

*National Black Caucus
of State Legislators*



SEEING BEYOND

Investing in State Leadership:
Improving Communities

2006 RATIFIED RESOLUTIONS
Ratified December 9, 2005



NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

2006 Ratified Resolutions • December 9, 2005



December 21, 2005

Dear NBCSL Members and Supporters:

2005 has been a challenging year for many of us as legislators, and for our constituents. The destruction from hurricanes Katrina, Rita, and Wilma, has impacted all Americans in each and every state.

This year, the National Black Caucus of State Legislators (NBCSL) convened our 29th Annual Legislative Conference in our Nation's Capitol. During our conference we convened meetings of NBCSL's nineteen standing policy committees and a newly formed Hurricane Katrina Task Force. The resolutions offered in this year's volume reflect the determination of our legislators to assist in the rebuilding of communities damaged by these storms.

May God bless each of you; and I look forward to working with you in the coming year.

Sincerely

Representative Mary H. Coleman (MS)
President



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Resolution 06-61

DIVERSIFYING THE AUTOMOTIVE AND MACHINE TOOL SECTORS OF OUR NATIONAL ECONOMY

WHEREAS, an increasing number and variety of relevant specialists are warning that the collapse of the national economy could occur if certain stop-gap and long-term actions are not adopted and implemented to forestall the threats to our economy from the problems associated with the automotive and machine tool sectors of our economy; and

WHEREAS, the loss of physical capabilities of the automotive industry, and especially its machine tool sector, could mean the end of America's leadership as a world economic power; and

WHEREAS, government has an obligation to promote the economy through the creation of new capital investment, which will result in the expansion of employment opportunities and help jump-start long-term capital investment by private investors; and

WHEREAS, we must ensure the continued viability of our automotive and machine tool industries; and

WHEREAS, the loss of these vital anchors of our economy would be a strategic disaster with incalculable chain-reaction consequences for our nation and the world; and

WHEREAS, one of the key options is federal capital investment in diversification of the productive potential of the automotive and machine tool industries into a broader mixture of production; and

WHEREAS, our nation needs to shift into the domain of essential capital goods and economic infrastructure, such as the repair, expansion, and improvement of our national railway systems; maintenance and improvement of water management systems; and the development of other urgently needed infrastructure projects; and

WHEREAS, the result of this will be to save existing manufacturing jobs and create large new areas of employment in infrastructure and manufacturing for our citizenry in a manner comparable to the best of the New Deal programs that rescued the nation and the world from the ravages of the Great Depression;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that NBCSL urges the Congress of the United States to take every possible action to promote and diversify the automotive and machine tool sectors of our national economy; and

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BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Sponsor(s): Representative LaMarr Lemmons, III (MI)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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

BUSINESS & FINANCE



Resolution 06-41

ENDING INSURANCE REDLINING IN MICHIGAN

WHEREAS, automobile and homeowner insurance redlining has forced many residents in our urban settings to often choose between paying for prescription drugs, food for their families, or paying unaffordable, unfair insurance rates; and

WHEREAS, a 2002 study in the state of Michigan confirmed that residents of Michigan cities with large African American populations pay more for insurance; and

WHEREAS, this study clearly showed the disparities that exist in auto rates of up to 17% between cities with similar population sizes and auto theft rates, but having different racial make-ups; and

WHEREAS, insurance providers in the state essentially ignored a request that an explanation be given for the obvious rate differences; and

WHEREAS, this same study showed that a homeowner in Detroit and his or her neighbor living in the suburbs pay markedly different insurance rates; and

WHEREAS, a resident in Detroit may be charged up to 68% more for automobile insurance than an individual living just blocks away in a suburban setting; and

WHEREAS, insurance providers have continually justified these exorbitant insurance rates in Detroit and other predominantly African American communities by basing rates on consumers' credit scores, even though no direct link exists between a consumer's credit score and his or her insurance worthiness; and

WHEREAS, it has been estimated that 60% of entry-level jobs in southeastern Michigan are not accessible by mass transit and 28% of those currently transitioning from welfare to work miss work because of transportation issues; and

WHEREAS, adding to this problem is the fact that the working poor in Detroit and other African American cities that do have access to a car are often unable to afford automobile insurance;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that legislation be acted upon that supports the strong position that automobile insurance rates be based on a driver's record and the type of car one drives, and not on the basis of where one lives.

BE IT FURTHER RESOLVED, that neither homeowner's insurance nor automobile insurance rates should be based on a consumer's credit score; and

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BE IT FURTHER RESOLVED, that the Michigan Legislature continue to work with the Governor of the state of Michigan as well as the Michigan Insurance Commissioner to create regulations and legislation that will end discriminatory practices of redlining in this State.

Sponsor(s): Representative Juanita Head Walton (MO)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

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

BUSINESS & FINANCE



Resolution 06-97

HBCU'S AND GAMING MANAGEMENT

WHEREAS, African Americans are under-represented in the middle and upper management positions within the gaming industry; and

WHEREAS, African American students are under-represented in gaming management, restaurant and resort training programs offered by majority-run educational institutions; and

WHEREAS, Historically Black Colleges and Universities (HBCU's) often operate with limited resources or no resources for the conduct of gaming management and hospitality industry training programs; and

WHEREAS, significant employment opportunities are available within the gaming and hospitality industries for appropriately trained African American professionals;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL seeks endowments and other support from the gaming industry and other institutions on behalf of HBCU's that wish to develop new and strengthen existing gaming management and hospitality programs.

Sponsor(s): Senator John Horhn (MS)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-63

SOUTH CAROLINA LEGISLATIVE BLACK CAUCUS AND WACHOVIA BANK'S APOLOGY FOR TIES TO THE SLAVE TRADE

WHEREAS, Wachovia Corp., the nation's fourth-largest bank and largest lender in South Carolina, issued an apology on June 1, 2005, to all Americans and especially African Americans and people of African descent, for its ties to the slave trade around the time of the Civil War; and

WHEREAS, Wachovia acknowledged that its predecessors, the Bank of Charleston and The Georgia Railroad and Banking Co., were cited as having profited directly from the slave trade through the use of slave labor and by holding slaves as collateral; and

WHEREAS, Wachovia has pledged \$10 million over five years to scholarship programs and various civic organizations as a means to make up for its past role in the slave trade; and

WHEREAS, the South Carolina Legislative Black Caucus has called Wachovia's pledge an affront and totally disrespectful to over 40 million free Africans who were forced from their homes, villages, and countries, and think Wachovia should do more to make up for its past role in the slave trade; and

WHEREAS, the South Carolina Legislative Black Caucus believes that Wachovia can accomplish this by fostering entrepreneurship and improve accessibility to bank loans and investment opportunities for blacks and small businesses; and

WHEREAS, the South Carolina Legislative Black Caucus believes that exploration of Wachovia's investment history, or lack thereof, in communities of color within their respective states, is important; and

WHEREAS, the South Carolina Legislative Black Caucus believes that such an exploration provides communities with an opportunity for growth, and that other Legislative Black Caucuses can benefit;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the South Carolina Legislative Black Caucus calls upon Wachovia to collaborate with them, and other Legislative Black Caucuses as appropriate, in increasing and maximizing its investments in the African American community; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators, through the passage of this resolution, make other Legislative Black Caucuses, in Wachovia's service area, aware of this issue, and report to the National Black Caucus of State Legislators on any findings.

Sponsor(s): South Carolina Legislative Black Caucus

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-62

FACILITATING A BETTER UNDERSTANDING OF CREDIT SCORING

WHEREAS, the economic quality of life and the progress or development of a community hinges in part on the availability and price of banking services, credit, and other financial products for its citizens; and

WHEREAS, there is historical, current, and consistent discord about the proper availability and price of financial services in African American and other communities of color, government agencies, banking and financial companies, and financial counselors have long held that individuals are served based in significant part on their credit scores; and

WHEREAS, credit information and credit scoring is used not just for credit by traditional lenders, but potentially by employers, landlords, and other service providers to help them decide whether to approve applications for school loans, to offer a job, an apartment lease, cell phone or utility service, provide auto insurance or credit for medical treatment they can ultimately determine the price of a product or service when its provided; and

WHEREAS, the wealth and well being of individuals and their communities can be dramatically affected by credit scores; and

WHEREAS, millions of dollars can flow out or otherwise remain in local economies and individual accounts depending on interest or prices paid based on credit scores; and

WHEREAS; thousands of people can achieve more affordable home financing depending on higher credit scores; and

WHEREAS, education and employment opportunities will be realized, or not, and lives will be easier to lead depending on credit reports;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the Business and Finance Committee and Housing Committee of the National Black Caucus of State Legislators dedicate its activities in 2005-2006 to determine what state policies could be enacted to facilitate a better understanding of credit scoring and its effects on individuals and communities; to be assured that credit scoring programs properly reflect economic and credit realities in communities of color that are underserved by traditional, less expensive, financial products or services; and, to help citizens understand good credit management, to help improve their credit health and build a better score; and

BE IT FURTHER RESOLVED, the Committees will work jointly with the Corporate Roundtable Committee and the National Black Caucus of States Institute to host forums seeking experts from the credit, financial services, and credit information industry to provide information and discuss solutions; and

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BE IT FINALLY RESOLVED, that the forums will include testimony from consumer advocates, the faith community, and government or social agencies to assist the Committee in building policies and partnerships that will facilitate solutions.

Sponsor(s): Representative Juanita Head Walton (MO) and Senator Tracy Steele (AR)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

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Resolution 06-100

INCREASE FOCUS ON GAMING/TOURISM

WHEREAS, African Americans are significant end-users of offerings within the gaming and tourism industries; and

WHEREAS, gaming and tourism industries generate billions of dollars annually, in part from African American consumers; and

WHEREAS, there is a substantial need to focus the African American community's attention on its impact in these industries, as well as to focus on the business and employment potential offered by gaming and tourism;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that NBCSL establish the Gaming Task Force as a full committee and that oversight of the tourism industry also be incorporated into a newly constituted Gaming and Tourism Committee.

Sponsor(s): Senator John Horhn (MS)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

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



Resolution 06-102

DIVERSITY IN THE CLASS III GAMING INDUSTRY

WHEREAS, nine states currently authorize state regulated Class III gaming; and

WHEREAS, gaming casinos are often located in areas with significant minority populations that provide substantial customer bases; and

WHEREAS, there is very little data concerning employment and business development diversity, including goals and objectives, available from respective casino operators; and

WHEREAS, many minority business enterprises (MBE's) face difficulties in attempting to do business with the Class III gaming industry; and

WHEREAS, African Americans are under-represented on the corporate boards of Class III gaming organizations;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL meet with key owners and decision-makers within the Class III gaming industry to develop effective diversity programs for employment, business, and corporate board membership participations; and

BE IT FURTHER RESOLVED, that NBCSL establish a monitoring system to assess the effectiveness of diversity programs within the Class III gaming industry.

Sponsor(s): Senator John Horhn (MS)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

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Resolution 06-110

ASSET BUILDING

WHEREAS, the National Black Caucus of States Institute Task Force on Asset Building believes that building a strong asset base is critical to strengthening African American families and improving opportunities within Black communities and promoting greater economic self-sufficiency; and

WHEREAS, there are historical, social, political, and economic policies that have limited African American families ability to accumulate wealth, which makes it difficult to break the cycle of poverty; and

WHEREAS, national reports and data have sited significant economic disparities between African American households and Caucasian households and a widening of the gap between the rich and poor such as: 45% of all African American households are wealth poor compared to 25% of all American households; and fewer than 50% of African American households own their own homes compared with more than 70% of whites; and

WHEREAS, in 2002, a typical African American family owned 7 cents of wealth and a Hispanic family owned 11 cents of wealth for every dollar owned by a typical white family; and where the median network for a African American household was \$5,998, and the median network for a Hispanic household was \$7,932, compared to the median network of a Caucasian household of \$88,651, over 10 times as much as the African American household; and

WHEREAS, the National Black Caucus of States Institute has formed a Task Force on Asset Building to research this issue and recommend policies that will aid African American families and individuals in their quest to acquire and retain assets and build wealth; and

WHEREAS, the NBCSI Task Force on Asset Building has issued policy recommendations to NBCSL that will aid African American state legislators in their efforts to improve the financial status/ circumstance of African American families of the communities they represent;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators urge each member to propose legislation and initiatives in their state that would remove barriers and strengthen the development and/or expansion of ownership, Individual Development Accounts (IDAs), Earned Income Tax Credits (EITC) and work support programs to enhance the asset accumulation, retention and economic success for African American children, families and communities; and

BE IT FURTHER RESOLVED, each State Legislative Black Caucus should be encouraged to propose a resolution declaring June 19, 2006 “Saving Black America...one account at a time” Day.

Sponsor(s): Representative Art Turner (IL)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

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Resolution 06-109

SUPPORTING QUALIFYING INCOME FOR EARNED INCOME TAX CREDIT

WHEREAS, the Earned Income Tax Credit (EITC) has become a permanent program designed to give a financial boost for low to moderate incomes; and

WHEREAS, Fannie Mae, Freddie Mac, Federal Housing Administration (FHA) and Veterans Administration (VA) all count bonus income and other lump sum income items if the borrower can prove a history receipt for the past two years and is likely to continue for the next 3 years; and

WHEREAS, home ownership is the cornerstone of the American dream;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators strongly supports counting EITC as income for loan qualifying; and

BE IT FURTHER RESOLVED that the President of the United States institute this administrative action through an Executive Order and require the Secretary of Housing and Urban Development, the Secretary of Veteran Affairs, the CEO of Fannie Mae, and the CEO of Freddie Mac to count EITC as income for loan qualifying purposes.

Sponsor(s): Representative Omeria Scott (MS)

Committee of Jurisdiction: Business & Finance

Certified by Chairperson: Representative Juanita Head Walton (MO)

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ELEMENTARY & SECONDARY EDUCATION

Resolution 06-82..... Make America's High Schools Better for All Students
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Resolution 06-82

MAKE AMERICA'S HIGH SCHOOLS BETTER FOR ALL STUDENTS

WHEREAS, at least 75 percent of school aged students are low-income; and

WHEREAS; there are three times as many uncertified or out-of-field teachers; and

WHEREAS, U. S. schools are now 41 percent non-white and the great majority of the non-white students attend schools that show substantial segregation; and

WHEREAS, in high-poverty, urban schools, more than half of incoming ninth grade students read two to three grade levels behind their peers; and

WHEREAS, the average African American or Hispanic twelfth grade student reads at the same level as the average white eighth grade student; and

WHEREAS, six million students across America are currently at risk for dropping out of school; and

WHEREAS, students from historically disadvantaged minority groups barely have a 50 percent chance of graduating from high school on time with a regular diploma; and

WHEREAS, for the high school class of 2002, almost a third of the high schools that were more than 50 percent minority graduated less than half of their class; and

WHEREAS, in many states students who leave high school have no alternative settings where they can continue their education; and

WHEREAS, a high school drop out earns \$260,000 less over a lifetime than a graduate and pays about \$60,000 less in taxes; and

WHEREAS, some high schools have already adopted strategies to provide a better quality education that can reduce the drop-out rate and increase student achievement; and

WHEREAS, more changes and improvements need to be made to ensure that every high school: has a challenging course of study that prepares students for college and the 21st century workplace; provides students with opportunities to engage in real world learning; connects students to the community; provides extra help for those who are struggling with courses; enables students to receive personal attention and develop a detailed plan for graduation, offers a safe learning environment; recruits and retains highly skilled and effective principals, provides students and teachers with the resources (books, computers, laboratory equipment, etc.) they need to be successful; develops a system of public accountability that demonstrates clear progress toward meeting education goals.

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators believes the time



has come for states to work in partnership with federal and local governments to transform high schools into effective centers of engaged learning that enable every child to graduate prepared for postsecondary learning and success in life; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators seeks to use its leverage to pass and fund legislation that establishes culturally relevant curricula for adolescent reading and math programs for middle and high school students in states where none exist to ensure that students have the skills to complete high school; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators support and fund legislation that provides high quality public educational alternative approaches to post secondary education in states where none currently exists so that every child who wants an education is able to receive it; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators supports efforts to turn around low-performing high schools by investing in best practices and research-based reforms be enhanced by participatory input of African American educators; and

BE IT FINALLY RESOLVED, that the National Black Caucus of State Legislators encourages states to create longitudinal data systems with individual student identifiers to ensure that graduation rates can be properly calculated per the National Governors Association Compact, best practices for academic success and closing the achievement gap can be identified and schools can be held accountable for the performance of all students.

