazi territories;

WHEREAS, the word genocide comes from combining the Greek word "geno", meaning race or tribe, and "cide" the Latin word for killing;

WHEREAS, on December 9, 1948 the United Nations sanctioned the Convention on Prevention and Punishment of the Crime of Genocide which made genocide a crime under International Law;

WHEREAS, the Convention on the Prevention and Punishment of the Crime of Genocide would give the definition of genocide:

Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group such as:

- killing members of the group;
- causing serious bodily or mental harm to the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures to prevent births within the group; and
- forcibly transferring the children of the group to another group;

WHEREAS, despite our best efforts to prevent the tragedy of genocide after WWII, we have seen genocide occur across the globe in places like Cambodia, Darfur, Rwanda, and Bosnia;

WHEREAS, North America has seen its own shameful history of genocide with the Trans -Atlantic Slave Trade and the deaths of more than a million Africans during the Middle Passage across the Atlantic and millions more through the brutal mutilations, horrific conditions, separating children and deaths by slave owners and others; and

WHEREAS, many of these horrific acts of genocide have occurred in the month of April and four states, New Hampshire, Texas, Minnesota and California have currently passed legislation designating the month as Genocide Awareness Month.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages policymakers to adopt legislation that seeks to educate, advocate and prevent the acts of genocide against people around the world and specifically the people of the African diaspora and calls on the members of the NBCSL to sponsor said resolutions in their respective states;

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BE IT FURTHER RESOLVED, that NBCSL calls upon the President and United States' Congress to adopt a national Genocide Awareness Month to assist in educating and preventing acts of genocide throughout America and the world; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officials as appropriate.

SPONSOR: Senator Charleta B. Tavares (OH)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-25

A RESOLUTION CALLING ON STATES TO ACT ON DRUG SENTENCING REFORM

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes the need to lessen prison sentencing for non-violent drug offenders who are in more need of rehabilitation and treatment than lengthy prison sentences;

WHEREAS, there has been a poor distinction between addicts and drug traffickers as it relates to sentencing;

WHEREAS, the United States has an extremely high incarceration rate which has resulted in the overcrowding of prisons as a million people each year are arrested for drug possession alone;

WHEREAS, African Americans and Latinos comprise 57 percent of those incarcerated in state prisons for drug offenses while drug use is roughly the same among racial groups;

WHEREAS, despite overall decreasing crime rates we have a significant growth in incarceration rates;

WHEREAS, the proportion of state inmates incarcerated for drug offenses rose from six percent in 1980 to 17 percent in 2011;

WHEREAS, Congress passed the Fair Sentencing Act in 2010 closing the sentencing disparity between offenses for crack and powder cocaine, from 100:1 to 18:1; and

WHEREAS, State and local governments spend approximately \$25 billion on arrests, prosecutions, and incarcerations of drug offenders every year.

THEREFORE BE IT RESOLVED that the National Black Caucus of State Legislators (NBCSL) encourages legislation that will reduce the sentencing of non-violent drug offenders;

BE IT FURTHER RESOLVED, that NBCSL urges its legislators and community to research and explore expanding drug treatment and alternatives to incarceration;

BE IT FURTHER RESOLVED, that NBCSL encourages legislators to address drug use and abuse not solely through the criminal justice system but with the use of public and mental health assistance; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

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Resolution LJE-17-25

SPONSOR: Senator Jeff Hayden (MN)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-26

A RESOLUTION REAFFIRMING SUPPORT FOR RESTORATION OF VOTING RIGHTS FOR RETURNING CITIZENS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports the restoration of voting rights to all persons charged of a felony crime who have completed their sentence so as to fully reintegrate them as contributing citizens of society;

WHEREAS, NBCSL has urged states to pass legislation restoring voting rights to returning citizens in resolutions LJE-13-19 “SUPPORTING THE RESTORATION OF VOTING RIGHTS,” AND LJE-03-98 “RESTORATION OF VOTING RIGHTS;”

WHEREAS, every individual living and working in our communities, paying taxes and sending their children to public school, should have the ability to voice their opinions in governance;

WHEREAS, we must protect the voting rights for all Americans as it is the fundamental value of democracy;

WHEREAS, denying voting discourages positive participation, perpetuates racial disparities and increases the costs and complications of voting;

WHEREAS, restoring the vote strengthens democracy, advances civil rights, ends second class citizenship and decreases recidivism; and

WHEREAS, restricting voting rights to felons who have completed their sentences continues felon disenfranchisement and hinders rehabilitated citizens from fully participating in society.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages state legislators to pass laws that restore voting rights to all Americans who have served their time and are ready to become full participants of society.

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, Members of the United States House of Representatives and the United States Senate, and other Federal and State government officials as appropriate.

