



## **NHCSL 2010 RATIFIED RESOLUTIONS**

**THE ATTACHED RESOLUTIONS WERE RATIFIED AT THE 2010 NHCSL ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS, ON NOVEMBER 13<sup>TH</sup>, 2010.**

## A RESOLUTION

To Ensure Hispanic Students Retain Access to Financial Support for Career Training and Privately Funded Institutions

**Short Title:** Ensure access to student loan financing.

**WHEREAS** Private sector colleges comprise 2,750 of the 6,750 postsecondary institutions across the United States; and

**WHEREAS** Two and four year private sector colleges have a higher percentage of minority students than do other sectors. Over 50 percent of students attending career colleges are minority students, compared to approximately 34 percent at public and 32 percent at private, not-for-profit four-year institutions, while 14.3% of all current private-sector college students are Hispanic ; and

**WHEREAS** Private-sector institutions offer a broad range of academic programs concentrated in the creative and applied arts, behavioral sciences, education, health sciences, and business fields, culminating in the award of associate's through doctoral degrees as well as non-degree programs; and

**WHEREAS** The U.S. Department of Education is considering a "Gainful Employment" rule that may limit education and economic opportunities for hundreds of thousands of Americans by making entire programs ineligible for Title IV financial aid if they fail to meet a single debt service-to-income ratio test; and

**WHEREAS** A "Gainful Employment" rule may disproportionately harm low-income and minority populations by discriminating against students who must borrow the needed tuition to attend college; without such financial aid, higher education opportunities will be limited for thousands of students; and

**WHEREAS** The U.S. Department of Education's "Gainful Employment" rule threatens a top source of highly-qualified graduates who are prepared to enter the workforce with the skills they need to begin their careers and add value for their new employers on day one; and

**WHEREAS** The need to improve the education level, career readiness and job skills of American workers is critical if our nation is to meet the President's goal of this nation once again having the highest proportion of college graduates in the world by 2020;

***BE IT RESOLVED***, that the Department of Education must support the goal of increasing the number of college graduates among American students; that regulations promulgated by the Department of Education should promote fair and equal access to higher education and that career aspirations should be a matter of choice for those pursuing a higher education;

***BE IT FURTHER RESOLVED***, that the U.S. Department of Education carefully study the impact of the debt service-to-income ratio included in proposed "Gainful Employment" language to Hispanic, poor and other minority students before any such rule may be implemented.

**Sponsored by: Rep. Pedro "Pete" Marin (GA)**

**THIS RESOLUTION WAS ADOPTED ON APRIL 10<sup>TH</sup>, 2010 , AT THE NHCSL EXECUTIVE COMMITTEE MEETING HELD IN WASHINGTON, DC AND RATIFIED AT THE NHCSL 2010 ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS ON NOVEMBER 13<sup>TH</sup>, 2010.**

## A RESOLUTION

Urging schools to provide health, nutrition and physical education that mandates students to develop the knowledge, attitudes, skills, and behaviors to adopt and maintain healthy eating habits and physically active lifestyles

**WHEREAS**, obesity in the children of America is at an epidemic stage and can lead to chronic diseases, such as diabetes, heart disease, stroke, and cancer and poor health conditions; and

**WHEREAS**, Latino obesity is a crisis endangering the future of the community's economic and social well-being; and

**WHEREAS**, Medicare and health care costs are escalating in all states and are significantly impacted by the obesity epidemic; and

**WHEREAS**, children make food and beverage choices in school settings, including in the school breakfast and lunch programs. The use of vending machines, the purchase of concessions, and after-school programs provide a wide-range of food and beverage choices such as water, fruits, yogurt, juices and sports drinks; and

**WHEREAS**, offering a wide variety of food and beverage products in schools ensures the availability of nutritional options and promotes a healthy environment; and

**WHEREAS**, the choice -and the responsibility -of what children eat and drink at school are best made by parents, principals, teachers and school administrators who can make the best decisions for their schools; and

**WHEREAS**, good nutrition and adequate physical activity help children grow, develop, and do well in school; and

**WHEREAS**, school-based nutrition education and physical activity support healthy eating habits and an active lifestyle; and

**WHEREAS**, healthy bodies and minds are primary contributors to readiness to learn, to improved school attendance, and to improved performance in sports and other extracurricular activities; and

**WHEREAS**, America needs to identify long-term strategies to reduce the need for public assistance programs, and to lower health care costs related to chronic diseases and poor health;

**BE IT RESOLVED**, that all schools should provide nutrition and physical activity education that helps students develop the knowledge, attitudes, skills, and behaviors to adopt, maintain, and enjoy healthy eating habits and physically active lifestyles; and

***BE IT FURTHER RESOLVED***, that all schools should encourage all children, from pre-kindergarten through grade 12, to participate in healthy eating habits and daily physical education that helps develop the knowledge, skills, behaviors, and confidence needed to be healthy and physically active for life.