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

Committee of Jurisdiction: Elementary & Secondary Education

Certified by Chairperson: Senator C.J. Prentiss (OH)

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



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Resolution 06-60

ENDORISING STATE ADOPTION OF THE UNIFORM ENVIRONMENTAL COVENANTS ACT

WHEREAS, many communities, including communities of color, low-income and Native American communities, suffer adverse human health and economic consequences from contaminated, vacant, and unproductive Brownfield properties in their neighborhoods; and

WHEREAS, many Brownfield properties cannot be cleaned to a condition where they can be safely used for all purposes and instead will be cleaned to a level that is safe for restricted use; and

WHEREAS, restrictions on future use, needed because contamination may remain in place, must be reliable and enforced; and

WHEREAS, current enforcement of such restrictions is insufficient, with most state statutes not providing a clear legal framework to support and enforce property use restrictions, particularly at properties where ownership changes hands; and

WHEREAS, the National Conference of Commissioners on Uniform State Laws (NCCUSL) has developed and approved a model Uniform Environmental Covenants Act (UECA) that establishes a new, valid real estate document – an “environmental covenant” – to control the future use of Brownfields and other formerly contaminated sites when transferred from one person to another, and which allows state and local officials to protect communities by having the ability to enforce restrictions that safeguard public health and the environment; and

WHEREAS, the UECA in no way lessens cleanup obligations for sites, but allows local and state governments to enforce state approved cleanup controls through legal agreements, which are binding on current and future owners and users of the property, and requires federal or state regulatory approval of the site cleanup plan as well as notice to community members and local governments; and

WHEREAS, broad adoption of the UECA is an important step in revitalizing cities and other areas where vacant and underused properties are preventing redevelopment and beneficial reuse;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the protective environmental control mechanisms embodied in the Uniform Environmental Covenants Act be adopted by state legislatures.

Sponsor(s): Representative Bob Holmes (GA)

Committee of Jurisdiction: Environment

Certified by Chairperson: Representative Bob Holmes (GA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-54

UNDERGROUND PETROLEUM TANKS

WHEREAS, underground petroleum tanks can become large sources of point-source pollution, contaminating an area's water supply and presenting numerous other health threats; and

WHEREAS, federal law requires proof of financial responsibility for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks; and

WHEREAS, the Iowa model of a supplemental insurance pool to help defray cleanup costs has proven to be effective in protecting the environment and insuring financial compliance for land owners; and

WHEREAS, Hurricane Katrina has caused substantial damage to gasoline stations throughout the Gulf region, creating the potential for great environmental damage and large financial loss;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators supports the following measure: Creation of a supplemental state and federal insurance pool to assist in the cleanup and protection of owners in the Gulf region and to extend this coverage whenever a Federal disaster is declared.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Environment

Certified by Chairperson: Representative Bob Holmes (GA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-49

BIOHAZARD LABS

WHEREAS, there are health, safety, and environmental risks from research undertaken on toxic biological agents if laboratory workers are exposed to or infected by toxic biological agents or if those agents escape the laboratory into the nearby community and environment; and

WHEREAS, there are inadequate laws and regulations to protect laboratory workers, the community, and environment from mistakes, accidents, and intentional nefarious acts that could infect workers or allow toxic biological agents to escape the laboratory into the nearby community and environment; and

WHEREAS, the United States Government and the Department of Homeland Security seeks to ensure the safety of its residents and the protection of the environment from toxic biological agents; and

WHEREAS, proposed sites for the location of BioHazard Laboratories (BSL 2, 3 or 4 Facilities) are located in areas of large minority populations in many cases;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that NBCSL propose that stringent standards be applied to the location, construction, licensing and inspection of BioHazard Laboratories established in urban and minority communities. That said, standards should include, but not be limited to the following criteria:

Siting of BSL4 Facilities

(a) The Department of Environmental Protection, in cooperation with the Department of Public Health, shall promulgate regulations establishing criteria for the selection of superior sites for the location of BSL4 facilities, guidelines for their application, and procedures for the conduct of site selection. The primary consideration in adopting such regulations shall be the protection of public health, safety, and the environment. The site selection criteria and application guidelines shall ensure, at a minimum, that any superior site satisfies the following site suitability requirements: (1) Sites shall be capable of being characterized, modeled, and monitored; (2) Sites shall be located so that nearby activities will not adversely affect the ability of the site to meet any performance objectives adopted by the Department of Public Health, or significantly impair any environmental monitoring program; (3) Sites shall be located in an area with minimal wind that would exacerbate the spread of released pathogens; (4) Sites should not be next to a known fire hazards or be in danger of flooding; (5) Sites should not be near areas of high traffic congestion that would impede emergency access or evacuation or endanger motorists; and (6) Sites shall have sufficient land available to provide for a reasonable buffer around the BSL4 facility, at a minimum 150 unobstructed feet in every direction.



(b) The Department of Environmental Protection, in cooperation with the Department of Public Health, shall promulgate regulations for the siting of BSL4 facilities that shall include, but not be limited to, the following considerations: (1) The proximity of flood plains, wetlands, waterways, and waterbodies; (2) The relationship of the site to groundwater elevations; (3) The nature and extent of residential areas and schools through grade 12 in proximity to the site; (4) The availability and suitability of access roads to the site, including the ability of first responders to access the site in an emergency and to evacuate the vicinity in the event of a release of a pathogenic biological agent or toxin from the laboratory or terrorist attack on the laboratory; (5) The potential for adverse impact on air quality; (6) The potential for adverse public health and safety impacts; (7) The potential impact of increased traffic volume on roads to the site; (8) The potential threat of a terrorist attack on the facility; and (9) The potential adverse impacts on communities within ten miles of the site.

Construction of BSL4 Facilities

(a) No BSL4 facility shall be constructed or operated within the State unless: (1) Construction and operation of the proposed facility has been approved by the municipality in which the facility would be sited; (2) Construction and operation of the proposed facility has been approved by the Department of Environmental Protection and the Department of Public Health; (3) An adequate emergency preparedness plan for the proposed facility has been developed, approved, and implemented by the State; and (4) Effective standards applicable to the proposed facility have been promulgated by the State to protect the public against health and safety hazards attributable to BSL4 materials within the State.

(b) At a minimum, the following shall be submitted to the Department of Public Health, Department of Environmental Protection and municipality in which the facility will be sited for review and approval, before beginning construction of a BSL4 facility: (1) Small-scale layout drawing showing possible arrangement of space, conceptual designs, and schematic designs; (2) Topographic data, including seismic data or other pertinent information; (3) Existing utilities information; (4) Construction schedule; Project Plan including: Description of Project, Project Implementation Strategy, Quality Assurance and Quality Surveillance Plans, Environmental Control Plan, Occupancy Plan, Community Relations Plan, and Commissioning Plans; and (6) Worst case release scenarios for the toxic biological agents that might be in the BSL4 laboratory.

(c) All construction contractors engaged in BSL4 projects shall have recent and relevant experience in the planning and construction of biocontainment facilities. Records and references of such experience shall be submitted to the Department of Public Health, Department of Environmental Protection, and municipality in which the facility will be sited for review and approval.

(d) The Department of Environmental Protection, in cooperation with the Department of Public Health, shall promulgate additional regulations for the construction of BSL4 facilities that are at least as stringent and protective of the public health, safety, and the environment as applicable federal requirements and guidelines for construction of such facilities. At a minimum, the regulations shall assure that the facility is constructed to minimize the potential that a toxic biological agent might infect a person or escape laboratory containment. The regulations shall also require the facility to have redundant utilities and systems to prevent and minimize the possibility of a release of a toxic biological agent.



Operation and Maintenance of BSL4 facilities

(a) The Department of Public Health, in cooperation with the Department of Environmental Protection, shall promulgate regulations for the operation and maintenance of BSL4 laboratories, laboratory procedures and the handling of biological materials to be used in BSL4 laboratories that shall be at least as stringent and protective of worker and public health, safety, and the environment as applicable federal requirements and guidelines. At a minimum, the regulations shall assure that research is performed, the laboratory is operated, and its containment systems and procedures maintained, to minimize to the maximum extent practicable the potential that a toxic biological agent might infect a person in the laboratory or escape laboratory containment. The regulations shall include at a minimum that: (1) All BSL4 experiments shall occur in a facility independent of or in an area completely isolated from other research areas; (2) All personnel working on BSL4 experiments must conduct them in Class III Biosafety cabinets or in a full-body, air-supplied positive pressure personnel suits, or in more restrictive conditions; (3) Standard Microbiological Practices are adopted, documented, and implemented; (4) Special Practices for BSL4 laboratories are adopted, documented, and implemented; (5) Standards for Safety Equipment (Primary Barriers). All procedures within the facility are conducted in the Class III biological safety cabinet or in Class II biological safety cabinets used in conjunction with one-piece positive pressure personnel suits ventilated by a life support system; and (6) Standards for the Laboratory Facility (Secondary Barriers) There are two models for Biosafety Level 4 laboratories: (A) the Cabinet Laboratory where all handling of the agent is performed in a Class III Biological Safety Cabinet, and (B) the Suit Laboratory where personnel wear a protective suit. BSL4 laboratories may be based on either model or a combination of both models in the same facility. If a combination is used, each type must meet all the requirements identified for that type.

(b) The facility shall have specific procedures to ensure compliance with all applicable BSL4 health and safety criteria and research standards. They shall include that the facility develop and maintain a manual of operations and maintenance that contains and complies with all applicable Federal, State, and municipal regulations and requirements and that shall be publicly accessible with reasonable safety limitations.

(c) The facility shall provide adequate training for site workers in the proper handling of BSL4 materials. Such training shall include, but not be limited to basic BSL4 principles, basic BSL4 protection; BSL4 biology; decontamination methods; personnel safety precautions and work habits; and accident response actions and notifications.

(d) Any accidental or intentional release of a toxic biological agent outside the containment area and any laboratory acquired infection shall be reported to the local police, fire, and health department and the Department of Public Health and Department of Environmental Protection immediately, and in no case more than twenty-four (24) hours after the release or infection.

(e) Every BSL4 facility shall have a security plan that shall take into account the basic security threats to the facility and that shall ensure protection against the design basis threat. The plan shall be developed in coordination with state and local officials. The basic security threats shall include, but not be limited to: threats equivalent to the events of September 11, 2001; a physical, cyber, biochemical, or other terrorist threat; an attack on a facility by multiple coordinated teams of a large number of individuals; assistance in an attack from several persons employed at the facility; a suicide attack; a water-based or air-based threat; the use of explosive devices of considerable size and



other modern weaponry; an attack by persons with a sophisticated knowledge of the operations of a sensitive BSL4 facility; internal terrorism and sabotage; and fire, especially a fire of long duration; and any other threat that the Department of Environmental Protection, Department of Public Health, or local and state police determine should be included as an element of the design basic threat. The security plan shall prescribe the deployment of security guards, the numbers of the members of the guards at each facility, the tactics of the guards at each facility; and the capabilities of the guards at each facility; and other protective measures, including, Coordination of security response with Federal, State, and Local authorities; restricted personnel access to each BSL4; perimeter site security, internal site security, and fire protection barriers; a security barrier of at least 150 feet; and background security checks for employees and prospective employees. If at any time the facility determines that the implementation of the requirements of the security plan for a BSL4 facility is insufficient to ensure the security of the sensitive facility against the design basis threat, the facility shall immediately submit to the State a report that identifies the vulnerability of the facility; and recommends actions by Federal, State, or local agencies to eliminate the vulnerability. If the facility is incapable of defending itself from a security threat the State may supply protection to the facility at cost to the facility or may require the facility to close immediately and destroy its stock of toxic biological materials.

(f) The Department of Public Health, in cooperation with the Department of Public Safety, shall promulgate regulations for security guards for facilities with BSL4 laboratories. At a minimum, those regulations shall include: qualification standards; training requirements; examination; criminal and security background checks; disqualification of individuals who present security risks; and annual proficiency review.

Permit Requirements for Operation of BSL4 facilities

(a) For purposes of this section, “permit proceeding” includes the consideration of any application for a permit and of any proposal or request to suspend, revoke, modify or renew a permit. “Permit determination,” means the decision of the director upon such application, proposal or request.

(b) No person or persons shall operate a BSL4 facility without a currently valid permit issued by the Department of Public Health. No person or persons shall operate a facility that engages in any activity that may reasonably be expected to result in or require BSL4 containment without a currently valid permit issued by the Department of Public Health.

(c) The Department of Public Health shall adopt regulations with respect to permit proceedings and determinations. Applications for permits shall be submitted within times and on forms prescribed by the director and shall contain such information as he may require.

(d) Public notice of every permit proceeding shall be given in the manner provided by section three of chapter thirty A. The Department of Public Health shall circulate information received concerning the matter pending and hold a public hearing because such hearing is in the public interest. The public hearing shall be in the municipality in which the BSL4 facility is located, at least thirty days after giving notice thereof.

(e) The Department of Public Health shall grant a permit only if it determines that the facility will not be a threat to the public health, safety, and the environment and that the facility will comply with the requirements of federal and state laws and regulations for BSL4 facilities.



(f) Every permit shall specify limitations on use and possession of biological agents that require BSL4 containment, interim and final deadlines where appropriate for compliance, the term for which the permit is issued, which may not be in excess of five years, and such requirements of proper operation and maintenance, monitoring, reporting, and inspection as the Department of Public Health may prescribe. Permits may specify additional requirements that the Department of Public Health deems necessary to safeguard the community from dangers posed by the BSL4 facility. The permit must specify when, and under what circumstances, Recombinant DNA (rDNA) in the BSL4 is authorized. A municipality may adopt similar and more stringent rDNA requirements and restrictions. Effective rodent and insect control programs must be in place in facilities where rDNA use and research takes place. The permit holder shall report to the Department of Public Health and Department of Environmental Protection within thirty days of any significant problems in complying with and any violations of the permit and of any significant accidents.

(g) The Department of Public Health may, upon request of a permittee, revise a schedule of compliance in an issued permit if the Department of Public Health determines that good and valid cause, for which the permittee is not at fault, exists for such revision, and in such cases the provisions of this paragraph for public notice and hearing shall not apply. If the Department of Public Health has proposed to suspend or revoke a permit, in whole or in part, and if the permittee requests an adjudicatory hearing on the proposed determination, the requested hearing shall be held as part of the public hearing to be afforded under this paragraph.

(h) The renewal of permits after their expiration, which is not to exceed five years, must be submitted in a timely manner.

(i) A facility that continues operation with an expired permit or without a permit shall be penalized by the Department of Public Health for every day it operates without a permit and shall be shut down until a new permit is issued.

(j) A permit for a BSL4 facility shall require compliance with federal and state requirements and standards and other safeguards that the Department of Public Health may require, preventing a release of a toxic biological agent.

(k) A permit for a BSL4 facility shall require the facility to comply with all provisions of this chapter.

(l) A permit granted under this section shall require the permittee to report periodically to the Department of Public Health concerning each experiment undertaken at or proposed for the BSL4 facility. The BSL4 facility shall have its permit suspended or revoked if it undertakes any work requiring BSL4 containment that it does not report to the Department of Public Health. If the BSL4 facility is not allowed to disclose to the Department of Public Health the nature of any of its work by the federal agency that funds it, the facility may not accept the funding or conduct the work. Nothing in this paragraph shall be construed as superseding the powers of any or municipality to enact and enforce restrictions on BSL4 and other biological experimentation consistent with the provisions of this chapter and any regulations issued hereunder.

(m) The Department of Public Health may propose and determine to modify, suspend, or revoke any outstanding permit, in whole or in part, for cause, including, but not limited to, violation of any



permit term, obtaining a permit by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that calls for reduction or discontinuance of the authorized discharge. The Department of Public Health may also modify a permit at the request of the permittee upon a showing, satisfactory to the Department of Public Health, that the requested modification is appropriate in view of circumstances for which the permittee is not at fault.

Packaging and Transportation of BSL4 Biological Agents

(a) No person or persons may transport BSL4 toxic biological agents within the State without a license allowing such transport. A general license is hereby issued to any common or contract carrier to receive, possess, transport, and store BSL4 toxic biological agents in the regular course of their carriage for others or storage incident thereto, provided the transportation and storage is in accordance with applicable federal and state requirements.

(b) The Department of Public Health, in cooperation with the Department of Environmental Protection, shall promulgate regulations for the packaging, storage, and transport of toxic biological agents within the State. The regulations shall be at least as stringent and protective of the public health, safety, and environment as federal standards. At a minimum, the regulations shall ensure that each package meets stringent packaging requirements, is appropriately labeled and stored, and is tracked from sender to receiver; persons who transport BSL4 toxic biological agents receive appropriate training; persons who transport BSL4 toxic biological agents are not known threats to the State; procedures are in place to minimize terrorist access to toxic biological agents during transport; and notification of an incident during transport shall be made to the Department of Public Health and Department of Environmental Protection immediately and in no event later than 24 hours after the incident.

Emergencies

The Department of Public Health, in cooperation with the Department of Environmental Protection, shall establish regulations for emergency response plans for BSL4 facilities that will require the facility to consult with Local, State, and Federal officials to develop an emergency response plan to respond to security threats and an emergency response plan to respond to actual or potential releases and infections. No BSL4 facility without an emergency response plan shall receive a permit. All emergency response plans shall be approved by the Department of Public Health and included in each facility's operation and maintenance manual.

Insurance

(a) Each BSL4 facility shall establish a contingent liability account and an institutional control account. The Institutional Biosafety Committee shall determine annually the amount that shall be deposited within each account subject to the approval of the Department of Public Health; provided, however, that after such deposits, no amounts so deposited may be transferred between such accounts. The contingent liability account shall be used to pay compensation for injuries to persons, land, or property resulting from the possession and use of BSL4 materials. The institutional control account shall be used to pay for institutional control. The account shall be used by the facility to purchase insurance coverage or otherwise to ensure the availability of funds to meet liability claims during the institutional control period; provided, however, that no portion of the monies held in the



institutional control account may be used to satisfy judgments or settlements for any other purpose other than institutional control of a facility.