SPONSOR: Senator Bobby, Joe Champion (MN)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-31

A RESOLUTION ON REPARATIONS FOR THE DESCENDANTS OF AFRICAN SLAVES IN THE UNITED STATES

WHEREAS, four million Africans and their descendants were enslaved in the United States from the years of 1619 to 1865, and the institution of slavery was constitutionally and statutorily sanctioned by the government of the United States during the years 1789 through 1865;

WHEREAS, slavery in America constituted an immoral and inhumane deprivation of life, liberty, citizenship rights and cultural heritage for enslaved Africans and denied them the fruits of their own labor while building a great and wealthy nation;

WHEREAS, enslaved Africans during cotton-picking season usually labored in the field the whole of the daylight, and then spent a good part of the night ginning and bailing, thereby creating tremendous wealth for slaveholders who reaped the vast economic benefits of the American garment industry;

WHEREAS, since the end of the period after the Civil War known as Reconstruction, when the Federal Government briefly attempted to compensate the former slave community for hundreds of years of bondage, for nearly 100 years, millions of African Americans were forced into quasi-slavery conditions through various state-sanctioned means like the convict leasing system, share cropping, and debt peonage;

WHEREAS, since the end of the period after the Civil War known as Reconstruction, African Americans have been widely prevented through legal and extralegal measures from obtaining equal education, employment, housing and health care; in short prevented from joining the American middle class in substantial numbers;

WHEREAS, a preponderance of scholarly, legal, community evidentiary documentation and popular culture markers have been made into the on-going inquiry into the effects of the institution of slavery and its legacy of on-going systemic structures of discrimination on living African-Americans and society in the United States;

WHEREAS, in 2001, the United Nations sponsored a World Conference Against Racism, (WCAR) attended by 14,000 world leaders and concerned groups and peoples, recognizing that people of African descent were victims of slavery and the slave trade, and that these practices were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims;

WHEREAS, WCAR, further acknowledging that slavery and the slave trade are a crime against humanity and should always have been so; that racism and racial discrimination grew therefrom, and the effects and persistence have contributed to lasting social and economic inequalities, and that people of African descent continue to be victims of the consequences of those practices;

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WHEREAS, WCAR concluded that there is moral obligation on the States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices including providing avenues for just and adequate reparation;

WHEREAS, in 2008 and 2009 both Houses of Congress apologized for the "injustice, cruelty, brutality and inhumanity" of slavery;

WHEREAS, on December 23, 2013 United Nations General Assembly declared January 1, 2015 to December 31, 2024 to be the International Decade of People of African Descent, understanding people of African descent globally continue to be victims of racism and discrimination both direct and indirect, de facto and de jure, and they continue to manifest themselves in inequality and disadvantage, and

WHEREAS, the United Nations Working Group of Experts for People of African Descent, in concluding their 2016 United States visit, stated that there is a profound need to acknowledge in the United States that the Transatlantic slave trade was a crime against humanity and among the major sources and manifestations of racial discrimination, and that African Americans continue to be victims of their consequences; and that these past injustices and crimes against African Americans need to be addressed with reparatory justice;

WHEREAS, the Illinois House of Representatives unanimously passed a resolution calling on † President Obama to commission a study to detail the economic impact of the slave trade and the use of slave labor; and how Emancipation, while freeing them of their literal bonds, and ending an immoral practice, did not guarantee equality in education, employment, housing, and access to quality affordable health care;

WHEREAS, the Illinois House of Representatives unanimously passed a resolution calling on President Obama to commission a study to include an analysis for how reparations for past harms have benefited the ethnic groups that have received them during the course of American history; and a proposal for reparations to the descendants of slaves in America, and how those reparations can help overcome obstacles that still exist today in education, employment, housing, health care, and justice;

WHEREAS, the National Black Caucus of State Legislators has called on reparations in LJE-04-29 "Calling for Reparations for the Descendants of African slaves in the United States," and

WHEREAS, the United States has a long history of supporting reparations and reconciliation including a formal apology and reparations to Japanese Americans interned during World War II and reparations to Native Americans, Mexican Americans, and Filipino Americans.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) in support of Illinois House Resolution HR 1011 call for a federal African-American Reparation Study Commission formed by President Obama through the President's executive powers;

BE IT FURTHER RESOLVED that the purpose of this commission is to study and consider

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Reparation proposals/process for African Americans in accord with the purposes of Illinois House Resolution 1011 and US Congress House Resolution 40 (HR40) introduced by Congressman John Conyers (D-MI);

BE IT FURTHER RESOLVED, that the National Black Caucus of the State Legislators calls for the United States House and Senate to schedule and conduct hearings to examine equitable methods to finally award reparations to descendants of African American slaves who were forced to supply their labor under extreme conditions of tyranny and injustice to build this nation; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Donne E. Trotter (IL)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-36

A RESOLUTION SUPPORTING REFORMS TO CIVIL ASSET FORFEITURE TO PROTECT DUE PROCESS AND PROPERTY RIGHTS

WHEREAS, at the height of the drug war hysteria of the 1980s, state legislatures across the country took action that allowed state and federal law enforcement officers to take property and cash from citizens through a process of civil asset forfeiture without having to prove guilt of a crime;

WHEREAS, since that time, billions of dollars in cash, cars, and homes have been taken through a direct funding mechanism that is completely outside of the legislative appropriations and oversight process;

WHEREAS, asset forfeiture laws in many states provide superior property rights protections, evidentiary standards, and protection for guiltless spouses and family members, in contrast to federal law, which does not require that a person be convicted or even charged with a crime prior to asset forfeiture; nonetheless, state and local law enforcement agencies are permitted to circumvent state law, thus depriving citizens of due process and property rights;