(b) The Department of Public Health shall conduct an annual review and analysis of the adequacy of available funds and insurance protection against personal injury and property damage, including third-party liability insurance attributable to any BSL4 facility and may promulgate regulations setting forth liability insurance requirements for BSL4 facilities.

Penalties

(a) A person who violates this chapter or regulations promulgated there under is subject to judicially imposed criminal and civil penalties as well as civil administrative penalties imposed by the Department of Environmental Protection or Department of Public Health. Each day that a violation occurs or continues constitutes a separate violation.

(b) A violation may be punished by the imposition of a penalty that does not exceed \$25,000 for each day of violation. A violation may be punished by the administrative imposition of a penalty of no less than \$100 and not more than \$25,000 for each day of violation. A violation may be punished by a fine of not more than \$25,000, or by imprisonment for not more than two years in a house of correction. Punishment imposed under the chapter is in addition to any other penalty prescribed by law.

(c) A facility's BSL4 permit may be permanently or temporarily revoked for any violation of this chapter.

Institutional Biosafety Committee

(a) Each BSL4 facility shall have an Institutional Biosafety Committee (IBC). At least two members of the IBC shall be from the municipality in which the facility is located and shall be outside members who are independent of the facility, as approved by the Department of Public Health. The IBC shall comply with federal requirements for an IBC.

(b) The Department of Public Health shall establish further regulations for the composition, operation, and requirements of the IBC. Those regulations shall require that the IBC keep public minutes of its meetings and file an annual public report of its operations and decisions with the Department of Public Health and with the municipality in which the BSL4 facility is located.

Community Oversight Board

(a) Each BSL4 facility shall have a community oversight board comprised of at least three and no more than five persons appointed by the municipality in which the facility is located; one person, appointed by the Governor, who lives in the community where the BSL4 facility is located; and one person appointed by the facility. The community oversight board shall have the authority to approve in advance all research to be conducted in the BSL4 component, receive reports on ongoing research in the BSL4 component, inspect the laboratory at least annually, and stop BSL4 research in the event of a potential problem subject to the review of the Department of Public Health. The BSL4 facility shall provide the community oversight board with adequate funding to hire an independent expert to advise and assist it in its work.



(b) The Department of Public Health shall promulgate regulations concerning the membership on and authority and responsibility of community oversight boards. Those regulations shall require the community oversight board keep public minutes of its meetings and file an annual public report of its operations and decisions with the Department of Public Health and with the municipality in which the BSL4 facility is located.

Inspections

To assure compliance with this chapter, and to protect the public health, safety, and the environment, the Department of Public Health, Department of Environmental Protection, and Department of Public Safety are authorized to inspect each facility that has a BSL4 laboratory, and review and have a copy of its records, during normal working hours and at other times as required by exigent circumstances.

Authority Granted for Additional Regulation

Each local municipality within the State may enact laws and regulations in addition to those established by this chapter to regulate, limit, or prohibit BSL4 facilities located within their jurisdiction and to regulate, limit, or prohibit rDNA usage in biological laboratories or any components of laboratories.

Regulation of BSL2 and BSL3 Facilities

The Department of Environmental Protection and Department of Public Health shall also adopt regulations that are protective of worker and public health and safety and the environment for facilities with BSL2 and BSL3 laboratories but without a BSL4 laboratory. Those regulations shall include requirements concerning operation and maintenance and permitting, and other provisions as the Department of Environmental Protection and Department of Public Health determine are necessary.

The Department of Environmental Protection and Department of Public Health shall adopt the initial regulations required by this act within 180 days after the effective date of this act. Construction and operation of any BSL4 facility shall not begin until the regulations required by this act have taken effect.

Sponsor(s): Representative Gloria Fox (MA)

Committee of Jurisdiction: Environment

Certified by Chairperson: Representative Bob Holmes (GA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-119

EFFECTIVE PLANNING FOR FUTURE ENVIRONMENTAL DISASTERS

WHEREAS, the Government's response was completely inadequate in the wake of the disaster caused by hurricanes Katrina and Rita; and the failure of the levy system in the city of New Orleans; and

WHEREAS, the hurricane's destruction, both economic and physical, showed that inadequate planning was evident and building construction codes were insufficient to minimize the disasters that occurred; and

WHEREAS, local, state and federal emergency plans were apparently not tested in simulation exercises which led to the chaos in the efficient and timely evacuation of citizens from communities in the Gulf Coast region; and

WHEREAS, there is a need to ensure that the tragedies experienced in 2005 never reoccur;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL supports the following:

- a. Require that under the auspices of federal agencies that each community develop emergency preparedness plans that they would be required to conduct exercises and update their plans at least twice per year; and
- b. That federal standards be developed for building construction codes to ensure that structures can better withstand future natural disasters.

Sponsor(s): Representatives Bob Holmes (GA) and Gloria Fox (MA)

Committee of Jurisdiction: Environment

Certified by Chairperson: Representative Bob Holmes (GA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



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PASSED DECEMBER 9, 2005

*NBCSL 29th Annual Legislative Conference
Washington, DC
December 7 - 11, 2005*



Resolution 06-107

PROVIDING ETHICS EXPERTS OR ATTORNEYS TO NBCSL MEMBERS

WHEREAS, when investigations are initiated against elected officials, it creates an element of fear, reduces influence, serves as an embarrassment to families; and

WHEREAS, knowing financial disclosure laws, financial contribution laws, and ethics laws are incredibly important and in many cases diminishes investigations; and

WHEREAS, African American political development has been particularly impacted with the harassment of African American elected officials;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators shall create a taskforce to explore the propriety of creating a legal defense fund for its members; the State Legislative Black Caucuses should obtain an ethics expert or an ethics attorney from the National Bar Association or from each state's bar or state's law school at no cost; the National Black Caucus of State Legislators shall provide an easy to follow check list for each state caucus with important ethics rules; and the National Black Caucus of State Legislators should serve as a conduit for the dissemination of pertinent information beneficial to its members.

Sponsor(s): Senators Thelma M. Harper (TN) and David Haley (KS)

Committee of Jurisdiction: Ethics

Certified by Chairperson: Senator Margret Carter (OR)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



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PASSED DECEMBER 9, 2005

*NBCSL 29th Annual Legislative Conference
Washington, DC
December 7 - 11, 2005*



Resolution 06-45

ESTABLISHING A NBCSL HOMELAND SECURITY COMMITTEE

WHEREAS, the recent catastrophes on the Gulf Coast produced by hurricanes Katrina and Rita have redefined the definition of “homeland security”; and

WHEREAS, many African Americans have become suspicious of the Federal Emergency Management Agency, the American Red Cross, and other Federal, state, local and private agencies charged with the responsibility of aiding disaster victims; and

WHEREAS, many African Americans have been displaced throughout America as a result of hurricanes Katrina and Rita;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the National Black Caucus of State Legislators supports the following measure: the National Black Caucus of State Legislators shall establish a Homeland Security Committee to work with the Federal government to be certain that “homeland security” is inclusive of social, economic, racial, and other factors to assure sensitivity to the needs of all.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Executive

Certified by Chairperson: Representative Mary H. Coleman (MS)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-01

MAKING CREDIT PRODUCTS AND FINANCIAL SERVICES AVAILABLE TO UNBANKED AND UNDERBANKED AFRICAN-AMERICAN AND FINANCIALLY UNDERSERVED CONSUMERS

WHEREAS, there is a substantial population in the United States that does not have access to traditional sources of consumer credit, financial services, or bank checking accounts;

WHEREAS, the majority of financial institutions rely on the scoring system of the Fair Isaac Corporation (FICO score) to determine the creditworthiness of consumers;

WHEREAS, the FDIC considers consumers with FICO scores of 660 and below to be “sub-prime” credit consumers;

WHEREAS, there are an estimated 80 million people in the United States with FICO scores of 660 and below;

WHEREAS, there are an estimated 54 million people in the United States that have no credit score or a “thin” credit file;

WHEREAS, individuals that do not have or maintain traditional bank accounts are “unbanked”;

WHEREAS, individuals that have impaired credit or “thin” credit files are financially “underbanked”;

WHEREAS, this “unbanked” or “underbanked” group is denied credit and financial products that are generally available to others in the United States;

WHEREAS, over 51% of African Americans makeup the unbanked and underbanked population;

WHEREAS, federally regulated banks are limited in the amount of risk that can be undertaken in servicing consumers with FICO scores below 600;

WHEREAS, NBCSL understands and recognizes that consumers with low FICO scores represent a higher cost to service due to the associated risk;

WHEREAS, a key objective of The National Black Caucus of State Legislators (NBCSL) is to assist African-Americans and underserved financial consumers with obtaining equal access to consumer credit and financial opportunities;

WHEREAS, it is the purpose of this Resolution to recognize and support the efforts of Financial Services Companies and their associated bank partners to make mainstream credit products and financial services available to African-American and underserved financial consumers on terms that are fair and equitable; and



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WHEREAS, all consumers deserve the right to know the terms, conditions and costs of obtaining credit through full, accurate and understandable disclosure;

THEREFORE BE IT RESOLVED BY THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS EXECUTIVE BOARD ASSEMBLED IN NASHVILLE, TENNESSEE, ON THIS 16TH DAY OF AUGUST 2006 that NBCSL hereby recognize, support and promote that legislation be enacted to provide mainstream banking services and credit products to allow a “second chance” to build or rebuild credit;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote working with all applicable State and Federal agencies, policymakers and legislative caucuses to create regulations and legislation to promote a stable regulatory environment for Financial Services Companies and their banking partners to service the underserved financial consumer and end the current environment of inequitably providing financial services to underserved financial consumers;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote Financial Services Companies which provide financial services and credit products to African-American consumers and financially underserved communities on terms that fairly account for the credit risk undertaken by such companies;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote Financial Services Companies that partner with federal and state chartered banks to promote and enhance the availability and accessibility of mainstream financial products and services to the financially underserved and in their communities;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote Financial Services Companies that provide consumer education to the unbanked and underbanked consumer to educate them of the various options for consumer credit and financial services that are available;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote Financial Services Companies that develop relationships with National Credit Bureaus to accept all credit payment history equitably;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote Financial Services Companies that provide a credit delivery platform that individually risk-base prices consumers and incorporates guaranteed graduation to better credit terms and lower prices for underserved consumers who demonstrate creditworthiness;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote Financial Services Companies that provide mainstream banking services for the unbanked consumer while providing services options to meet their individual financial needs;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote Financial Services Companies that provide full, accurate and understandable disclosure of agreement terms, conditions and the cost of obtaining credit;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote a

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competitive regulatory framework for Financial Services Companies to provide mainstream banking services and credit products to the unbanked and underbanked that will result in new product innovation, enhanced delivery mechanisms, lower prices and better terms which will bridge financially underserved consumers and underprovided communities to financial empowerment;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote the need for a stable regulatory environment through the development of state legislation that will foster a competitive environment for Financial Services Companies and their bank partners;

BE IT FURTHER RESOVLED that NBCSL does hereby recognize, support and promote the need for a national regulatory framework that will allow Financial Services Companies and their bank partners to provide mainstream financial services and credit products to the unbanked and underbanked consumer;

BE IT FURTHER RESOVLED that NBCSL will recognize, support and promote the efforts of Financial Services Companies and their bank partners that join in partnership with NBCSL to educate NBCSL members as to the availability and accessibility of financial services and credit products for the unbanked and underbanked consumer and;

BE IT FURTHER RESOLVED that NBCSL will recognize, support, promote the efforts of Financial Service Companies and their bank partners that incorporate and implement the objectives detailed in this resolution to equitably provide mainstream financial services and credit products to the financially underserved consumer while providing a vehicle to bridge the gap of the financial empowerment divide.

Sponsor(s): Representative Lois DeBerry (TN)
Senator Tracy Steele (AR)

Co-Sponsors: Senator Diana Bajoie (LA)
Representative Sharon Beasley Teague (GA)vv
Representative Mary H. Coleman (MS)
Representative William Crawford (IN)
Representative Beverly Earle (NC)
Representative Virgil Fludd (GA)
Senator Peter Groff (CO)
Representative John Hines (MS)
Representative Gilda Cobb Hunter (SC)
Representative Ed Jennings (FL)
Representative Earl Jones (NC)
Representative Howard Mosby (GA)
Representative Earlene Parmon (NC)
Representative Johnny Shaw (TN)
Senator Ada L. Smith (NY)
Representative Fred Strahorn (OH)
Representative Michael Vaughn (MD)
Representative Stan Watson (GA)

Committee of Jurisdiction: Executive Committee

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

Certification Date is: August 15, 2006

Ratified in Executive Session: August 15, 2006

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



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PASSED DECEMBER 9, 2005

*NBCSL 29th Annual Legislative Conference
Washington, DC
December 7 - 11, 2005*



Resolution 06-108

DENTAL EXAMS BEFORE ENTERING SCHOOL

WHEREAS, the first ever Oral Health in America: A Report of the Surgeon General authored by U.S. Surgeon General Dr. David Satcher, provided three policy themes: Oral Health Means Much More Than Healthy Teeth; Oral Health is Integral to General Health – You Cannot be Healthy Without Oral Health; Safe and Effective Disease Prevention Measures exist that everyone can adopt to improve oral health and prevent disease; and

WHEREAS, the Call to Action to Promote Oral Health, released by Surgeon General Dr. Richard H. Carmona on April 29, 2003 (http://www.cdc.gov/OralHealth/factsheets/call_to_action.htm), encourages special efforts to reduce the health disparities that affect members of certain racial and ethnic groups. The actions taken to achieve these goals are encouraged to be science-based, culturally sensitive, and routinely evaluated. Furthermore, the Call to Action urges that these emerging oral health plans and activities should be designed with the intent of integrating them into plans for enhancing general health and well-being; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention (CDC), tooth decay, though largely preventable, is one of the most common childhood diseases, 5 times as common as asthma and 7 times as common as hay fever in children ages five to seventeen. By age seventeen, 78 percent of young people have had a cavity, and 7 percent have lost at least one permanent tooth; and

WHEREAS, tooth decay affects more than one-fifth of U.S. children aged two to four, half of those ages six to eight, and nearly 60% of those aged fifteen. Low-income children are hardest hit: about one-third has untreated decay. Once decay becomes established, the disease requires treatment; a cavity only grows larger, more painful and more expensive to repair the longer it remains untreated; and

WHEREAS, untreated cavities result in absence from school; over 51 million school hours are lost due to dental related-illnesses, poor children suffer nearly 12 times more restricted activity days than children from higher-income families. Untreated decay also results in pain, dysfunction, reduced weight/poor nutrition, and poor appearance problems that can greatly reduce a child's capacity to succeed in life; and

WHEREAS, health exams and certain health services have always been a requirement prior to entering certain grade levels for children; and

WHEREAS, although schools have been urged to encourage dental exams for students, it is not a requirement in most states. Consequently, this major indicator of a child's overall health is often completely overlooked; and

WHEREAS, education flourishes when children are provided the proper atmosphere, which includes freedom from the intense pain and embarrassment resulting from poor oral health;

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THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7-11, 2005, that the National Black Caucus of State Legislators urges State Legislatures to amend existing laws that recommend health examinations prior to entering certain grade levels to include dental exams.

Sponsor(s): Representative David Miller (IL)

Committee of Jurisdiction: Health

Certified by Chairperson: Representative Beverly Earle (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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

HEALTH



Resolution 06-51

FREE CLINICS

WHEREAS, 43 million Americans are without health insurance nationally, which increases the risk of death and health care costs; and

WHEREAS, millions of Americans receive health care from community health centers, rural health clinics and free clinics because they have no health insurance coverage; and

WHEREAS, many of those uninsured are vulnerable children without a regular family physician; and

WHEREAS, free clinics are the last safety net provider available to the very poor, residents of inner city neighborhoods, migrant workers, undocumented workers, and transient American families; and

WHEREAS, a network of these providers needs to be formalized, similar to the Iowa Collaborative Safety Net Provider Network, to better increase the access to health care of the most vulnerable American families; and

WHEREAS, a formal network of safety net providers can do all of the following: preserve and expand the health care safety net for vulnerable individuals; emphasize preventive services and disease management, reduction of errors, continuity of care, and the medical home concept; recognize that safety net providers are the primary means of access to health care for the uninsured in this state; and provide a mechanism to identify the extent to which the uninsured in this state access health care safety net providers; and

WHEREAS, the safety net provider network should include community health centers, rural health clinics, free clinics, and other safety net providers and should develop network initiatives for collaboration between community health centers, rural health clinics, free clinics, other safety net providers, and other health care providers to, at a minimum, improve quality, improve efficiency, reduce errors, and provide clinical communication between providers;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators supports the following measure: creation of a provider network and encouraging insurance companies to offer a variety of discounted group insurance coverages to provider's doctors, buildings and staff.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Health

Certified by Chairperson: Representative Beverly Earle (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-50

IMPROVING DIABETES IN THE UNITED STATES OF AMERICA

WHEREAS, more than 18 million Americans suffer from diabetes; and

WHEREAS, diabetes is a major burden on the healthcare system and costs an estimated \$132 billion a year, including \$92 billion in direct medical costs and \$40 billion a year in indirect costs; and

WHEREAS, diabetes is the leading cause of new cases of blindness in people ages 20-74; the leading cause of end-stage renal disease, the leading cause of non-traumatic lower limb amputations; and the 6th leading cause of death in the United States; and

WHEREAS, six out of ten of people with diabetes will die of a heart attack or stroke; and

WHEREAS, diabetes disproportionately affects African Americans, Latinos, and Native Americans; and

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

WHEREAS, according to a report by the American Association of Clinical Endocrinologists (AACE), two out of three Americans (67%) with Type-2 diabetes were not in control of their blood sugar; and

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

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7-11, 2005, that NBCSL, whose legislators are interested in improving the state of diabetes for Americans, will organize a Legislative Diabetes Caucus to set a legislative agenda for each legislative session that is designed to reduce the burden of diabetes on Americans by working together to improve clinical outcomes of diabetes care, increase access to quality diabetes care, and enhance the health of Americans who have diabetes or are at risk of developing diabetes; and

BE IT FURTHER RESOLVED, that a National Diabetes Advisory Council be formed, to be chaired by a resident member of the American Association of Clinical Endocrinologists (AACE) and include representatives of the patient populations affected, the National Medical Association and the National Pharmacists Association, as well as other healthcare providers and interested stakeholders; and



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BE IT FINALLY RESOLVED, that the National Diabetes Advisory Council will utilize the AACE guidelines to improve the quality of diabetes care, and the health status of type-2 diabetics in America by:

- (a) Identifying and evaluating current funding sources for diabetes care and quality improvement in America; and
- (b) Identifying and making recommendations regarding funding levels needed and potential sources to improve diabetes care in America; and
- (c) Evaluating the state of diabetes care in America, including but not limited to identifying treatment barriers that prevent type-2 diabetics from achieving better glucose control and avoiding costly complications from type-2 diabetes; and
- (d) Making recommendations to the NBCSL Legislative Diabetes Caucus about ways to reduce the burden of type-2 diabetes on Americans, including the burden on populations disproportionately affected by diabetes; and
- (e) Publishing an annual report that includes recommendations on ways to improve diabetes care and the health of diabetics throughout America.