WHEREAS, because there is overlapping jurisdiction in drug-related crimes, state and local law enforcement agencies have substantial incentives to avoid relatively stringent forfeiture laws at the state level by participating in joint federal-state investigations or by transferring assets seized pursuant to state law to federal authorities, a process known as "equitable sharing," in order to take advantage of more lenient federal law, and receive up to 80% of the proceeds from the forfeiture action;

WHEREAS, public outcry from across the political spectrum has been to reign in abuses and reestablish the most basic tenets of constitutional law and values by requiring that, in most cases, a defendant be convicted of an underlying crime before cash or property can be permanently seized, thereby ensuring a more concrete connection between criminal activity and the property to be forfeited; and

WHEREAS, studies have shown that low-income communities, immigrant communities and communities of color have routinely been targets for civil asset forfeiture abuses, thereby perpetuating a distrust of law enforcement.

THEREFORE BE RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes across the United States, the need for state and federal legislation that will reduce abuse of the civil asset forfeiture process, and thereby urges the passage of reform legislation; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officials as appropriate.

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Resolution LJE-17-36

SPONSOR: Senator Holly J. Mitchell (CA)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-38

A RESOLUTION SUPPORTING REPEAL OF THE DEATH PENALTY

WHEREAS, racial bias in the criminal justice system, including the death penalty and its application, is an undisputed fact;

WHEREAS, African-Americans, Latinos, Native Americans, and all people of color are sentenced to longer prison terms, more likely to be tried as adults, and more likely to be sentenced to death in the United States;

WHEREAS, race plays a decisive role in who lives and who dies in the United States;

WHEREAS, from slavery to Jim Crow to the present day, the death penalty has long been a tool of injustice and discrimination;

WHEREAS, African Americans are grossly and disproportionately sentenced to death, representing only 13.3-percent of the U.S. population but 34.6 percent of those executed since 1976;

WHEREAS, the National Black Caucus Of State Legislators (NBCSL), recognizing this disparate application, ratified resolution, LJE-03-15 "CALLING FOR A MORATORIUM ON THE DEATH PENALTY";

WHEREAS, white victims account for half of all homicide cases but account for 80 percent of cases subject to the death penalty;

WHEREAS, the risk of executing an innocent person is higher than ever and evidence suggests that innocent African-Americans have been executed;

WHEREAS, Black jurors are three times more likely to be struck from a jury on a death penalty case with a black defendant according to a study by Michigan State University;

WHEREAS, since 1973, more than 156 innocent people have been exonerated and released from death row after having been found innocent, collectively serving more than four centuries on death rows throughout the United States;

WHEREAS, 88 percent of criminologists do not believe the death penalty acts as an effective deterrent against crime;

WHEREAS, recent studies have found that the death penalty has a negative impact on the family of the deceased and the defendant sentenced to die;

WHEREAS, a study conducted by the Judicial Conference of the United States found that between 1998 and 2004 the average cost of a federal death penalty case was \$620, 932;

WHEREAS, States can no longer purchase execution drugs on legal markets because

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-38

pharmaceutical companies refuse to allow their life-saving drugs to be used by states for executions;

WHEREAS, States without the death penalty consistently post lower murder rates for both police officers and citizens; and

WHEREAS, repeal of the death penalty will free up millions of tax dollars in cash-strapped state budgets that could be redirected to violence prevention, combating implicit bias, or supporting victims of violence in Black communities.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports enacting legislation to repeal the death penalty and enact more effective responses to violence.

BE IT FURTHER RESOLVED, NBCSL supports justice reinvestment initiatives and alternative programs that address criminal justice reform;

BE IT FURTHER RESOLVED, NBCSL urges the U.S. justice department to investigate the fairness, effectiveness, and costs of the death penalty and disproportionate sentencing; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House Of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Tanya D. Cook (NE)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-42

A RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO GRANT A POSTHUMOUS PARDON TO CIVIL RIGHTS ACTIVIST MARCUS M. GARVEY, JR.

WHEREAS, Marcus M. Garvey, Jr. was born August 17, 1887 in St. Ann's Bay, Jamaica;

WHEREAS, Garvey traveled internationally documenting the exploitation of migrant workers on plantations and published them in the *African Times and Orient Review*;

WHEREAS, inspired by what he saw, Garvey founded the Universal Negro Improvement Association (UNIA) in Jamaica in 1912. The organization worked to promote pride among Blacks and repatriation of Blacks to Africa and at its peak had over 1,900 chapters in 40 countries;

WHEREAS, Garvey was a proponent of the Black Nationalism and Pan-African movement, and whose philosophies led to the development of "Garveyism;"

WHEREAS, Garveyism, "centers on the unification and empowerment of African-American men, women and children under the banner of their collective African descent, and the repatriation of African slave descendants and profits to the African continent;"

WHEREAS, Garvey was motivated by his correspondence with Booker T. Washington, after he founded the Tuskegee Institute, to raise funds to create a similar school in Jamaica;

WHEREAS, Garvey settled in New York City and promoted social, political and economic freedom for Blacks separated from an integrated approach, and began publishing the *Negro World* newspaper to convey the message;

WHEREAS, Garvey founded the Black Star Line in 1919, a shipping company, that would facilitate trade between blacks in the Americas, the Caribbean, Canada and Africa, and the Negro Factories Corporation to encourage black economic independence and provide products for sale in Western hemisphere and Africa;

WHEREAS, in what was considered by Garvey, a miscarriage of justice, Garvey and other officials of the UNIA were charged and convicted of mail fraud involving the Black Star Line, whereby was sentenced to prison for five years and deported to Jamaica in 1923;

WHEREAS, Garvey was unfairly targeted by the Federal Bureau of Investigation (FBI) and its director, J. Edgar Hoover, who led a specific campaign against Garvey;

WHEREAS, targeting of civil rights leaders by the FBI was an insidious practice that violated the rights of those convening to empower African Americans;

WHEREAS, Garvey died in London in 1940 but was able to influence those involved in the Pan-

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Resolution LJE-17-42

African movement who still refer to his work until this day;

WHEREAS, Garvey has several memorials in Jamaica, South Africa, Ghana, Kenya, England and across the United States honoring his contributions;

WHEREAS, a petition campaign was launched by the Garvey family in 2016 to get a posthumous pardon from President Barack Obama but was unsuccessful in its efforts;

WHEREAS, Jamaica is currently taking steps to expunge Garvey's criminal record, after providing him with a royal pardon in 1984 for his conviction for contempt of court; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes that those wrongfully convicted of crimes should be cleared even after their death.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) calls for a presidential pardon for Marcus M. Garvey;

BE IT FURTHER RESOLVED, NBCSL urges states to recognize the value of the work done by Marcus M. Garvey by bringing a raised consciousness and commitment to Black unity throughout the world; and

BE IT FINALLY RESOLVED, that NBCSL send a copy of this resolution to the President of the United States, the Vice President of the United States, members of Congress, and other federal and state government officials as appropriate.

SPONSOR: Representative Reginald Meeks (KY)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-43

A RESOLUTION IMPROVING THE ACCURACY OF EYEWITNESS IDENTIFICATION

WHEREAS, the National Black Caucus of State Legislators (NBCSL) finds that the goal of a police investigation is to apprehend the person or persons responsible for the commission of a crime;

WHEREAS, mistaken eyewitness identification has been shown to have contributed to the wrongful conviction in approximately 75 percent of the nation's exonerations;

WHEREAS, over the past 30 years, a large body of peer-reviewed, scientific research and practice has emerged showing that simple systemic changes in administering eyewitness identification procedures can greatly improve the accuracy of those identifications;

WHEREAS, policies and procedures to improve the accuracy of eyewitness identifications such as those recommended by the U.S. National Institute of Justice, the American Bar Association, the New Jersey Office of the Attorney General, the Wisconsin Office of the Attorney General, the California Commission on the Fair Administration of Justice, and the North Carolina Actual Innocence Commission are readily available;

WHEREAS, more accurate eyewitness identifications increase the ability of police and prosecutors to convict the guilty and protect the innocent;

WHEREAS, the integrity of the criminal justice process is enhanced by adherence to best practices in evidence gathering; and

WHEREAS, the nation will benefit from the improvement of the accuracy of eyewitness identifications and their outcomes.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) calls on law enforcement agencies nationwide to adopt detailed, written policies regarding citizen identification of persons during criminal investigations;

BE IT FURTHER RESOLVED, the agencies must collaborate with the county or district attorney to adopt written policies regarding eyewitness procedures and make such policies available to all agency officers;

BE IT FURTHER RESOLVED, the policies must include identification of the procedures the agency should employ when asking a citizen to identify a person during a criminal investigation;

BE IT FURTHER RESOLVED, that these procedures should include the use of blind and blinded procedures, instructions to the witness regarding the perpetrator's presence, use of non-suspect fillers who do not make the suspect stand out, and eliciting a confidence statement regarding the level of certainty in the selection; and

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Resolution LJE-17-36

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives, the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator David Haley (KS)

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

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LABOR AND WORKFORCE DEVELOPMENT (LWD) POLICY COMMITTEE

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2017 Ratified Policy Resolutions

Ratified December 2, 2016

NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-07

A RESOLUTION TO PROTECT WAGE EQUALITY FOR ALL WORKERS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) maintains that equal pay for equal work is the right of every worker in the United States;

WHEREAS, The National Women's Law Center has found that White women in the United States makes 79 cents on the dollar compared to White, non-Hispanic men doing the same jobs;

WHEREAS, the wage gap is larger for women of color, who make between 54 cents and 66 cents on the dollar compared to White, non-Hispanic men;

WHEREAS, the wage gap is compounded over a woman's lifetime, so that she can expect to earn more than a million dollars less over the course of her career;

WHEREAS, voluntary wage disclosure is the right of an individual employee to discuss their own wages with colleagues without fear of adverse employment action;

WHEREAS, the National Labor Review Board has declared voluntary wage disclosure to be a protected practice since 1935, albeit one that does not apply to many workers;

WHEREAS, 62 percent of private sector employees have reported that their employers directly prohibit or unofficially discourage them from discussing their salary;

WHEREAS, voluntary wage disclosure makes the workplace more transparent and fair without negatively impacting businesses; and