Sponsor(s): Representative Brenda Clack (MI)

Committee of Jurisdiction: Health

Certified by Chairperson: Representative Beverly Earle (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-121

EXTENSION OF MEDICARE NEW PRESCRIPTION DRUG PROGRAM PART D ENROLLMENT

WHEREAS, the Centers for Medicare and Medicaid Services published the final regulations for Medicare Part D on January 21, 2005; and

WHEREAS, beginning January 1, 2006, the regulations give access to Medicare drug coverage to all those eligible for Medicare, including: the elderly over 65 and the disabled under 65 who are eligible for both Medicare and Medicaid; and

WHEREAS, the benefits will be provided by private drug plans offering a variety of benefit packages in 34 Prescription Drug Plan regions nationwide; and

WHEREAS, Medicare New Prescription Drug Program Part D will significantly impact consumers of mental health services, particularly those considered fully dual eligible in Medicaid and Medicare, by eliminating their Medicaid drug coverage; and

WHEREAS, the voluntary enrollment period for Medicare New Prescription Drug Program Part D began on November 15, 2005 and continues through May 15, 2006; and

WHEREAS, on January 1, 2006 the Medicare New Prescription Drug Program Part D program begins implementation; and

WHEREAS, upon implementation of the Medicare New Prescription Drug Program Part D on January 1, 2006, all previous Medicaid prescription drug reimbursement and Medicaid drug discount card programs will cease; and

WHEREAS, in addition to the cessation of the Medicaid prescription drug reimbursement and Medicaid drug discount card programs, a penalty will be imposed on those who are currently Medicare eligible and did not enroll in Medicare New Prescription Drug Program Part D by May 15, 2006; and

WHEREAS, the penalty will not be imposed on persons enrolling after May 15, 2006 if they had “creditable coverage” (a former employer or union plan for example) that was at least as good as the new Medicare drug benefit; and

WHEREAS, the constituents of NBCSL members which are predominantly people of color are cautious about enrolling in Medicare New Prescription Drug Program Part D due to lack of awareness and information;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, NBCSL calls for the Department of Health & Human Services and the Center for Medicare and Medicaid Services to extend the deadline for enrollment in Medicare New



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Prescription Drug Program Part D to allow all Americans to learn more about the benefits of the program and the repercussions of not enrolling in the program; and

BE IT FURTHER RESOLVED, that NBCSL calls for the Department of Health & Human Services and the Center for Medicare and Medicaid Services, not to penalize American seniors who do not enroll in the Program by the deadline May 15, 2006; and

BE IT FINALLY RESOLVED, that NBCSL calls for the Department of Health & Human Services and the Center for Medicare and Medicaid Services to extend open enrollment without penalties through December 31, 2006.

Sponsor(s): Representatives Beverly Earle (NC) and Joe Armstrong (TN)

Committee of Jurisdiction: Health

Certified by Chairperson: Representative Beverly Earle (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-48

ACCESS TO KIDNEY DIALYSIS MEDICATION

WHEREAS, kidney disease affects approximately 20 million Americans, or one out of nine adults; and

WHEREAS, in the United States, more than 100,000 begin treatment each year for end-stage renal disease (ESRD), the stage of kidney disease that reflects total, irreversible loss of kidney function which requires treatment by dialysis or transplantation to maintain life; and

WHEREAS, the kidney disease rate among African Americans is nearly fourfold that of Caucasians; and

WHEREAS, ESRD patients also suffer from a variety of co-morbid conditions such as anemia, bone disease, hyperparathyroidism, diabetes and cardiovascular disease, all of which are generally treated with prescription drugs, such that ESRD patients require an average of 15 different medications; and

WHEREAS, management of ESRD is unique in that intravenous drug therapy is a significant component of the dialysis treatment and has contributed to improvements in patient outcomes in the areas of anemia and bone disease; and

WHEREAS, over 60% of African American ESRD patients are eligible for Medicare and Medicaid at the onset of dialysis; and

WHEREAS, ESRD patients who are dependent on Medicaid coverage for their medications and dialysis treatment-related costs are therefore particularly vulnerable to reductions or changes in Medicaid eligibility, benefits, or reimbursement from state governments;

THEREFORE BE IT RESOLVED BY THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS MEETING AT THEIR ANNUAL CONFERENCE IN WASHINGTON D.C. DECEMBER 7-11, 2005, that the NBCSL Health Committee urges all state legislatures to protect such individuals and adopt policies ensuring ESRD Medicaid patients full access to all required health care services, including medications to treat and manage end-stage renal disease and its underlying and related co-morbid conditions; and

BE IT FURTHER RESOLVED, that NBCSL urges all state legislatures to protect such individuals and adopt policies ensuring ESRD Medicaid patients full access to all required health care services, including medications to treat and manage end-stage renal disease and its underlying and related co-morbid conditions.

Sponsor(s): Representatives Brenda Clack (MI) and Beverly Earle (NC)

Committee of Jurisdiction: Health

Certified by Chairperson: Representative Beverly Earle (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



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PASSED DECEMBER 9, 2005

*NBCSL 29th Annual Legislative Conference
Washington, DC
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Resolution 06-75

SUPPORTING INFORMATION SHARING OF FRAUDULENT PRACTICES

WHEREAS, a database of mortgage brokers and predatory lenders is not compiled or made public in a single database for consumers to protect themselves; and

WHEREAS, potential homebuyers, especially in African American and Hispanic communities, do not have access to financial services that reduce vulnerability to predatory practices; and

WHEREAS, H.R. 1295, Section 501 calls for greater state regulation of mortgage brokers, including requirements for licensed brokers with at least 24 hours of education on primary and subordinate mortgage financing and pass a written examination upon the completion of such training; and

WHEREAS, H.R. 1295, Section 515 potentially protects fraudulent practices by mortgage lenders by penalizing a fine of up to \$100,000; and

WHEREAS, Home Mortgage Disclosure Act (HMDA) data reflects discriminatory practices by mortgage lenders; and

WHEREAS, consumers have refinanced their homes and increased their debt load due to fraudulent practices in the housing industry;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL work with the Department of Housing and Urban Development to collect a database of mortgage brokers and monitor activities and lending practices. According to Section 512 of HR 1795, the national database shall include a listing of each person licensed under State law or regulation, and make information regarding complaints available to the public; and

BE IT FURTHER RESOLVED, that NBCSL call on State Housing Agencies to require more than 24 hours of training for mortgage brokers; and

BE IT FURTHER RESOLVED, that NBCSL call on the U.S. House of Representatives and local housing agencies to better regulate refinancing methods and agents; and

BE IT FINALLY RESOLVED, that NBCSL file financial disciplinary and enforcement actions against discriminatory mortgage lenders.

Sponsor(s): Representative Larry Womble (NC)

Committee of Jurisdiction: Housing

Certified by Chairperson: Representative Larry Womble (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-71

HIGH-PRESSURE MARKETING TACTICS

WHEREAS, potential homebuyers are often pressured by lenders into mortgages with low short-term interest rates, and high interest rates in the long-term; and

WHEREAS, the highest interest rates are provided to consumers who can least afford the loan in the long term; and

WHEREAS, potential homebuyers are not aware of zero or low down payments programs, such as the Down Payment Assistance Program available as gifts to lenders;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL collaborate with mortgage brokers to regulate marketing practices and ensure protection of the consumer; and

BE IT FURTHER RESOLVED, that NBCSL ensures that banks are meeting Regulatory Compliance, which have a set of procedures to follow based on the national prime rates; and

BE IT FINALLY RESOLVED, that NBCSL investigate cases of discrimination and harassment by refinancing mortgage lenders.

Sponsor(s): Representative Larry Womble (NC)

Committee of Jurisdiction: Housing

Certified by Chairperson: Representative Larry Womble (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-72

UNDERSTANDING THE HOME MORTGAGE DISCLOSURE ACT (HMDA)

WHEREAS, the Home Mortgage Disclosure Act (HMDA) legislation was enacted by Congress in 1975 and is implemented by the Federal Reserve Board's Regulation C to regulate public loan data and how it can be used, which includes determining whether financial institutions are serving the housing needs of their communities; informing public officials in distributing public-sector investments so as to attract private investment to areas where it is needed; and in identifying possible discriminatory lending patterns; and

WHEREAS, depository and non-depository institutions must meet certain reporting criteria before they are required to complete a HMDA Loan Application Register (LAR), as a result of applications for and the origination and purchase of home purchase loans (including refinancing and home improvement loans); and

WHEREAS, HMDA regulation applies to certain financial institutions, including banks, savings associations, credit unions, and other mortgage lending institutions; and

WHEREAS, in 2004, there were approximately 41.6 million loan records for calendar year (CY) 2003 reported by 8,121 financial institutions; and

WHEREAS, based on analysis of some preliminary 2004 data, the Federal Financial Institutions Examination Council (FFIEC) believes that additional guidance is necessary to ensure that data is reported accurately; and

WHEREAS, the areas of discussion pertain to: transition rules; ethnicity, race, and sex (government monitoring information); property location information on refinancing and pre-approvals; lien status reporting; loans subject to the Home Ownership and Equity Protection Act (HOEPA loans); and reporting the sale of home purchase loans;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL shall research and disaggregate HMDA data to address targeting of predatory loans to minorities and women; and

BE IT FURTHER RESOLVED, that NBCSL research disclosure reports and disaggregate HMDA data reported by the Federal Financial Institutions Examination Council (FFIEC); and

BE IT FINALLY RESOLVED, that NBCSL ensure that HMDA reports are made available at central data depositories located in each metropolitan area and available online at FFIEC's website.

Sponsor(s): Representative Larry Womble (NC)

Committee of Jurisdiction: Housing

Certified by Chairperson: Representative Larry Womble (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-73

COOPERATIVE HOUSING DEVELOPMENT PROJECTS WITH HBCUS

WHEREAS, on June 17th, 2005, the National Black Caucus of State Legislators (NBCSL) Housing Committee members and others met for its 6th Annual Housing Symposium at Fannie Mae to discuss emerging practices in the industry; and

WHEREAS, the neighborhoods surrounding Historically Black Colleges and Universities (HBCUs) were discussed at this symposium and NBCSL members expressed an interest in working with school administrators to develop community housing initiatives; and

WHEREAS, State Representative Larry Womble, Chairperson of NBCSL's Committee on Housing, has co-sponsored state legislation in North Carolina (HB 1247) to appropriate funds for the North Carolina Minority Support Center which promotes a statewide program of lending for homeownership and wealth creation in disadvantaged communities; and

WHEREAS, the North Carolina Minority Support Center has provided for 75% of low-income members to have access to a bank account at a traditional financial institution prior to joining a credit union;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL members will engage in housing development projects with area colleges and universities to uplift the neighborhoods and provide quality homes and apartments.

Sponsor(s): Representative Larry Womble (NC)
Committee of Jurisdiction: Housing
Certified by Chairperson: Representative Larry Womble (NC)
Ratified in Plenary Session: Ratification Date is December 9, 2005
Ratification is certified by: Mary H. Coleman (MS), President



Resolution 06-74

POST-PURCHASE COUNSELING AND FORECLOSURE PREVENTION

WHEREAS, many new homebuyers are unaware of the additional costs to owning and maintaining a home (such as repairs and insurance); and

WHEREAS, many new homebuyers are vulnerable to refinancing options to overvalue the actual amount of their homes leaving them with huge amounts of debt; and

WHEREAS, many causes of foreclosure is a result of inflated mortgages by fraudulent brokers and consumers; and

WHEREAS, the foreclosure rate in the United States is the highest it has ever been;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that NBCSL work with Congressional Black Caucus members through the With Ownership Wealth (WOW) housing initiative to help educate new homebuyers about ways to save for home maintenance; and

BE IT FURTHER RESOLVED, that NBCSL shall work with the National Hispanic Caucus of State Legislators to disseminate bilingual information on credit repair technique and encourage constituents to prevent foreclosures by working with lenders to manage debt; and

BE IT FINALLY RESOLVED, that NBCSL work with the National Community Reinvestment Coalition to prevent consumer loss of wealth through refinancing schemes and predatory mortgage loans.

Sponsor(s): Representative Larry Womble (NC)

Committee of Jurisdiction: Housing

Certified by Chairperson: Representative Larry Womble (NC)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



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PASSED DECEMBER 9, 2005

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Resolution 06-118

THE TAXPAYER BILL OF RIGHT

WHEREAS, the Taxpayer Bill of Rights (TABOR), adopted by the State of Colorado in 1992, established a limit on state expenditure growth; and

WHEREAS, TABOR impacted the needs of Coloradoans and mandated immediate refunds to taxpayers of all surplus revenues; and

WHEREAS, the effects of TABOR are compounded by Amendment 23, which Colorado voters passed in 2000 to protect K-12 education funds so the budget could increase every year after adjusting for population growth and inflation; and

WHEREAS, under current TABOR rules, this means that not only is spending growth on all other state services such as health and long-term care restricted, it is actually reduced each year and as a result funding for all state services, with the exception of K-12 education, is gradually being squeezed out of the state budget; and

WHEREAS, TABOR would diminish state governments' capacity to provide public services including education, healthcare, transportation, and public safety funding, similar to Colorado; and

WHEREAS, the voters of Colorado decided in November 2005 to suspend TABOR in their state for five years to try to recover from its devastating effects; and

WHEREAS, TABOR is being introduced in states and there is a national movement to get TABOR on state election ballots; and

WHEREAS, TABOR would have just as damaging an impact, or worse, on the economies of other states as it has had in Colorado;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL urges state legislators and public officials to reject the Taxpayer Bill of Rights or initiatives having the intent of establishing rigid limits on State and local revenues and expenditures.

Sponsor(s): Representative Michael Shelton (OK)

Committee of Jurisdiction: Human Services

Certified by Chairperson: Representative Billy Broomfield (MS)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-96

KINSHIP CARE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) formed the NBCSL/AARP Task Force on Kinship Care during its 2003 Annual Legislative Meeting in Houston, Texas; and

WHEREAS, the NBCSL/AARP Task Force on Kinship Care has met twice since that time and drafted an action plan that includes model legislation to address the major issues associated with kinship care; and

WHEREAS, recently enacted legislation has further defined that model legislation referenced in earlier NBCSL resolutions; and

WHEREAS, Tennessee enacted legislation related to Medical and Education consent as well as Relative Caregivers; and

WHEREAS, the Tennessee legislation addresses difficult issues of child custody and school district concerns; and

WHEREAS, the NBCSL/AARP Task Force on Kinship Care continues to develop and disseminate model state and federal legislation and develop allies; and

WHEREAS, the National Conference of State Legislatures in working with the NBCSL/AARP Task Force and the National Hispanic Caucus of State Legislators has expressed interest in working on the project; and

WHEREAS, numerous national and local organizations have pledged support and resources to the Task Force including AARP, Generations United, Children's Defense Fund, New America Foundation, Casey Study of Social Policy Alliance for Racial Equity, Child Welfare League of America, Washington Area Women's Foundation, Committee for Hispanic Children and Families, Inc., and Northern California Services League;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7-11, 2005, commends and encourages the NBCSL /AARP Task Force and its allies to continue their efforts including developing Grand Family coalitions as well as drafting and supporting model legislation in the states, and

BE IT FURTHER RESOLVED, that other states pass the recommended model legislation; and

BE IT FINALLY RESOLVED, that Congress pass legislation to assist children and their caregivers.