WHEREAS, state legislatures have the opportunity to protect their citizens from the damaging effects of the wage gap.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages all state legislatures to thoughtfully consider legislation protecting voluntary wage disclosure; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Tanya D. Cook (NE)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ron Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-13

A RESOLUTION CALLING ON STATE AND FEDERAL GOVERNMENT TO CONDUCT DISPARITY STUDIES TO ELIMINATE DISCRIMINATION IN CONTRACTING

WHEREAS, it is the goal of the National Black Caucus of State Legislators (NBCSL) to continue to press for fairness and equality for minority-owned businesses in contract procurement at the national, state, and local levels;

WHEREAS, there is a history of discrimination against minority and female business owners in the award of public contracts in every state in the United States;

WHEREAS, minority- and women-owned business throughout the United States continue to suffer the present effects of past discrimination in the award of public contracts;

WHEREAS, the operation and maintenance of open, fair, and equitable procurement systems by federal, state, and local governments will benefit all businesses and citizens of every state;

WHEREAS, it is otherwise in the best interests of federal, state, and local governments to promote equal opportunity in the State's goods and services contracting;

WHEREAS, federal, state, and local governments have clear constitutional duties to prevent racial and gender based discrimination in purchasing and contracting by or on behalf of the State;

WHEREAS, in the case of the *City of Richmond v. J.A. Croson Company*, 488 U.S. 469, 103 L.Ed.2d 854, 109 S.Ct. 705 (1989), the United States Supreme Court set forth the legal standard that a state, county, or local government must satisfy to justify establishing and/or continuing a program aimed at increasing minority and female participation in the procurement process, in that such governments must utilize "race neutral" means to increase minority participation in contracting in the absence of a firm evidentiary basis for enacting "race-conscious" measures; and

WHEREAS, since the Supreme Court's decision in *City of Richmond v. Croson*, many state and local governments have authorized and conducted disparity studies to determine whether there is a compelling government interest in remedying current discrimination and/or the present effects of past discrimination with regard to contract procurement and related matters.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators urges (NBCSL) its members to introduce legislation in their respective jurisdictions requiring the state to conduct a minority and women-owned business utilization study, ascertaining, among other things, the number of state contracts awarded to minority- and women-owned businesses as compared to the number of businesses willing and able to provide the services set forth in the available state contracts;

BE IT FURTHER RESOLVED that NBCSL hereby recommends that its members introduce legislation in their respective jurisdictions requiring such state to allocate funds sufficient to conduct

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the above-referenced business utilization studies; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Larry J. Miller (TN)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ron Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-27

A RESOLUTION ON PROTECTION OF WORKERS FROM EMPLOYERS' MISCLASSIFICATION

WHEREAS, it is important for government to distinguish between an independent contractor and an employee in the United States;

WHEREAS, the Internal Revenue Service (IRS) in the early 1990s began to seriously look for employers who were misclassifying employees as independent contractors;

WHEREAS, in 2011, the IRS and the U.S Department of Labor entered into a Memorandum of Understanding (MOU) in an effort to jointly increase worker misclassification audit;

WHEREAS, the MOU expanded the multi-agency approach in ensuring compliance with federal employment and unemployment tax requirements;

WHEREAS, worker classification initiatives have been a top priority of the IRS, the U.S. Department of Labor and state agencies;

WHEREAS, the distinction between independent contractors and employees is not always clear and continues to evolve;

WHEREAS, employee misclassification allows employers to avoid paying unemployment and other taxes on workers, and from covering workers on compensation and unemployment insurance;

WHEREAS, employers pay taxes on employees but not on an independent contractor, thus misclassification of workers may result in tax evasion;

WHEREAS, businesses must abide by state and federal labor laws, including minimum wage and over-time laws for their employees;

WHEREAS, misclassification of workers has serious consequences for state and federal governments, and deprives the state and federal government of properly due revenue, including income, Social Security, Medicare and unemployment taxes that are needed to pay for public services and benefits such as unemployment insurance; and

WHEREAS, in July 2015, the U.S. Department of Labor issued new guidelines on the misclassification of employees as independent contractors.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourage and support federal and state legislation and initiatives investigate the intentional misclassification of workers;

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BE IT FURTHER RESOLVED, that NBCSL encourage and support federal and state legislation, and initiatives that penalizes employers who intentionally misclassify workers depriving the federal and state government from receiving the much-needed revenue to pay for public services and benefits such as unemployment insurance;

BE IT FURTHER RESOLVED, that NBCSL supports President Obama's 2017 budget request to include \$10 million in funding to revive a DOL grant program to help states combat worker misclassification;

BE IT FURTHER RESOLVED, that NBCSL encourage and support the U.S. Department of Labor to continue to sign MOUs with states that enables the federal government and state government to share information and to coordinate enforcement efforts to ensure that employees receive the protections to which they are entitled under Federal and State Law.

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives, and the United States Senate, other federal and state government officials as appropriate.