Sponsor(s): Representative Omeria Scott (MS) and Senator Kathryn Bowers (TN)

Committee of Jurisdiction: Human Services

Certified by Chairperson: Representative Billy Broomfield (MS)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



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Resolution 06-117

ENSURING ACCESS TO EDUCATIONAL OPPORTUNITIES IN AFFECTED AREAS

WHEREAS, Historically Black Colleges and Universities (HBCUs) are a legacy of discrimination and racial exclusion; and

WHEREAS, HBCUs have provided educational and leadership training opportunities for generations of African Americans; and

WHEREAS, in the aftermath of Hurricane Katrina, 10,000 students enrolled in HBCUs in the affected areas have had their education disrupted; and

WHEREAS, HBCUs in the affected areas may lose 2,000 faculty and staff members, the lifeblood of their institutions; and

WHEREAS, HBCUs in the affected areas have to rebuild their campuses and physical infrastructure; and

WHEREAS, rebuilding HBCUs is not an option, but a necessity because of their unique role in providing educational opportunities for African American students;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators supports federal and state supplemental appropriations for HBCU's in the affected areas.

Sponsor(s): Representative Stan Watson (GA), Senator Edwin Murray (LA), and Representatives Juan LaFonta (LA), Michael Murphy (MI), Earline Parmon (NC) and Cedric Richmond (LA)

Committee of Jurisdiction: Hurricane Task Force

Certified by Chairperson: Representative Stan Watson (GA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-116

VOTING RIGHTS IN THE KATRINA DIASPORA

WHEREAS, the Federal Emergency Management Agency (FEMA) maintains the names, temporary addresses, phone numbers and email addresses of Hurricane Katrina evacuees, who are scattered across 49 states, the District of Columbia and Puerto Rico; and

WHEREAS, as a result of the unprecedented displacement of American citizens, state legislators in the affected areas are without the ordinary mechanisms of contacting their constituents; and

WHEREAS, state legislators must be able to communicate with their constituents to ensure that they have timely access to the information they need to rebuild their lives; and

WHEREAS, state legislators must be responsive to their constituents and seek their guidance as policy decisions are made on their behalf; and

WHEREAS, state legislators must apprise their constituents of the decisions that they are taking on their behalf; and

WHEREAS, the right to vote is the foundation of our democracy; and

WHEREAS, the federal government has established programs and mechanisms to provide voter outreach and voter education to military voters and American citizens living overseas; and

WHEREAS, hurricane survivors scattered throughout the Katrina diaspora need information about how to maintain their right to vote and how to cast an absentee ballot;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that NBCSL calls on FEMA to release to state legislators from affected areas the names, telephone numbers, temporary addresses, and email addresses of their constituents; and

BE IT FURTHER RESOLVED that displaced voters throughout the Katrina diaspora have access to streamlined voter registration, absentee balloting process and increased voter outreach efforts; and

BE IT FINALLY RESOLVED, that the National Black Caucus of State Legislators supports efforts to develop a regional and national strategy for reauthorization and restoration of the Voting Rights Act of 1965, and defeat tactics such as the Georgia photo identification requirement and the Michigan affirmative action ballot initiative to deny equal opportunity to African Americans.

Sponsor(s): Sponsored by: Representative Stan Watson (GA), Senator Edwin Murray (LA), and Representatives Juan LaFonta (LA), Michael Murphy (MI), Earline Parmon (NC) and Cedric Richmond (LA)

Committee of Jurisdiction: Hurricane Task Force

Certified by Chairperson: Representative Stan Watson (GA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-115

DISASTER AND RECOVERY ASSISTANCE FOR HURRICANE VICTIMS

WHEREAS, on August 29, 2005, Hurricane Katrina made landfall in the Gulf Coast; and

WHEREAS, in the aftermath of Hurricane Katrina, 1.5 million American citizens have been displaced; and

WHEREAS, in the aftermath of Hurricane Katrina, hundreds of thousands of homes and businesses in Alabama, Louisiana and Mississippi were destroyed; and

WHEREAS, the largest natural disaster in U.S. history was exacerbated by the failure of the Federal Emergency Management Agency (FEMA) to adequately prepare and protect the victims of Hurricane Katrina; and

WHEREAS, the lack of diversity in relief assistance undermines the efforts of African American state legislators to ensure that their constituents have timely access to the information they need to rebuild their lives; and

WHEREAS, there is mounting evidence that the natural disaster was made worse by the levee system designed, constructed and maintained by the Army Corps of Engineers; and

WHEREAS, FEMA's lack of planning and coordination beforehand led to the chaotic evacuation of New Orleans; and

WHEREAS, hurricane survivors have been scattered across 49 states, Puerto Rico and the District of Columbia; and

WHEREAS, FEMA failed the people it was supposed to protect and had no plan for transitional housing and tens of thousands of evacuees face eviction from subsidized hotel rooms; and

WHEREAS, in Mississippi, thousands of hurricane survivors are still living in tents; and

WHEREAS, FEMA's performance after the storm has added to the pain and suffering of survivors;

WHEREAS; three months later, 6,644 remain missing, including more than 1,300 children; and

WHEREAS, FEMA's inadequate response time and lack of coordination reflect the lack of preparedness by the Federal, state and local governments; and

WHEREAS, African American state legislators are committed to ensuring that the victims of Hurricane Katrina are able to return home, reconnect with their families and participate in the rebuilding of their communities; and

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has appointed a Hurricane Task Force to provide guidance, support, and coordination for NBCSL members' relief efforts; and

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HURRICANE TASK FORCE

WHEREAS, the NBCSL Hurricane Task Force has drafted a 10-Point Plan for Hurricane Relief Efforts; and

WHEREAS, tens of billions of dollars will be spent to rebuild the Gulf Coast; and

WHEREAS, small and minority businesses are the engines of job creation and economic development; and

WHEREAS, “Katrina fatigue” is not an option for African American state legislators, who are on the frontline and results-oriented;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators support H.R. 4197, the “Hurricane Katrina Recovery, Reclamation, Restoration, Reconstruction and Reunion Act of 2005,” introduced by the Congressional Black Caucus, and calls on NBCSL members to urge their congressional delegations to co-sponsor H.R. 4197; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators members will use H.R. 4197 as model legislation and introduce a similar bill in their respective legislature; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators adopt the 10-Point Plan for Hurricane Relief Efforts; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators strongly supports efforts to track and find the missing adults and children and reunite them with their families; and

BE IT FURTHER RESOLVED, that affordable housing must be made available to displaced hurricane victims; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators call on insurance companies to expedite claims payment in the impacted areas; and

BE IT FURTHER RESOLVED, that the federal government should pay flood claims; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators calls on FEMA to honor its pledge to reopen the bidding process for the hundreds of millions of dollars of no-bid contracts that have been awarded; and

BE IT FURTHER RESOLVED, minority businesses must have a fair opportunity to participate in the rebuilding of the affected areas in Alabama, Louisiana and Mississippi; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators support H.R. 4427, the “FEMA Small Business Database,” which would require the Department of Homeland Security to create a database of small, minority-owned and disadvantaged businesses from around the country; and

BE IT FINALLY RESOLVED, that the NBCSL Hurricane Task Force will serve as an ongoing



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HURRICANE TASK FORCE

clearinghouse for the timely dissemination of information, and will establish and strengthen lines of communication with FEMA, the U.S. Department of Housing and Urban Development, the American Red Cross, charitable and faith-based groups, and grassroots organizations to protect the rights of those who have been left with nothing and are starting over.

NBCSL'S 10-POINT PLAN FOR HURRICANE RELIEF EFFORTS

In the aftermath of hurricanes Katrina and Rita, the National Black Caucus of State Legislators is committed to restoring stability and well-being to the lives of those displaced and mourning the loss of family members. Many of our constituents have been traumatized and need to receive as much care as possible. NBCSL supports the collaborative efforts of faith-based and grassroots groups that have stepped up to the challenge to help rebuild neighborhoods and reconnect families in affected areas in Alabama, Louisiana and Mississippi.

The inadequate response and delayed delivery of disaster assistance reflect the lack of preparation on behalf of the federal, state, and local governments. The problem needs to be addressed to better understand what went wrong and how to prevent miscommunication and loss of life in the event of another natural disaster or terrorist attack.

The recovery efforts for Hurricane Katrina and Hurricane Rita will be ongoing. As a national organization, we will work to protect the rights of those victims who have been left with nothing and are starting over.

NBCSL introduces the following 10-Point Action Plan to help empower hurricane survivors:

- 1) Create a non-partisan, independent commission to investigate the government's response, delivery of services and rebuilding efforts, including the equitable awarding of contracts, and equal access to jobs and housing; and
- 2) Support efforts of groups and organizations that seek to question the federal government's delayed response to the needs of those left behind; and
- 3) Lobby the federal government to provide funding to rebuild infrastructure, including schools, universities, and roads in communities destroyed by Hurricanes Katrina and Rita with the same vigor and energy as rebuilding efforts in Iraq; and
- 4) Ensure that funding reallocated to states is expedited to compensate for displaced persons in other states and provides oversight for dollars to be returned to the Gulf region so evacuees can return to their homes; and
- 5) Ensure that displaced hurricane survivors have a first priority at reconstruction jobs and contracts, and minority businesses are given fair opportunities to bid on reconstruction contracts; and
- 6) Require developers to build an adequate number of affordable and environmentally-safe, quality housing for low-income families who lived in the Gulf region before the hurricane; and
- 7) Introduce legislation to prohibit collections and deficiency judgments on real and personal property; and



- 8) Ensure that evacuees of voting age, scattered across the 49 states, Puerto Rico and the District of Columbia are able to vote absentee in their home state in federal, state, and local elections, unless they choose to establish residency elsewhere; and
- 9) Direct the U.S. Department of Justice to review individual cases of arrested and detained individuals, and call on the affected states to restore all constitutional protections; and
- 10) Serve in a lead role to help state governments develop an Emergency Preparedness Response Plan.

Action Steps for 10-Point Plan

- 1a. Form a task force that receives information and determines effectiveness or deficiencies in government/organization process and policy;
- 1b. Circulate a petition to pressure public officials to create an independent commission to monitor the equitable distribution of relief resources;
- 1c. Identify key relief and recovery operations and determine their role, services and principal contacts;
- 1d. Establish a clearinghouse function to assess coordinate and distribute information.
- 2a. Locate warehouses to distribute supplies to affected persons;
- 2b. Work with faith-based groups, fraternities, sororities, and community-based organizations to develop a database of evacuees, their contact info and condition.
- 3a. Allocate funding for unemployment assistance, job training, school placement, and assistance in reuniting families;
- 3b. Ensure that dollars are allocated for hurricane victims' health care benefits, including drug treatment and mental health services, for a period of no less than 24 months;
- 3c. Establish a regional Gulf Coast Authority that would coordinate the rebuilding efforts and serve as the liaison to connect survivors with resources provided by FEMA and other federal agencies.
- 4a. Lobby Congress to establish a Hurricane Victims' Compensation Fund similar to the 9/11 Compensation Fund.
- 5a. Advocate for reinstatement of the Davis-Bacon Act and protect the right of local residents to receive living wages;
- 5b. Lobby FEMA to re-bid sole source contracts and ensure that 50% of contracts are set aside for local businesses and 25% go to minority contractors and subcontractors.
- 7a. Freeze all foreclosure proceedings against property in affected areas for a minimum of 12 months;
- 7b. Prohibit negative credit reporting or the omission of negative events from credit scores when the incidents were a result of Katrina;
- 7c. Institute a voluntary waiver of late fees or interest on loans for people in the affected areas for a period of at least three months;
- 7d. Develop an action plan to efficiently remove all pollutants from the environment in the Gulf Coast region and build adequate levee systems.



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HURRICANE TASK FORCE

- 8a. Ensure that minority city planners are involved in the rebuilding effort;
- 8b. Protect the zoning laws and prevent efforts to recreate the zoning lines;
- 8c. Prevent the government from invoking eminent domain;
- 8d. Support the People's Hurricane Relief Fund and the Reconstruction Oversight Committee.

Sponsor(s): Representative Stan Watson (GA), Senator Edwin Murray (LA), and Representatives Juan LaFonta (LA), Michael Murphy (MI), Earline Parmon (NC) and Cedric Richmond (LA)

Committee of Jurisdiction: Hurricane Task Force

Certified by Chairperson: Representative Stan Watson (GA)

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Resolution 06-58

DAMAGE DUE TO MULTIPLE PERILS

WHEREAS, disputes with respect to property insurance coverage arise as to whether wind, rain, or flood caused the damage - because typical homeowner's policies do not cover flood damage; and

WHEREAS, flood insurance is a separate policy underwritten by the federal government; and

WHEREAS, flooding may ultimately destroy a property, but the heavy winds and/or rain, first hit the property causing the initial damage; and

WHEREAS, "Proximate cause" is the initial event in a chain of events and "Efficient cause" is the predominant cause producing the effect;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7-11, 2005, that the National Black Caucus of State Legislators supports the following measures:

Insurers shall pay claims in full for damages from multiple perils if the policy covers some perils but expressly excludes another peril, if the covered peril is a proximate or efficient cause of the damage; and

Insurers shall define damage as being caused by the wind or other covered peril if the flooding is due to the failure of flood control systems resulting from the wind – including storm surge – or other covered peril.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Insurance

Certified by Chairperson: Representative Wayne Ford (IA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-44

INSURANCE SALES PRACTICES

WHEREAS, insurance policyholders often say that, when they purchased the policy, the agent told them that it was full hurricane coverage without clearly explaining that flooding is not covered or telling them additional flood insurance is unnecessary;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators supports the following measures:

Property insurers shall provide a written disclosure: (a) that the policy does not cover flood damage; (b) where to obtain information about a property's potential for flooding; and (c) where to obtain federal flood insurance; and

The insurer shall obtain the policyholder's signature on the disclosure prior to the policy's purchase and retain the form in their records as long as the policy is in force. A court shall presume that proper disclosure did not occur if the insurer cannot produce the disclosure form in the event of a dispute

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Insurance

Certified by Chairperson: Representative Wayne Ford (IA)

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



Resolution 06-56

INSURANCE SETTLEMENT PRACTICES

WHEREAS, policy language is often ambiguous, especially to inexperienced policyholders, who may read the policy and believe the policy covers certain circumstances, only to find after they file a claim that coverage is limited;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the National Black Caucus of State Legislators supports the following measures:

If damage occurs due to an event later declared a disaster by the President, insurers must agree to submit a claim to mediation that remains unresolved for 180 days after the policyholder submitted the claim; and

The Federal Emergency Management Agency (FEMA) of the Department of Homeland Security shall establish a mediation service to help resolve insurance disputes regarding claims for damages due to an event later declared a disaster by the President. FEMA may contract with private mediation services as necessary; and

Insurers shall provide immediate living expenses to policyholders based on their respective state's cost of living data even if a claims adjuster has not been able to inspect the property, if the claim is for damages due to an event later declared a disaster by the President; and

Ambiguous insurance policy language shall be resolved in favor of policyholders and any language interpreted differently by different courts shall be, per se, ambiguous.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Insurance

Certified by Chairperson: Representative Wayne Ford (IA)

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Resolution 06-57

RESEARCHING FEDERAL INSURANCE

WHEREAS, due to market inadequacies, the Federal government has underwritten flood insurance since 1968 but coverage is only required in designated “Special Flood Hazard Areas”;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the National Black Caucus of State Legislators support the following measure:

The Federal Government is requested to establish a panel of experts to reexamine the National Flood Insurance Program, with the goal being to increase its effectiveness, by examining:

- (a) whether Special Flood hazard areas should be expanded; and
- (b) whether a new National Hurricane Insurance Program should be established and designed to meet the unique needs of hurricane victims, including designation of Special Hurricane Hazard Areas within which hurricane insurance would be required; and
- (c) whether additional insurance programs should be established for other unique hazards, such as earthquakes; and
- (d) any other proposals at the discretion of the panel.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Insurance

Certified by Chairperson: Representative Wayne Ford (IA)

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Resolution 06-64

FORBIDDING ANY INCURSION UPON VENEZUELAN SOVEREIGNTY

WHEREAS, Venezuelan President Hugo Chavez Frias has won two landslide presidential elections in 1998 and 2000, with 58% and 59%, of the electorate respectively, signaling the end of a five-hundred year old colonial caste system in which an oligarchy of the socially, politically and economically advantaged, exploited the majority population; and

WHEREAS, President Hugo Chavez Frias' proposal to rewrite the nation's constitution was approved by 92% of the electorate in 1999 which was followed by another national election in which pro-Chavez Frias candidates garnered 95% of the seats in the Constituent Assembly; and

WHEREAS, the overwhelming popular support enjoyed by President Hugo Chavez Frias was again demonstrated as 68% of the Venezuelan electorate approved the new constitution in July of 2000; and

WHEREAS, all democratic formations, by definition, must abjure any state sponsoring of the destabilizing of Venezuela's economy and/or political sovereignty; all U.S. based entities, government and private sector, are conjoined for the sake of social order and domestic tranquility everywhere, to vigorously oppose the unconscionable low intensity warfare that has been waged against the people and the sovereignty of Venezuela; since the inception of the Chavez Frias Administration; and

WHEREAS, the full influence of the U.S. Congress should be brought to bear, in constraining the International Monetary Fund and the World Bank from instituting policies which militate against Venezuelan Sovereignty; and

WHEREAS, immense popular support and approval of the President Chavez Frias' Administration has given the legitimately elected government, the mandate to institute sweeping changes; and

WHEREAS, the Carter Center of Atlanta, the Organization of American States, and other international organizations oversaw seven national elections and have given qualified certification to the procedures and policies of the Venezuela's National Electoral Council (CNE) which administers the elections; and

WHEREAS, President Hugo Chavez is the embodiment of the hopes, dreams, and aspirations of the historically disenfranchised majority who desperately yearn for an equitable distribution of the land and the financial resources of Venezuela; and

WHEREAS, President Chavez Frias has spearheaded the government campaign to institute free and universal health care and education in Venezuela; and

WHEREAS, in 2004, the Chavez Administration spent over four billion dollars on social programs; and

WHEREAS, this type of commitment to social justice has endeared this visionary leader to the traditionally neglected populace; and

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WHEREAS, Mission Mercal is a chain of government run supermarkets which provide high quality foods to the public at half the usual cost and so successful that it has become the second largest government operated business behind the oil industry; and

WHEREAS, President Hugo Chavez represents a rare historical champion who fearlessly challenges the existing order and ushers in an era of broad-based reforms that are unprecedented in character; and

WHEREAS, at least, 500,000 land reform recipients or 100,000 families have been transformed from landless to property holders; and

WHEREAS, President Chavez has displayed enormous personal integrity by forging mutually beneficial alliances with progressive nations like Cuba to internationalize the social and economic justice movement; and

WHEREAS, the health care initiative, Mission Barrio Adentro is supported by more than 20,000 Cuban medics and has involved more than 185 million consultations while saving 25,000 lives;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that members of this legislative body memorialize the U.S. Congress to forbid any incursion upon Venezuelan Sovereignty; and

BE IT FURTHER RESOLVED, that copies of this resolution be circulated among the Venezuelan Diplomatic Mission in the United States of America.