SPONSOR: Senator Ron Rice (NJ)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ron Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-28

A RESOLUTION THAT ESTABLISHES SUPPORT FOR THE PROTECTION F WORKERS RIGHTS AND EMPLOYER ACCOUNTABILITY TO WORKERS

WHEREAS, it is important for government to distinguish between an independent contractor and an employee in the United States;

WHEREAS, the Internal Revenue Service (IRS) in the early 1990s began to seriously look for employers who were misclassifying employees as independent contractors;

WHEREAS, in 2011, the IRS and the U.S Department of Labor entered into a Memorandum of Understanding (MOU) in an effort to jointly increase worker misclassification audit;

WHEREAS, the MOU expanded the multi-agency approach in ensuring compliance with federal employment and unemployment tax requirements;

WHEREAS, worker classification initiatives have been a top priority of the IRS, the U.S. Department of Labor and state agencies;

WHEREAS, the distinction between independent contractors and employees is not always clear and continues to evolve;

WHEREAS, employee misclassification allows employers to avoid paying unemployment and other taxes on workers, and from covering workers on compensation and unemployment insurance;

WHEREAS, employers pay taxes on employees but not on an independent contractor, thus misclassification of workers may result in tax evasion;

WHEREAS, businesses must abide by state and federal labor laws, including minimum wage and over-time laws for their employees;

WHEREAS, misclassification of workers has serious consequences for state and federal governments, and deprives the state and federal government of properly due revenue, including income, Social Security, Medicare and unemployment taxes that are needed to pay for public services and benefits such as unemployment insurance; and

WHEREAS, in July 2015, the U.S. Department of Labor issued new guidelines on the misclassification of employees as independent contractors.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourage and support federal and state legislation and initiatives investigate the intentional misclassification of workers;

BE IT FURTHER RESOLVED, that NBCSL encourage and support federal and state legislation, and

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-28

initiatives that penalizes employers who intentionally misclassify workers depriving the federal and state government from receiving the much-needed revenue to pay for public services and benefits such as unemployment insurance;

BE IT FURTHER RESOLVED, that NBCSL supports President Obama's 2017 budget request to include \$10 million in funding to revive a DOL grant program to help states combat worker misclassification;

BE IT FURTHER RESOLVED, that NBCSL encourage and support the U.S. Department of Labor to continue to sign MOUs with states that enables the federal government and state government to share information and to coordinate enforcement efforts to ensure that employees receive the protections to which they are entitled under Federal and State Law.

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives, and the United States Senate, other federal and state government officials as appropriate.

SPONSOR: Senator Ron Rice (NJ)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ron Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-29

A RESOLUTION URGING WORKER PROTECTION FOR PREGNANT WOMEN IN THE WORKPLACE

WHEREAS, the Pregnancy Discrimination Act was passed in 1978 as an amendment to the Civil Rights Act of 1964;

WHEREAS, the Pregnancy Discrimination Act forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment;

WHEREAS, in March 2015, the U.S. Supreme Court ruled in favor of Peggy Young in a pregnancy discrimination case, *Young v. United Parcel Service*, holding that employers may not burden pregnant workers while accommodating most other groups of workers, including workers with disabilities and those temporarily unable to perform their normal duties;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) firmly believes that no worker should live in fear that her job is at risk simply because she is pregnant;

WHEREAS, women are nearly half of the workforce in the United States, and their income is increasingly important to their families and our economy;

WHEREAS, nearly three in ten charges of pregnancy discrimination filed with the U.S. Equal Employment Opportunity Commission were from black women;

WHEREAS, pregnant women throughout the country work hard to make ends meet, but too often, they are forced out of their jobs or denied minor job modifications that would allow them to continue providing for their families while protecting their health and the health of their babies; and

WHEREAS, eighteen states and the District of Columbia have laws that give a pregnant employee the right to reasonable accommodations at work.

THEREFORE, BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports and call upon Congress and State Governments to promulgate, and pass into law legislation that strengthens and affirms the court's decision in *Young v. UPS* that would ensure that pregnant women are treated fairly;

BE IT FURTHER RESOLVED, NBCSL calls on Congress to pass the Pregnancy Workers Fairness Act, which would require employers to make reasonable accommodations for pregnant employees, prohibit discrimination against pregnant employees, and prohibit employers from forcing pregnant employees to take paid or unpaid leave;

BE IT FURTHER RESOLVED, NBCSL supports legislation that would provide workers with a clear,

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predictable rule and will prevent employers from placing pregnant workers on unpaid leave, firing them or forcing them to quit when they seek a temporary and reasonable accommodation;

BE IT FURTHER RESOLVED, that NBCSL supports legislation that ensure pregnant women workers are not forced out their jobs or denied reasonable accommodations that would enable them to continue working and supporting their families; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officiates as appropriate.

SPONSOR: Senator Ron Rice (NJ)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ron Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-17-34

A RESOLUTION URGING THE ADMINISTRATION AND U.S. CONGRESS TO ENFORCE TRADE LAWS THAT PROTECT DOMESTIC BUSINESS FROM UNFAIR FOREIGN COMPETITION

WHEREAS, there is much concern and criticism that the United States trade deals for the past 25 years have been corporate-driven, incorporating rules that “skew benefits to economic elites” while requiring working families to bear the brunt of such policies;

WHEREAS, the growing trade deficit, driven by the North American Free Trade Agreement (NAFTA), China’s accession to the World Trade Organization, and the United States-Korea Free Trade Agreement have displaced 700,000 jobs and 3.2 million jobs and 75,000 jobs respectively;

WHEREAS, U.S. employment in manufacturing dropped by five million from the year 2000 to the year 2015;