Sponsor(s): Representative LaMar Lemmons III (MI)

Committee of Jurisdiction: International Affairs

Certified by Chairperson: Senator Donne Trotter (IL)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-65

URGING THE PRESIDENT OF THE UNITED STATES TO LIFT THE CURRENT UNITED STATES EMBARGO ON CUBA AND TO RESTORE FULL DIPLOMATIC RELATIONS WITH CUBA

WHEREAS, the United States embargo against Cuba has increasingly created physical hardships for the people of Cuba, depriving them of much-needed food and proper medical care; and

WHEREAS, many Cuban-Americans living in the United States are concerned about the safety and well-being of their friends and relatives back in Cuba; and

WHEREAS, they want the United States to end the embargo so Cuba can achieve the economic growth and prosperity that will lift the Cuban people out of the depths of poverty; and

WHEREAS, by denying trade and travel with Cuba, the United States is undermining efforts to spread democracy into other nations; and

WHEREAS, the United States has recently fought wars in the name of spreading democracy and trades openly with nations such as China, in the hope that a free exchange of ideas and goods will promote democratic reforms; and

WHEREAS, the United States should adopt a more humane approach to resolving differences with Cuba by encouraging open trade and travel; and

WHEREAS, lifting the ban on United States citizens' travel to Cuba would allow persons from the two countries to learn about their differing cultures and thereby promote greater tolerance and mutual respect; and

WHEREAS, opening trade would create relationships between citizens and entrepreneurs from both countries that can have a profound effect on transforming the current political situation in Cuba for the better;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that we memorialize the Congress of the United States and urge the President of the United States to lift the current United States embargo on Cuba and to restore full diplomatic relations with Cuba; and

BE IT FURTHER RESOLVED, that copies of this document be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

Sponsor(s): Representative Lemmons III (MI)

Committee of Jurisdiction: International Affairs

Certified by Chairperson: Senator Donne Trotter (IL)

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Resolution 06-126

EXEMPTION OF OVERTIME COMPENSATION TAX

WHEREAS, it has been the historic policy of the National Black Caucus of State Legislators (NBCSL) to stand up for the best interest of citizens in the American labor force; and

WHEREAS, despite efforts in the recent 108th Congress to minimize opportunities for workers to qualify for overtime compensation, numerous employees still depend on overtime wages to make financial ends meet; and

WHEREAS, current federal tax cut packages miss a significant number of America's workers; and

WHEREAS, an exemption of taxes on overtime compensation will allow more American workers to possess more discretionary income to invest or spend to meet financial obligations;

THEREFORE BE IT RESOLVED BY THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS MEETING AT THEIR ANNUAL CONFERENCE IN WASHINGTON D.C. DECEMBER 7-11, 2005, that NBCSL support any legislation at the state and federal level that will exempt taxes on overtime compensation as defined in the Fair Labor Standards Act.

Sponsor(s): Representative Erik R. Fleming (MS)

Committee of Jurisdiction: Labor

Certified by Chairperson: Senator Spencer Coggs (WI)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-125

PROMOTING A SMART ON CRIME AGENDA THAT REDUCES RECIDIVISM BY ADDRESSING BARRIERS THAT PROHIBIT EMPLOYMENT OF PEOPLE WITH CRIMINAL

WHEREAS, safety and security are paramount concerns that require a new level of diligence on the part of elected officials, employers and local communities, including criminal background checks for employment purposes when necessary and appropriate; and

WHEREAS, federal and state laws that prohibit employment of people with criminal records, when overly broad, can have the counterproductive effect of undermining public safety by limiting the job opportunities of deserving individuals who have served their debt to society; and

WHEREAS, one in five adult Americans has a criminal record that can create a lifetime barrier to employment when federal and state laws require a criminal background check as a condition of employment; and

WHEREAS, a record 650,000 individuals are released from prison each year and return to their communities seeking good jobs which are key to their successful reentry; and

WHEREAS, three out of every four individuals leaving prison served time for non-violent offenses, most often including drug offenses; and

WHEREAS, two-thirds of non-violent offenders now leaving prison are people of color; and

WHEREAS, the Justice Kennedy Commission of the American Bar Association, the Re-entry Policy Council of the Council of State Governments and other leading experts have called on state and federal officials to adopt a “smart on crime” agenda to reduce recidivism by reviewing employment laws that affect employment of people with criminal records and eliminating those provisions that are not directly linked to improving public safety and security; and

WHEREAS, there has been an expansion of federal and state laws in growing entry-level occupations, including trucking, private security, and health care, that often broadly prohibit employment of people with criminal records without adequate protections to take into account rehabilitation as well as the age and severity of the disqualifying offenses; and

WHEREAS, Congress has commissioned the United States Attorney General to prepare recommendations for federal policy related to criminal background checks and employment, including proposals to make the FBI’s criminal records directly available to private employers upon request thus bypassing independent state review procedures;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the NBCSL members support a “smart on crime” agenda with the goal



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of reducing recidivism by addressing unwarranted barriers in federal and state laws that prohibit employment of people with criminal records; and

BE IT FURTHER RESOLVED, that NBCSL members will identify state laws that unfairly deny or restrict employment of people with criminal records and evaluate their impact on job opportunities otherwise available to state residents; and

BE IT FURTHER RESOLVED, that NBCSL members use their influence as legislators to eliminate those employment prohibitions in state laws that are not directly related to improving public safety and security, and adopt protections that take into account rehabilitation as well as the age and severity of criminal offenses; and

BE IT FURTHER RESOLVED, that NBCSL members will work with the business community, labor, corrections officials and community-based organizations, to support successful programs providing vocational and educational training to people with criminal records that prepares and connects them to jobs in growing industries; and

BE IT FURTHER RESOLVED, that NBCSL members call on the United States Attorney General and Congress to adopt federal standards that eliminate unwarranted barriers in federal laws that prohibit employment of people with criminal records and incorporate protections that take into account rehabilitation as well as the age and severity of offenses; and

BE IT FINALLY RESOLVED, that NBCSL members support the current restrictions that prohibit access to FBI records by private employers in order to limit the significant potential for error and abuse in reviewing criminal records that undermines the employment opportunities of people with criminal records and to maintain existing state privacy and employment safeguards.

Sponsor(s): Senator Spencer Coggs (WI)

Committee of Jurisdiction: Labor

Certified by Chairperson: Senator Spencer Coggs (WI)

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Resolution 06-92

RE-ENFRANCHISEMENT OF FORMER OFFENDERS

WHEREAS, voting is a fundamental right of citizenship enshrined in the U.S. Constitution and also in numerous state's constitution and legislative enactments; and

WHEREAS, the vote is one of the primary methods of protecting all other rights, privileges, benefits and services; and

WHEREAS, denial of the right to vote of African American and other people of color has been on going, long standing, and destructive to the quality of life of African Americans; and

WHEREAS, the methods of disenfranchising African Americans have historically included annexation and deannexation, poll taxes, computer "scrub" lists, and many other schemes, tricks, and devices; and

WHEREAS, offender disenfranchisement has had and is having a significant impact on the number of eligible black voters, the black electorate has been reduced to as much as 13% due to offender disenfranchisement laws; and

WHEREAS, offender disenfranchisement laws have diminished the African American voice in crucial areas including economic policy, military policy, and numerous other areas of human endeavor; and

WHEREAS, schemes to track voter eligibility are often complicated, expensive and difficult to administer; and

WHEREAS, laws to deprive former offenders of the right to vote do not enhance public safety; but instead delay re-instatement and delay re-integration of ex-offenders in society, which contribute to violations of law; and

WHEREAS, restoration of the right to vote among ex-offenders signals NBCSL's belief in the imminent value of all human beings and the ability of all human beings to be redeemed;

THEREFORE BE IT RESOLVED BY THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS MEETING AT THEIR ANNUAL CONFERENCE IN WASHINGTON D.C., December 7-11, 2005, that members support re-enfranchisement of former offenders by removing policies which preclude, prolong and complicate the restoration of the right to vote among former offenders by promoting policies which foster active citizenship among all Americans including former offenders.

Sponsor(s): Representative Keith Ellison (MN)

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-89

NON-CITIZEN IMMIGRANTS AFFORDED DUE PROCESS OF LAWS

WHEREAS, throughout the history of the United States the Supreme Court has upheld all manner of federal statutes regulating immigration; and

WHEREAS, the Supreme Court decisions preclude states from passing legislation that directly impinges on this area of federal dominion; and

WHEREAS, the Supreme Court's basis for action is clear when the area regulated is naturalization; and

WHEREAS, Article 1, § 8, Clause 4, of the United States Constitution specifically grants Congress the power to establish a "Uniform Rule of Naturalization."; and

WHEREAS, by expressly allocating this power to Congress, the Constitution prevents the confusion that would result if individual states could bestow citizenship; and

WHEREAS, the Constitution does not, however, explicitly provide that the power to deny admission or remove non-citizens rests with the federal government as opposed to state governments; and

WHEREAS, non-citizen immigrants should be afforded the same rights and due process as citizens of the United States;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that members of the legislative body memorialize the United States Congress to afford non-citizen immigrants the same rights and due process as citizens of the United States.

Sponsor(s): Representative Arthur Turner (IL)

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-90

REPEAL MINIMUM MANDATORY SENTENCING FOR ANY DRUG CRIMES

WHEREAS, there is a movement to establish mandatory minimum sentences for drug-related offenses; and

WHEREAS, sentencing was mainly at the discretion of individual judges who could consider facts regarding the circumstances of an offense and a defendant's past record in their final rulings; and

WHEREAS, mandatory minimums sentencing guidelines were enacted by several states in the late 1970s and early 1980s; and

WHEREAS, African Americans represent the majority of persons incarcerated in our local, state and federal prisons; and

WHEREAS, mandatory minimums would reduce the length of incarceration in the penalty provisions for certain offenses; and

WHEREAS, mandatory minimums would provide that certain offenses can be subject to parole, probation or suspension of sentence; and

WHEREAS, mandatory minimums would provide suspension of sentences for certain crimes; and

WHEREAS, the absence of minimum mandatory sentence laws is detrimental to African American citizens; and

WHEREAS, the Law and Justice Committee of the National Black Caucus of State Legislators recommends that each state review sentencing for any drug crimes;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, the National Black Caucus of State Legislators (NBCSL) urges Congress to create and pass a minimum mandatory sentence law for any drug crime on the federal level; and

BE IT FURTHER RESOLVED, to call on Congress and state legislators to make the repeal of the minimum mandatory sentencing for any drug crime a high priority; and

BE IT FINALLY RESOLVED, that NBCSL encourage state legislators to support Congress in the creation and passage a new minimum mandatory sentencing law for any drug crime.

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

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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

Resolution 06-53

ASSATA SHAKUR

WHEREAS, the 1976, Final Report of the Select Committee to Study Government Operations with Respect to Intelligence Activities. United States Senate, 94th Congress, 2nd Session, April 26 (legislative day, April 14) 1976. [AKA “Church Committee Report”], details many of patently illegal and amoral crimes committed by the Federal Bureau of Investigation (FBI) in its domestic terror campaign called the Counter Intelligence Program (COINTELPRO); and

WHEREAS, even with over a million pages not yet released, a callously sinister picture emerges of an FBI who routinely foments murder to ‘neutralize’ law abiding citizens who have the temerity to exercise their right to dissent; and

WHEREAS, a freedom fighter, Assata Shakur, formerly known as Joanne Chesimard, has been forced into exile in Cuba, in order to escape one of the most dastardly pernicious COINTELPRO attacks ever perpetrated; and

WHEREAS, Assata Shakur was a member of the main political organization which was targeted for destruction by the FBI-the Black Panther Party; and

WHEREAS, Panthers were routinely stopped, harassed, detained, and framed, by state and local law enforcement authorities at the behest of the FBI; and

WHEREAS, undoubtedly, this was the case, when Assata Shakur, Zayd Shakur, and Sundiata Acoli were pulled over by the New Jersey State Police, on May 2, 1973; and

WHEREAS, in this apparent “driving while black activists” setup, the trio was ordered out of the car under the pretext of a broken tail light. Medical tests would later prove that Ms. Shakur was shot twice in the back while her hands were raised and was also shot while lying flat on her back; and

WHEREAS, in an all too familiar scenario, the police opened fire without warning, leaving one state trooper fatally shot and another trooper wounded; and

WHEREAS, in this probable ‘friendly fire’ incident, the surviving victims-Assata Shakur and Sundiata Acoli-- though severely wounded, were, in true COINTELPRO fashion, charged with murder; and

WHEREAS, the supposedly broken tail light would not stand up in the imminent media glare, federal and New York State prosecutors began manufacturing an awesome campaign to vilify Assata Shakur; and

WHEREAS, she was subsequently charged with bank robbery from a 1971 case (Federal Court), bank robbery from a 1972 case (Federal Court), kidnap of a drug dealer from a 1972 case (New York), murder of a drug dealer from a 1973 case (New York), and attempted murder of policemen from a 1973 case (New York) all of these trumped up charges ended in acquittal or dismissal; and



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WHEREAS, the damage was done and any jury pool would now be predisposed to believing any charge against Assata Shakur; and

WHEREAS, her wanted poster mug shot was posted in every federal facility, country-wide; especially in U.S. Post Offices. Surprisingly, it still took four year to convict Assata via this guilt-by-defamation manner; and

WHEREAS, anyone who holds dear, the constitutional liberties of: a right to a speedy and fair trial, the right to an impartial jury; the right to equal protection under the law; the right to due process; and the right not to be falsely imprisoned, should be outraged at the near lethal broadside of abuses levied by the government against Assata Shakur; and

WHEREAS, all freedom-loving people should hail Assata Shakur's heroic escape from the Clinton Correctional Facility in New Jersey in 1979. Assata's "Liberty or Death" mentality is rooted in the American ethos; and

WHEREAS, this unconscionable one million dollar 'bounty' placed on the head of Assata Shakur by the FBI and U.S. Attorney General in May of 2005, smacks of the same lynch mob mentality which placed 40,000 dollars on Harriet Tubman's head;

THEREFORE BE IT RESOLVED BY THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS MEETING AT THEIR ANNUAL CONFERENCE IN WASHINGTON D.C. DECEMBER 7-11, 2005, that members of this legislative body memorialize the United States Congress to strongly encourage the various parties: the U.S. Department of Justice; the U.S. Federal Court; and both New York and New Jersey State Courts to make whole, Assata Shakur and to compensate her for enduring multiple acts of state-sponsored terrorism; and

BE IT FURTHER RESOLVED, that members of this one body memorialize the United States Congress to strongly encourage President George W. Bush to spearhead a morally correct movement which exonerates, gives amnesty, and merits a Presidential Pardon for Assata Shakur; and

BE IT FINALLY RESOLVED, that copies of this resolution be transmitted throughout Michigan, and to members of the Shakur Family.