WHEREAS, jobs lost due to trade devastate families and entire communities and can permanently reduce lifetime earnings for hundreds of thousands of workers;

WHEREAS, currency manipulation occurs when a country artificially depresses the value of its currency; and

WHEREAS, currency manipulation is key driving force behind the rising U.S. trade deficit.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages and supports trade legislation and agreements that protect and promote traditional state and local prerogatives and authority under our federal system;

BE IT FURTHER RESOLVED, that NBCSL encourages and supports trade legislation and agreements that ensures that states and localities will not be required to comply with certain commitments, including any restrictions on preference for local, state or U.S. goods or services without the prior informed consent of the local governments;

BE IT FURTHER RESOLVED, that NBCSL encourages and supports trade legislation and agreements that ensure balanced trade and address the excessive, job killing U.S. trade deficit;

BE IT FURTHER RESOLVED, that NBCSL encourages and supports trade legislation and agreement that include enforceable rules against currency manipulation, which countries have previously used to their advantage;

BE IT FURTHER RESOLVED, that NBCSL encourages and supports trade legislation and agreements that countries cannot undercut U.S. based producers with weaker labor and environmental laws and enforcement;

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BE IT FURTHER RESOLVED, that NBCSL encourages and supports legislation and agreements that ensure that the U.S. will engage in strong enforcement of trade rules, including labor and environment rules;

BE IT FURTHER RESOLVED, that NBCSL encourages and supports legislation that prevents substantial job loss in the U.S. and protects worker interests;

BE IT FURTHER RESOLVED, that NBCSL encourages and supports trade legislation and agreements that include strong rule of origin to promote economic growth and job creation in the U.S.;

BE IT FURTHER RESOLVED, that NBCSL encourages and supports legislation and agreements that promote high standards of protection for workplaces, products and natural resources rather than promoting a “race to the bottom;”

BE IT FURTHER RESOLVED, that NBCSL encourages and supports trade legislation and agreements that ensure the interests of the people and the environment are taken into consideration and given priority over the interests of private profit; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States; the Vice President of the United States, members of the United States House of Representatives and United States Senate; and other federal and state government officials as appropriate.

SPONSOR: Senator Ron Rice (NJ)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Co-Chair: Senator Ron Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY (TST) POLICY COMMITTEE

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Ratified December 2, 2016

NBCSL 40th Annual Legislative Conference
New Orleans, Louisiana
November 30th to December 3rd, 2016

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-17-02

A RESOLUTION ENCOURAGING THE USE OF SPONSORED DATA PROGRAMS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports access to broadband which leads to increased opportunities in education, health, employment, and entrepreneurship;

WHEREAS, African American and Latino communities are smart-phone dependent with a significant number of their members using smart phones as the sole or primary sources of broadband access;

WHEREAS, according to an April 2015 study from the Pew Internet Research Center, 48 percent of smart-phone dependent Americans have closed their smart-phone services as the result of a financial hardship resulting in a lack of broadband access to vital services such as healthcare, educational and job opportunities, and communications;

WHEREAS, free data plans, also known as sponsored data or zero rating, enable consumers to access certain content without it being counted against their allotted data;

WHEREAS, free data effectively works to reduce financial hardships of low-income consumers by reducing the cost of access to certain content thereby staying digitally connected to healthcare, educational and job opportunities and communications;

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) encourages the Federal Communications Commission (FCC) to support free data programs as a cost effective policy for keeping low-income consumers connected to the internet;

BE IT FURTHER RESOLVED, that NBCSL encourages the FCC in cases where claims of net neutrality are made, find that as a method of low cost access, free data serves to bring more consumers online and ensure that increased market demand for broadband access is met; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate, the Chairman and Commissioners of the Federal Communications Commission and other federal, state and local government officials as appropriate.

SPONSOR: Senator Valencia Seay (GA)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Co-Chair: Senator Anastasia Pittman (OK)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-17-03

A RESOLUTION ENCOURAGING CONSUMER PRIVACY PROTECTIONS ACROSS ALL PLATFORMS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports the emerging knowledge economy that increases economic opportunity for communities of color while improving the level of convenience for accessing and purchasing goods and services online;

WHEREAS, a disproportionate number of African American and Latino consumers access the Internet via mobile devices;

WHEREAS, the use of profiling capabilities may contribute to discriminatory practices against African Americans;

WHEREAS, big data, the accumulation of high-volume, high-velocity information assets, can be used by governments and corporations to gather insights into and data on certain consumer groups;

WHEREAS, the emergence of new online platforms and the technological capacity of these platforms have increased access to consumers' private data;

WHEREAS, among these new and emerging platforms are non-Internet service provider platforms such as smartphone operating systems, web browsers, search engines, and social networks all utilized by African American and Latino consumers;

WHEREAS, disparate privacy obligations imposed on only one segment of the Internet ecosystem will harm competition and confuse consumers; and

WHEREAS, in contrast to many other Internet ecosystem players, such as operating systems, search engines, social networks and data brokers that may have little or no contact with the individuals from whom they collect data, Internet service providers have a built-in incentive to safeguard the privacy of their subscribers due to their ongoing business relationship with their customers.