Sponsor(s): Representative LaMar Lemmons III (MI)

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-95

ANTI-GANG LEGISLATION

WHEREAS, serious adult crime rates have fallen 28% and youth crime rates have fallen 74% since 1993; and

WHEREAS, only 7% of homicides in 2003 were gang related; and

WHEREAS, research has shown that the transfer and waiver of youth to adult courts increases the chances that they will be assaulted, abused and/or raped, increases the chances they will commit suicide and increases their likelihood of committing a greater number of crimes upon release; and

WHEREAS, research shows that prosecuting youth as adults does not increase public safety but on the contrary, decreases public and community safety; and

WHEREAS, research shows that prevention and intervention programs that serve at-risk youth are successful in preventing and diverting young people from delinquent activity, thus maintaining and increasing public and community safety;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL oppose HR 1279, The Gang Deterrence and Community Protection Act, and other legislation that supports similar federal youth policy changes; we specifically oppose legislation that purports to address youth crime through an approach that would increase the prosecution of youth as adults; we support youth gang experts in calling for a proven, effective and research-based response that will promote positive youth development and enhanced neighborhood safety; we oppose legislation that currently supports prevention and intervention efforts; we oppose a solely punitive and suppressive approach, like those contained in HR 1279, as they will not achieve the stated goal of preventing crime but rather will increase crime and decrease public safety; and we explicitly oppose efforts to expand the federal ability to prosecute youth gang crime, as states are presumed to be in the best position to address youth crime.

Sponsor(s): Senator Velmanette Montgomery (NY)

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-81

STATE'S TREATMENT OF CENTRAL STATE UNIVERSITY

WHEREAS, Central State University is the only publicly supported historically black university in the State of Ohio; and

WHEREAS, the Civil Rights Act of 1964, Title VI states “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance”; and

WHEREAS, in 1981, the United States Department of Education found that the State of Ohio was in violation of Title VI of the Civil Rights Act of 1964, finding “the state had failed to enhance Central State University to make it attractive to students of all races”; and

WHEREAS, the Department of Education stipulated that in order to resolve the state's outstanding federal violation, the state must provide sufficient assurances that Central State University will have the resources to function as an attractive and vital part of Ohio's higher education system, and that the University will provide equal educational opportunities for its students; and

WHEREAS, in 1981, the Department of Education analysis of resource allocations revealed that Central State University's financial needs had not been met in a manner comparable to that of other state universities; and

WHEREAS, the State of Ohio has distributed general revenue subsidies to higher education institutions on the basis of Full Time Equivalent (FTE) enrollment, with higher per-student allocations being made for students enrolled in upper division, graduate and professional programs; and

WHEREAS, the FTE-based subsidy formula has adversely affected Central State University because of its small size, the high costs of education, its many disadvantaged students, and its limited ability to generate funds from nongovernmental sources; and

WHEREAS, though the State of Ohio has recognized that the FTE-based formula does not accurately reflect Central State University's financial needs and has attempted to compensate for this with discretionary supplemental appropriations, Central State University's financial resources continue to be inadequate; and

WHEREAS, in 1997, Ohio legislation and a state plan that called for future efforts to strengthen Central State University which were key to the U.S. Department of Education's decision to close their investigation, were offered; and

WHEREAS, the 126th General Assembly of the State of Ohio reduced appropriations for Central State University's Supplemental budget by \$535,401 in fiscal year 2006 and by \$1,044,032 in fiscal year 2007--the largest percentage reduction among Ohio's thirteen public universities--totaling \$1,579,433 over the biennium; and

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WHEREAS, the United States Department of Education Office for Civil Rights closed its last Title VI investigation involving Central State University and the State of Ohio, the Office for Civil Rights continues to monitor Ohio's progress regarding the treatment of Central State and reserves the right to reopen the investigation if it deems necessary; and

WHEREAS, the State of Ohio has not made a good faith effort to honor its obligations to the United States Department of Education, Office for Civil Rights; to Central State University; or to the citizens of the State of Ohio, in that, the state has not followed through with its commitment to provide the necessary resources to the University for its success and to enhance academic programming to strengthen Central State University to make the institution attractive to students of diverse backgrounds;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that NBCSL request that the United States Department of Education, Office for Civil Rights proceed as follows:

- (a) The United States Department of Education, Office for Civil Rights should proceed at the earliest possible moment to reopen its investigation regarding the State of Ohio's violation of Title VI of the Civil Rights Act of 1964 with respect to the state's treatment of Central State University; and
- (b) If the United States Department of Education, Office for Civil Rights concludes that the State of Ohio is still in violation of Title VI, the Office for Civil Rights should decline to close said investigation or cease any enforcement proceedings until such a time as the State of Ohio has presented and approved a viable comprehensive plan to financially support Central State University and enhance academic programming at the University to make the institution attractive to students of diverse backgrounds; and
- (c) The United States Department of Education, Office for Civil Rights upon deciding to close any new investigation should establish an objective standard of criteria that will constitute grounds for the federal government to reopen investigations and enforce federal statute in the future.

Sponsor(s): Representative Fred Strahorn (OH)

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-68

HONORING MALCOLM X

WHEREAS, Malcolm Little, at two years old, with his family, moved to Lansing, Michigan. Malcolm attended Pleasant Grove Elementary in Lansing, West Junior High School in Lansing and Mason High in Mason, Michigan; and

WHEREAS, in 1987, the State of Nebraska erected a Historical Marker in Malcolm's hometown, Omaha. The National Park Service has listed the Malcolm X birth site on its National Register of Historical Places; and

WHEREAS, the Michigan State Historic Preservation Office, Michigan Historical Center, in 1975, has erected a State of Michigan Historical Marker at the Malcolm X Homesite at 1099 Vincent on the 4600 block of Martin Luther King Jr. in Lansing, Michigan; and

WHEREAS, in January of 1999 the United States Postal Service issued one-hundred million commemorative postage stamps bearing the contemplative visage of Malcolm X; and

WHEREAS, in 1953 Malcolm X was appointed assistant minister at the Nation of Islam's Detroit temple and in 1958 Malcolm X married Betty Shabazz in Lansing, Michigan; and

WHEREAS, Malcolm X became a virtual ambassador of the National African American community; and

WHEREAS, in 1959 Malcolm X traveled to the United Arab Republic, Sudan, Nigeria, Holland, Egypt, Mecca, Iran, Syria, and Ghana; and

WHEREAS, in 1964, Malcolm X personally met with eleven African heads of state; and

WHEREAS, Malcolm X's unparalleled debating skills were in demand on a world-wide scale; and

WHEREAS, on television, Malcolm X appeared on the "Les Crane Show" in New York, "The Mike Wallace News Program," and the NBC news program "Open Mind". Malcolm X spoke at the Harvard Law School Forum (1964) and Malcolm X debated at Oxford University in December of 1964; and

WHEREAS, on June 29, 1963 Malcolm X organized one of the largest Civil Rights rallies in America called Harlem Unity;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that members of this legislative body, commemorate the outstanding accomplishment of the late, El Hajj Malik El-Shabazz-Malcolm X; and

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BE IT FURTHER RESOLVED, that copies of this resolution be transmitted throughout the state of Michigan and his family.

Sponsor(s): Representative LaMar Lemmons III (MI)

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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

LAW & JUSTICE



Resolution 06-88

MEMORIALIZE CONGRESS TO EXTEND THE VOTING RIGHTS ACT OF 1965

WHEREAS, brave Americans, known and unknown, of different races, ethnicities, and religions, risked their lives to stand for political equality and against racial discrimination in a quest culminating in the passage of the Voting Rights Act of 1965; and

WHEREAS, numerous Americans paid the ultimate price in pursuit of that quest while demanding that our nation live up to the guarantees enshrined in the 14th and 15th amendments to the United States Constitution; and

WHEREAS, the historic struggle for equal voting rights led nonviolent civil rights marchers to gather on the Edmund Pettus Bridge in Selma, Alabama on March 7, 1965, a day that would come to be known as 'Bloody Sunday,' where their bravery was tested by a brutal response, which in turn sent a clarion call to the nation that the fulfillment of our democratic ideals could no longer be denied; and

WHEREAS, eight days after Bloody Sunday, President Lyndon B. Johnson called for a comprehensive and effective voting rights bill as a necessary response by Congress and the President to the interference and violence, in violation of the 14th and 15th amendments, encountered by African American citizens when attempting to protect and exercise their right to vote; and

WHEREAS, a bipartisan Congress approved the Voting Rights Act of 1965 and on August 6, 1965, President Lyndon B. Johnson signed this landmark legislation into law; and

WHEREAS, the Voting Rights Act of 1965 stands as a tribute to the heroism of countless Americans and serves as one of the Nation's most important civil rights victories, enabling political empowerment and voter enfranchisement for all Americans; and

WHEREAS, the Voting Rights Act of 1965 effectuates the permanent guarantee of the 15th amendment that 'the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude'; and

WHEREAS, the Voting Rights Act of 1965 was amended in 1975 to facilitate equal political opportunity for language minority citizens and was amended in 1982 to protect the rights of voters with disabilities; and

WHEREAS, the Voting Rights Act of 1965 has helped advance true democracy in America by encouraging political participation by all citizens and providing voters with the ability to elect their representatives in the Federal, State, and local governments; and

WHEREAS, the Voting Rights Act of 1965 has increased voter registration among racial, ethnic, and language minorities, as well as enhanced the ability of those citizens to participate in the political process and elect representatives of their choice to public office, the result of which is reflected in

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81 African American, Latino, Asian, and Native American members of Congress and thousands of minority State and local officials elected nationwide; and

WHEREAS, despite the noteworthy progress from 40 years of enforcement of the Voting Rights Act of 1965, voter inequities, disparities, and obstacles still remain for far too many minority voters and serve to demonstrate the ongoing importance of the Voting Rights Act of 1965; and

WHEREAS, the Voting Rights Act of 1965 provides extensive voter protections, such as equipping voters with the means to challenge election laws that result in a denial or abridgement of voting rights on account of race, color, or language minority status (section 2), eliminating literacy tests nationwide (section 201), requiring federal approval before covered jurisdictions (those with a history of practices that restrict minority voting) rights can implement changes in existing voting practices and procedures (section 5), providing the Department of Justice with the authority to appoint federal election monitors and observers to ensure that elections are conducted free from discrimination and intimidation (sections 6-9), and mandating language assistance and translated voting materials in jurisdictions with substantial concentrations of language minorities (section 203); and

WHEREAS, several of these provisions of the Voting Rights Act of 1965 will expire in August 2007 unless Congress acts to preserve and reauthorize them; and

WHEREAS, it is vital to our democracy at home, and to our efforts to promote democracy abroad, that the provisions of the Voting Rights Act of 1965 are fully effective to prevent discrimination and dilution of the equal rights of minority voters; and

WHEREAS, in 2005, the year marking the 40th anniversary of the Voting Rights Act of 1965, we must applaud the substantial progress that has been made in protecting the right to vote, but continue efforts to ensure fairness and equal access to the political process in the United States in order to protect the rights of every American; and

WHEREAS, the Voting Rights Act of 1965 has been widely hailed as the single most important achievement of our civil rights laws; and

WHEREAS, the Section 5 of the Voting Rights Act will expire in 2007; and

WHEREAS, the 15th amendment to the Constitution and the Voting Rights Act of 1965 prohibit racial discrimination in voting; and

WHEREAS, under the 15th amendment and the Voting Rights Act, no one may be denied the right to vote because of his or her race or color; and

WHEREAS, the Voting Rights Act of 1965 was enacted at a time when for decades in some areas of the South blacks had not been permitted to vote, and blacks who attempted to register to vote or to organize or assist others to attempt to register to vote risked losing their jobs, their homes, even their lives; and

WHEREAS, the law banned the literacy tests, poll taxes and other measures used to keep blacks from voting; and



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WHEREAS, Section 5 of the Voting Rights Act of 1965, which is considered by many to be the heart of the law and is up for renewal in 2007, requires that specific jurisdictions get approval from the Justice Department for any changes in voting procedures to ensure that they do not deny blacks the right to vote; and

WHEREAS, to combat this situation Congress included in the Voting Rights Act -- in addition to permanent provisions banning racial discrimination -- special provisions containing extraordinary remedies that applied in certain areas of the nation for a limited time period;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that members of the legislative body memorialize the United States Congress to extend the Voting Rights Act of 1965.

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

Committee of Jurisdiction: Law & Justice

Certified by Chairperson: Senator Charles D. Jones (LA)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



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PASSED DECEMBER 9, 2005

*NBCSL 29th Annual Legislative Conference
Washington, DC
December 7 - 11, 2005*



Resolution 06-91

TO ELIMINATE PRAXIS II AS THE ONLY FACTOR DISQUALIFYING TEACHERS FROM STATE CERTIFICATION

WHEREAS, many states administer PRAXIS II standardized test as a determining criteria for the certification of teachers; and

WHEREAS, results of the PRAXIS II test are biased and have demonstrated a consistent disparate impact on African American teachers; and

WHEREAS, the states are compelled to disaggregate all data compiled for minority students standardized tests; and

WHEREAS, the states are encouraged to take a holistic view and use other creditable and reliable criteria to hire and retain teachers such as undergraduate GPA, graduation from an accredited teacher education program, advanced degrees beyond the bachelor degree, performance based evaluation and evidence of student achievement in the teachers classroom;

THEREFORE BE IT RESOLVED BY THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS MEETING AT THEIR ANNUAL CONFERENCE IN WASHINGTON, D.C. DECEMBER 7-11, 2005, no person who has received a degree from an accredited school of education with an undergraduate grade point average of 3.0 or above shall be barred from teacher certification in any state solely because of his or her score on any standardized teachers examination; and

BE IT FURTHER RESOLVED, that representatives from Elementary and Secondary and Post Secondary Committees of the National Black Caucus of State Legislators meet with the Educational Testing Services in the first quarter of the 2006.

Sponsor(s): Senator Yvonne S. Wilson (MO)

Committee of Jurisdiction: Post-Secondary Education

Certified by Chairperson: Representative Gregory Porter (IN)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-103

ACCESS SECONDARY RIGOR AND POST-SECONDARY OPPORTUNITY

WHEREAS, parental level of education, college pricing, and completion of a rigorous high school curriculum represent three factors that most influence a student's chance of enrolling, and completing, a program of higher education; and

WHEREAS, 29 percent of Caucasians hold a bachelor's degree or higher, while only 17 percent of Blacks and 11 percent of Hispanics hold such degrees; and

WHEREAS, African American and Hispanic high school graduates enroll in postsecondary education at rates 9 and 14 percent, respectively, below that of white graduates; and

WHEREAS, engagement of rigorous high school coursework, such as Advanced Placement and International Baccalaureate, increases significantly a student's chance of enrolling in and completing a post-secondary program; and

WHEREAS, of all races, only African Americans are underrepresented significantly in the Advanced Placement test-taking population as a proportion of their overall representation within the U.S. secondary school population; and

WHEREAS, quality information and competent and culturally sensitive school counseling greatly impacts student decisions and creates a greater role for parents in the education of their children; and

WHEREAS, student aid available in the form of loans continues to grow at a rate far outpacing that of grants; and

WHEREAS, higher education in the United States accrues to individuals, communities, and society significant benefits such as increased health, knowledge, wealth, civic participation, and tax revenues, as well as lessened reliance on public services;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the National Black Caucus of State Legislators pursue a legislative agenda to increase the number of minority students completing degrees in post-secondary education, in part through:

Increases in need-based grant aid for college students;

The implementation of rigorous high school courses with coordination and alignment across grades;

Implementation of on-line courses at area community colleges for high school diplomas and associate degrees;

Implementation of PELL grants and Title I for eligible students;



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Implementation of advanced placement programs and Liberal Arts associate degree programs upon high school graduation;

Implementation of a major marketing campaign of advanced placement programs and community colleges for associate degrees.

Intervention programs which provide information on finances and course pathways to students and parents at an early point in the student's academic career;

The preservation of school counselors and support for more school counselors who possess cultural awareness, knowledge, and skill.

Sponsor(s): Representative Gregory Porter (IN)

Committee of Jurisdiction: Post-Secondary Education

Certified by Chairperson: Representative Gregory Porter (IN)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-99

HIGH SCHOOL DROPOUTS

WHEREAS, although most children in the United States attend school through the middle grades, a disturbing number of students do not complete high school; and

WHEREAS, nationally, it is estimated that more than 29% of public high school students do not graduate each year; and

WHEREAS, a high school diploma can add nearly \$500,000 in earning potential during an individual's career; and

WHEREAS, when students dropout the consequences extend far beyond the individual; and

WHEREAS, over 25 to 30 years, a dropout student can cost a community as much as \$500,000 in public assistance, health care, and incarceration costs; and

WHEREAS, high school dropouts are more than twice as likely to receive public assistance, account for nearly half the heads-of household on welfare, and are 3.5 times more likely than high school graduates to be arrested during their lifetime; and

WHEREAS, while the large numbers of students dropping out of high school and the associated loss of human potential is overwhelmingly unacceptable, this loss is felt hardest by the African American and Hispanic communities; and

WHEREAS, a wide disparity exists in the public high school graduation rates of white and minority students; and

WHEREAS, approximately 78% of caucasian students graduated from high school, with a regular diploma, compared to 56% of African American students and 52% of Hispanic students; and

WHEREAS, without a high school diploma, students are left with few options and minimal opportunities for the future; and

WHEREAS, access and opportunities to benefit from higher education are greatly diminished for high school dropouts, even for those students who show academic aspirations, potential, and promise; and

WHEREAS, only 45% of students taking one remedial course and only 18% of students taking three or more remedial courses in college will complete a bachelor's degree;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7-11, 2005 that all states should:



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POST-SECONDARY EDUCATION

Accurately and widely report high school graduation and dropout data disaggregated by race/ethnicity and income;

Work to raise public awareness about programs and the individual and community consequences of students not completing high school;

Work to raise public awareness about advanced placement programs, community colleges and associate degree offerings;

Aggressively and proactively pursue results oriented strategies that keep kids in school;

Aggressively and proactively pursue marketing programs for high school graduates;

Aggressively and proactively pursue marketing leadership programs for student empowerment;

Acknowledge that solving the dropout problem does not start in high school, but crosses the P-16 continuum; and

Recognize that schools alone cannot solve the dropout problem; entire communities must be involved.