THEREFORE, BE IT RESOLVED that to promote fair competition, avoid consumer confusion, and encourage investment, innovation and beneficial uses of big data, the NBCSL calls on Congress to take the necessary steps to ensure that flexible privacy standards grounded in the appropriate fair information practice principles apply equally to all entities and all platforms across the Internet ecosystem; and

BE IT FURTHER RESOLVED that the Federal Communications Commission should refrain from adopting prescriptive rules regarding the use, disclosure, and security of consumers' personal information for Internet service providers that are not consistent with, or more onerous than, those that apply to the rest of the Internet ecosystem, as enforced by the Federal Trade Commission, as any such disparities in privacy standards would serve only to confuse consumers.

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-17-03

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate, the Chairman and Commissioners of the Federal Communications Commission, and other federal, state and local government officials as appropriate.

SPONSOR: Senator Valencia Seay (GA)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Co-Chair: Senator Anastasia Pittman (OK)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-17-04

A RESOLUTION URGING THE FEDERAL COMMUNICATIONS COMMISSION TO MODERNIZE THE LIFELINE PROGRAM TO ADDRESS THE HOMEWORK GAP

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports policies that help to close the digital divide and make it easier for low-income households with school-age children to have access to broadband Internet;

WHEREAS, research suggests roughly seven in ten teachers assign homework that requires access to the Internet;

WHEREAS, children of color and low-income students are at a disadvantage without online access in order to do school work;

WHEREAS, Pew Research analysis of the Census data finds that the lowest-income households have the lowest home broadband subscription rates;

WHEREAS, according to a 2015 Pew Research Center analysis of U.S. Census Bureau's American Community Survey data, there are 29 million households with school-aged children nationwide and approximately 5 million of those households do not have high-speed internet service at home;

WHEREAS, low-income households, especially black and Hispanic ones, make up a disproportionate share of that 5 million;

WHEREAS, roughly one-third (31.4 percent) of households whose incomes fall below \$50,000 and with children ages 6 to 17 do not have a high-speed internet connection at home; and

WHEREAS, the Federal Communications Commission (FCC) has initiated a rule-making process to extend the Lifeline Program, an Initiative that subsidizes telephone subscriptions for low-income households, to allow recipients to apply support the cost of their broadband subscription.

THEREFORE, BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) urges the FCC to modernize its Lifeline Program to allow participants to support broadband Internet service;

BE IT FURTHER RESOLVED, NBCSL urges the FCC to make licensed and unlicensed spectrum more readily available for wireless broadband, which includes Wi-Fi, so that there are more opportunities for students to get their school work done; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States Senate and House of Representatives, the Chairman and Commissioners of the Federal Communications Commission, and other federal, state, and local government officials, as appropriate.

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-17-04

SPONSOR: Senator Valencia Seay (GA)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Co-Chair: Senator Anastasia Pittman (OK)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-17-05

A RESOLUTION ENCOURAGING THE SUPPORT OF INFRASTRUCTURE BUILDOUT TO PAVE THE WAY FOR NEXT GENERATION NETWORKS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports the need to ensure mobile broadband access in creating economically sustainable communities of color;

WHEREAS, the African American community leads the nation in wireless broadband adoption-12 percent of African Americans are smartphone-dependent, compared with 4 percent of Whites according to the April 2015 Pew Research Center Report, U.S. Smartphone Use in 2015;

WHEREAS, the U.S. leads the world in 4G LTE services - of which 99.6 percent of Americans have access to - providing broad coverage and wireless connectivity that offers unmatched consumer benefits in areas such as education and health;

WHEREAS, building on the value of wireless to consumers, the next generation of mobile connectivity will increase network reliability, reduce latency (delays in data communications), provide consumers and businesses with higher speeds, and be capable of serving a greater number of wireless devices than current technology;

WHEREAS, to ensure the success of next generation technology and the United States' leadership in this next generation of wireless, wireless carriers will have to deploy small antenna infrastructure connected via wireline fiber facilities;

WHEREAS, next generation signals cover shorter distances thus requiring several times as many smaller cells than traditional cell towers and that next generation networks work only if deployed intensively; and

WHEREAS, in order for next generation networks to have maximum impact for consumers, wireless carriers, state and local governments - especially in densely populated urban areas - must work together to encourage deployment of this technology.

THEREFORE, BE IT RESOLVED that the National Black Caucus of State Legislators (NBCSL) affirms that local governments should balance the deployment of new generation wireless technology with local governments' role in managing rights-of-way, maintaining safe communities, and promoting economic development; and

BE IT FURTHER RESOLVED, that local governments should modernize its permitting processes to enable the rapid deployment of small antenna infrastructure to support next generation networks; and

BE IT FURTHER RESOLVED that NBCSL urges local governments to work collaboratively with businesses to bring next generation networks to their cities.

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-17-05

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate, the Chairman and Commissioners of the Federal Communications Commission and other and local government officials as appropriate.

SPONSOR: Senator Valencia Seay (GA)

Committee of Jurisdiction: Telecommunications, Science, and Technology Policy Committee

Certified by Committee Co-Chair: Senator Anastasia Pittman (OK)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President

NBCSL PROVIDING
THE VOICE FOR OUR
CONSTITUENTS



National Black Caucus of State Legislators

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