Sponsor(s): Representative Gregory Porter (IN)

Committee of Jurisdiction: Post-Secondary Education

Certified by Chairperson: Representative Gregory Porter (IN)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-98

COLLEGE ACCESS FOR LOW-INCOME STUDENTS-NEED-BASED AID

WHEREAS, never before in the history of America has a college education been more important; and

WHEREAS, the lifetime earning potential of an individual completing higher education is nearly \$1 million more than an individual without a degree; and

WHEREAS, the economic impact of a college-education goes far beyond the individual; and

WHEREAS, ten thousand additional students, earning a four-year degree, will add as much as \$250 million a year to the economy (approximately \$10 billion over a 40-year lifespan); and

WHEREAS, the gap in college participation by income is as great as it was three decades ago; and

WHEREAS, in 1972, 45% of high school graduates from families in the lowest income quartile went on to college compared to 75% in the highest quartile; and

WHEREAS, in 2000, the comparable numbers were 54% and 82%; and

WHEREAS, disadvantaged students, out of financial necessity, attend community colleges or trade schools at much higher rates than their peers; and

WHEREAS, 47% of students from families with incomes under \$10,000 attend community colleges, compared with 8.6% of students with families with incomes over \$100,000; and

WHEREAS, low-income students attend four-year colleges at half the rate of their high-income peers, and graduate from those institutions in much smaller proportions; and

WHEREAS, financial barriers prevent 48% of college-qualified, low-income high school graduates from attending a four-year college, and 22% from attending any college at all within two years of graduation; and

WHEREAS, families of low-income, college qualified high school graduates face an annual unmet need of \$3,800; and

WHEREAS, the shortage in grant aid requires these families to cover \$7,500 – two-thirds of college expenses at public four-year colleges and one-third of family income – through work and borrowing; and

WHEREAS, over the past two decades, the purchasing power of the Federal Pell Grant has eroded from a high of 84% of public college tuition in the mid-1970s to a low of 34% in the mid-1990s, which has resulted in work-study and loans constituting an even larger percentage of the federal commitment to student aid; and



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POST-SECONDARY EDUCATION

WHEREAS, over the same time period, although need-based aid continues to be the largest source of state financial aid funds, politically popular merit-based programs, which fund many students who would have enrolled in college without such aid, have been enacted in many states at the expense of increases in need-based programs; and

WHEREAS, financing for merit-based programs in the states has increased by 336% since 1993, while funding for need-based financial aid programs increased only 88% over the same time period; and

WHEREAS, increases in institutional grant aid for merit-based programs has far outpaced the growth in need-based aid programs; and

WHEREAS, merit-based aid on the nation's campuses increased more than 200% during the 1990s, while need-based aid only increased 41% over the same time period; and

WHEREAS, as a result of the continued increase in merit scholarships and other "strategic" uses of institutional aid from 1995-1996 to 1999-2000, average institutional grants to families with income of less than \$20,000 at four-year public colleges grew by just 1%, but average grants to students from families with income of \$100,000 or higher increased 159%;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7-11, 2005, that all states should:

- Have strong state financial assistance programs that emphasize need-based aid;
- Ensure that colleges set a priority to use institutional financial resources to provide need-based student assistance;
- Ensure that students are prepared to succeed in college by requiring all students to complete a rigorous college-prep curriculum;
- Make a college education a reality for more low-income students by initiating need-based, early commitment programs for middle school students guaranteeing free college tuition upon successful completion of high school; and
- Make college education a reality for more low-income students by initiating need-based, early commitment programs by local and state corporations in areas of job scarcity and need-based demand (on the job training);

Sponsor(s): Representative Gregory Porter (IN)

Committee of Jurisdiction: Post-Secondary Education

Certified by Chairperson: Representative Gregory Porter (IN)

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



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PASSED DECEMBER 9, 2005

*NBCSL 29th Annual Legislative Conference
Washington, DC
December 7 - 11, 2005*



Resolution 06-106

HIRING PRACTICES OF AFRICAN AMERICAN COACHES IN DIVISION I AND DIVISION I-AA FOOTBALL

WHEREAS, in the history of the National Collegiate Athletic Association (NCAA) Division I and Division I-AA there has been only twenty African American head coaches; and

WHEREAS, the present list of African American head coaches in the NCAA Division I include 4 out of 119 opportunities and the statistics are worse for the Division I-AA; and

WHEREAS, more than 44% of all Division I football players are African Americans yet, African Americans make up less than 3% of Head Coaches; and

WHEREAS, the Black Coaches Association (BCA) organized to establish a hiring report card and to address significant issues pertaining to the participation and employment of minorities in sports and inter-collegiate athletics, to assist minorities aspiring to have a career in athletics; and to provide education, vision; and

WHEREAS, low marks across the five BCA categories empirically indicate the need for more improvement in communication; search committees; minorities as final candidates, time frame and affirmative action;

THEREFORE BE IT RESOLVED BY THE 29th ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7–11, 2005, that the Sports and Entertainment Committee adopt Best Practices for providing opportunities and addressing the need for more African American head coaches; and

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators through the Sports and Entertainment Committee develop initiatives and plans, using our spear of influence; and

BE IT FURTHER RESOLVED, that NBCSL through the Sports and Entertainment Committee develop a partnership with the BCA; and

BE IT FINALLY RESOLVED, that NBCSL through the Sports and Entertainment Committee and each member develop through the BCA collaborative mandates for state colleges and universities to meet the standards and goals set forth by the BCA.

Sponsor(s): Representative Joyce Beatty (OH)

Committee of Jurisdiction: Sports & Entertainment

Certified by Chairperson: Delegate Michael Vaughn (MD)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



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PASSED DECEMBER 9, 2005

*NBCSL 29th Annual Legislative Conference
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Resolution 06-46

SUPPORT TO INCREASED FUNDING AND FEDERAL SUPPORT FOR PUBLIC BROADCASTING

WHEREAS, the Public Broadcasting System of the United States is an incredibly valuable civic asset that provides unique local programming, productive educational outreach, and essential opportunities for Americans to exchange ideas and viewpoints on a noncommercial medium; and

WHEREAS, the original vision of our Public Broadcast System was one of vigorous independent local stations, responsive to the needs of the local communities and collectively strong enough to meet the needs of a national audience; and

WHEREAS, the American Public Broadcasting System was conceived to serve all sectors of American society with news and cultural programming, especially those communities underserved by the commercial media; and

WHEREAS, our public broadcasters at their best bring to the public consciousness vital debates and issues left out of mainstream commercial media coverage, and the issues of marginalized communities in particular; and

WHEREAS, in the yearly Congressional Appropriations process, the funding for our nation's Public Broadcasting System faces serious threat; and

WHEREAS, removal of funding from the Congressional Appropriations process will shift the burden of these costs onto local stations and their ability to fund local programming and educational outreach will be drastically reduced; and

WHEREAS, failure to fully fund the costs of digital transition may require some local stations, especially those in rural areas, to cease operations; and

WHEREAS, political appointees at the Corporation for Public Broadcasting (CPB) are seeking to manipulate the content provided by public broadcasters, against the CPB's stated mission to shield public broadcasting from political machinations;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the National Black Caucus of State Legislators supports the following measures:

We ask Congress to provide adequate funding for our Public Broadcasting System, thus sustaining quality educational and local programming and affirming the great value that this system provides for communities throughout America; and

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We urge that steps be taken to take politics out of public broadcasting by increasing transparency of the operations of the Corporation for Public Broadcasting.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Telecommunications

Certified by Chairperson: Representative Tyrone Ellis (MS)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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

TELECOMMUNICATIONS



Resolution 06-43

MUNICIPAL PROVISION OF COMMUNITY BROADBAND

WHEREAS, the President, the U.S. Congress, and the Federal Communications Commission (FCC) have all identified the availability of affordable high-speed Internet access for all Americans as a national priority, and the President has set an aggressive goal of 2007 for universal access in the United States; and

WHEREAS, in the last five years the United States has fallen from an international leader in broadband to 13th among industrialized nations, and many of the top broadband nations have used public investment in communications infrastructure as a key element of their success; and

WHEREAS, over 60% of American households do not subscribe to broadband services because they are expensive or unavailable, and without the contributions of local governments to serve the underserved, it is doubtful that we will achieve the goal of universal deployment by 2007; and

WHEREAS, broadband access has become increasingly essential to economic growth, healthcare, and education, and the key to bridging the digital divide of information inequality in the 21st Century; and

WHEREAS, broadband access brings jobs, the advantages of breakthroughs in telemedicine, increased government efficiency, and increased access to computers and the Internet in schools; and

WHEREAS, rural areas are disproportionately without broadband access, and even in crowded urban areas, availability of broadband varies widely from one neighborhood to another, and poor and minority communities have significantly lower broadband penetration than the national average; and

WHEREAS, municipalities have a long history of providing necessary services for citizens and stimulating local businesses; and

WHEREAS, municipalities across the country have invested public money in convention centers, health clinics, and community colleges not to make money, but to bring business opportunities, healthcare, and education to their citizens, and similar reasons exist for localities to invest in broadband infrastructure; and

WHEREAS, technological innovations and expanded access to services will be major catalysts for economic development and have the potential to bolster local economies, spurring the growth of private businesses and generating revenue for local governments;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the National Black Caucus of State Legislators supports the following measures: that municipalities have a valuable role to play in providing the communications infrastructure of the future to their citizens; and

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BE IT FURTHER RESOLVED, that equal access for all citizens to media, Internet, and other digital technologies is critical to bridging the “digital divide,” reconnecting citizens to government and community, invigorating public discourse and private enterprise, and promoting greater civic engagement, participation, and transparency in government; and

BE IT FURTHER RESOLVED, that federal, state and local policies should encourage deployment of broadband networks in a competitive and technologically neutral manner in the public and private sector; and

BE IT FURTHER RESOLVED, that as a nation, we cannot afford to cut off any successful strategy if we want to remain internationally competitive; and

BE IT FINALLY RESOLVED, that no state or federal legislation must stand in the way of local governments serving the needs of local citizens.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Telecommunications

Certified by Chairperson: Representative Tyrone Ellis (MS)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-42

ENCOURAGING COMPETITION AND SPEED: THE DEPLOYMENT OF ADVANCE COMMUNICATION ON A NON-DISCRIMINATORY BASIS ENCOURAGE COMPETITION AND SPEED THE DEPLOYMENT OF ADVANCED COMMUNICATIONS NETWORKS

WHEREAS, the primary goal of the Federal Telecommunication Act of 1996 was to open communication markets to competition; eight years later competition exists in most markets, but not solely as a result of the 1996 Act or similar state efforts; and

WHEREAS, consumers benefit from greater choice, better products and better prices when the communication marketplace is driven by competition between many different providers and technologies, instead of by multiple layers of regulations; and

WHEREAS, although advanced broadband services were barely contemplated during the writing of the 1996 Act people of color income and underserved populations, including minorities, seniors and people with disabilities have greater opportunities to reach the Internet for employment, housing and health care services through broadband access; and

WHEREAS, consumers facing language and literacy barriers have alternate learning venues provided via the internet; and

WHEREAS, existing anti-discrimination and universal access rules shall be maintained so as to ensure broadband access is widely available to all; and

WHEREAS, state legislators and state regulators have been at the forefront of regulatory reform of the communications industry, removing barriers to competition in local markets; however, there is a need for further reform to ensure that government regulations encourage greater competition and the rapid deployment of technological innovation; and

WHEREAS, providers of advanced broadband services currently assume certain basic social responsibilities including abiding by the time-honored anti-discrimination laws which ensure that service is available to all residents in a community regardless of income; and

WHEREAS, existing laws provide other essential protection such as guarantees of equal employment opportunities and observance of basic sovereign powers of local government; and

WHEREAS, regulatory reform should embrace, and not undermine, these core social responsibilities including, in particular, the antidiscrimination rules which ensure that underserved communities will obtain equal access to the latest digital and broadband services; and

WHEREAS, there is a strong bipartisan support for achieving universal access to broadband services by 2007; and



WHEREAS, innovation and convergence of existing technologies are radically expanding communication services, blurring the distinction between telephone and Internet services; between cable, wireless and satellite; between long distance and local services; and between telephone and other forms of communications; and

WHEREAS, regulatory reform that preserves core social responsibilities would serve as a catalyst for increased capital investment and job growth, which leads to overall economic growth and deployment of advanced communications network, services and applications to American consumers, particularly to people of color and undeserved communities;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that NBCSL calls upon the United State Congress and the Federal Communications Commission (FCC) to incorporate the following principles as both entities contemplate revising the legislation and regulations prescribed in the Communication Act of 1934 and the Telecommunications Act of 1996 to ensure all government regulations addressing communications and information services are consistent across all devices, network platforms, services, applications and providers. Laws should encourage policy makers to update and streamline communications laws to encourage greater competition and the rapid deployment of technological innovations:

1. To speed the deployment of advanced communication networks, services and applications to American consumers, particularly to people of color and underserved communities, State Legislators should urge the U.S. Congress and the FCC to act quickly to adopt uniform national rules governing these advanced communication networks, services and applications; and, that any new legislation enacted by Congress should require all new entrants in the video marketplace to offer their broadband and services to all consumers within their services territory on a non-discriminatory basis.
2. To preserve the role of local governments to ensure that advanced broadband services are available to everyone within a community and that other locals are protected. Congress should protect the ability of local governments to enforce basic anti-discrimination and other rules essential to the fundamental welfare of local communities.
3. To provide for sustainability of affordable service to people of color, especially in rural and underserved communities. Government at all levels should encourage and monitor the deployment of advanced telecommunications service to ensure that people of color are not left behind and should continue to cover schools and libraries. As a last resort, federal and state governments should be prepared to step in with specific, targeted measures to ensure equitable broadband deployment in underserved areas.
4. To continue to protect consumers, law enforcement requirements, E911, access for people with disabilities should be ensured. These protections should be consistent across all devices, network platforms, services, application and providers.
5. To encourage the consumer driven rather than government driven communications marketplace, legislation should drive job creation and contracting supplier opportunities for small and minorities businesses.



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Sponsor(s): Senator Ada L. Smith (NY), Representative W. Curtis Thomas (PA), Representative Charlie Brown (IN), Representative David Myers (MS)

Committee of Jurisdiction: Telecommunications

Certified by Chairperson: Representative Tyrone Ellis (MS)

Ratified in Plenary Session: Ratification Date is December 9, 2005

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



Resolution 06-52

SUPPORT FOR DIVERSITY IN MEDIA OWNERSHIP

WHEREAS, freedom of the press and public access to diverse media are prerequisites for a functioning democracy; and

WHEREAS, the broadcast airwaves are owned commonly by the public and should be managed to serve the public interest; and

WHEREAS, adherence to the highest journalistic principles is a public trust; and

WHEREAS, the public interest is best served by the availability of a broadly diverse range of viewpoints; and

WHEREAS, media diversity is seriously threatened by further consolidation of media ownership in an already highly concentrated market; and

WHEREAS, increased consolidation has made it more difficult to expand minority ownership of broadcast media outlets, a key driver of diversity in news and cultural programming; and

WHEREAS, deregulation of radio ownership rules under the 1996 Telecommunications Act caused unprecedented consolidation, dramatically decreasing competition, reducing local accountability and content diversity; and limiting access to the airwaves for local artists, community groups and public officials; and

WHEREAS, the Federal Communications Commission (FCC) approved an unprecedented loosening of public interest limits on media ownership in June 2003 only to see it overturned by the Courts after millions of people across America from every political orientation voiced opposition; and

WHEREAS, despite the fact the courts rejected these rules, the FCC will soon reconsider an unprecedented rollback of media ownership regulations which protect competition, content diversity and local accountability in our media; and

WHEREAS, the elimination and weakening of these regulations are likely to reduce competition, the quality of local media coverage, local accountability, diversity of content, diversity of voices, and the amount and quality of news coverage in broadcast and print media across the country, while providing windfall profits for a small handful of corporate media owners; and

WHEREAS, we recognize that as citizens in a democracy, we require public access to a diverse range of media voices and messages in order to participate fully in our community's shared social, cultural and political life;

THEREFORE BE IT RESOLVED BY THE 29TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, ASSEMBLED IN WASHINGTON, D.C., DECEMBER 7 - 11, 2005, that the National Black Caucus of State Legislators supports the following measures:



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- We urge the FCC to resist attempts to loosen public interest limits on media ownership and further urge the Congress and the FCC to protect content diversity and press freedom by retaining and strengthening existing media ownership regulations, including regulations that limit the number of broadcast stations one owner may hold; and
- We urge the FCC to hold public hearings scheduled by the Localism Task Force to truly understand how media consolidation has adversely impacted communities across the country; and
- We urge the FCC and the Congress to take necessary steps to encourage and facilitate increased minority ownership of media outlets.

Sponsor(s): Representative Wayne Ford (IA)

Committee of Jurisdiction: Telecommunications

Certified by Chairperson: Representative Tyrone Ellis (MS)

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