**Sponsored by:** Rep. Mario Goico (KS)

**THIS RESOLUTION WAS ADOPTED ON APRIL 10<sup>TH</sup>, 2010 , AT THE NHCSL EXECUTIVE COMMITTEE MEETING HELD IN WASHINGTON, DC AND RATIFIED AT THE NHCSL 2010 ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS ON NOVEMBER 13<sup>TH</sup>, 2010.**

## A Resolution

Appealing to the President of the United States to Recognize and Address the Health and Environmental Crisis affecting the people of Vieques, Puerto Rico

**Short Title:** Address Vieques health crises

Acknowledging and commending our brothers and sisters of Vieques, Puerto Rico for the contributions and sacrifices they have made to the national security of the United States, solemnly acknowledging the lasting effects of more than sixty years of military exercises endured by the residents of Vieques and remembering that the United States has compensated foreign nationals and U.S. citizens who have endured injuries and/or damages comparable to those suffered by the U.S. citizens of Vieques; and

**Whereas**, virtually all of the current and former residents of the Island municipality of Vieques, Puerto Rico, are citizens of the United States; and

**Whereas**, in 1941, with scant regard given to the traditional rights and culture of the native-born people of Vieques, the United States Navy took control of 23,000 acres of the island, using it as the main Atlantic training site for air, sea and land maneuvers until its closure in 2003; and

**Whereas**, thanks to the sacrifices made by the U.S. citizens of Vieques for over six decades, members of our Armed Forces were trained before combat at the site in Vieques, while the economic and social needs, and safety concerns of the residents of the island were never satisfied by the Federal Government; and

**Whereas**, the U.S. Navy and guest foreign forces regularly bombarded and conducted exercises on Vieques over a period of more than six decades, employing virtually every sort of bomb, shell, live ammunition, toxic and chemicals including depleted uranium, napalm, and other ordnance available to Naval air, sea and land forces since World War II except nuclear weapons, totaling approximately eighty million pounds of ordnance for fifteen year period of 1983-1998 alone; and

**Whereas**, in February of 2005, the U.S. Environmental Protection Agency (EPA) placed Vieques on the Superfund National priorities List; and

**Whereas**, the EPA has publicly acknowledged that the land, sea, fresh water, plants, and animals of Vieques, the traditional staple sources of sustenance for the people of the island for generations, have been found to be contaminated with hazardous substances such as mercury, lead, copper, magnesium, lithium, perchlorate, TNT, napalm, and depleted uranium among others; and

**Whereas**, medical tests of the people of Vieques have revealed the presence of dangerously high levels of mercury, lead, arsenic, cadmium, aluminum, and antimony in their bodies; and

**Whereas**, the people of Vieques have been found to suffer significantly greater frequency of illnesses than do similarly situated residents on the main island of Puerto Rico, including a 30% higher rate of cancer, 381% higher rate of hypertension, 95% higher rate of liver disease, 41 % higher rate of diabetes, and 33% more low-birth and pre-term deliveries of infants; and

**Whereas**, there are multiple scientific studies that have determined a connection between toxic contamination and physical illnesses in the people of Vieques; and

**Whereas**, the people of Vieques endured more than six decades of bombardment and exposure to toxic environmental and chemical hazards in the name of preserving our national security; and

**Whereas**, the people of Vieques, Puerto Rico have filed claims against the U.S. Navy in federal district court in San Juan, seeking compensation for illnesses arising from the toxic contamination of their island through more than six decades of naval bombardment; and

**Whereas**, as a candidate, President Obama made a commitment that his administration would "promote appropriate remedies to health conditions caused by military activities conducted by the U.S. Navy on Vieques"; and

**Whereas**, resolution of the health claims of the U.S. citizens of Vieques against the U.S. Navy have been supported by a multitude of groups and faith-based organizations, including the Congressional Hispanic Caucus (CHC), the League of United Latin American Citizens (LULAC), the National Association of Latino Elected and Appointed Officials (NALEO), the National Council of La Raza (NCLR), the National Puerto Rican Coalition, United Front 436, the Near Northwest Neighborhood Network, ?Oiste? The Massachusetts Latino Political Organization, and the American Values Network, among numerous others; and

**Whereas**, the legislative assembly of Puerto Rico, since 2001, had been urging the U.S. government to pay immediate attention to the situation in Vieques and to address the health crisis in the island municipality; and

**Whereas**, in 2009, the Senate and the House of Representatives of Puerto Rico passed unanimous resolutions asking the Honorable Barack Obama, President of the United States, to address the health crisis in Vieques; and

**Whereas**, there is a pending request before the House Committee on Science and Technology, Subcommittee on Investigations and Oversight by Puerto Rico Resident Commissioner Pedro Pierluisi and U.S. Congressman Alan Grayson (FL) requesting congressional field hearings in Vieques to further study the health crisis; and

**Whereas**, last year then-Presidential Candidate Barrack Obama advisors and surrogates -including Congresswoman Linda Sanchez (CA)-visited Vieques and met with civic and community leaders concerning the health crisis on the island, pledging that as President, Barack Obama would address the situation; and

**Whereas**, the Honorable Evelyn Delerme Camacho, Mayor of Vieques met earlier this year with Cecilia Munoz, White House Director of Intergovernmental Affairs and Co-Chair of the President's Task Force on the Status of Puerto Rico, and with Adolfo Carrion, White House Director of Urban Affairs to officially request that Vieques is included in the agenda of the President's Task Force; and

**Whereas**, in comparable instances where no liability was admitted or proven, the United states gave compensation to claimants, many of whom were not U.S. citizens;

**BE IT RESOLVED**, that the National Hispanic Caucus of State Legislators:  
Calls on the President of the United States to form a Taskforce to construct a plan and remedies to the health conditions facing the residents of Vieques and the island of Puerto Rico.

**BE IT FURTHER RESOLVED**, that the National Hispanic Caucus of State Legislators:

(1) Recognizes the extraordinary circumstances endured by the residents of Vieques due to the constant bombardments and military exercises conducted in the island municipality over a period covering more than six decades;

(2) Recognizes that the United States has often compensated victims similarly situated to the victims of Vieques, even when those victims were not citizens of the United States.

(3) Acknowledges that it would be in the best interest of the United States to affirmatively address the losses and ongoing medical and economic needs of the people of Vieques resulting from the long bombardment and contamination of the island by our military.

(4) Acknowledges that the fastest way to correct the injustice and health crisis in Vieques is for the U.S. Government to resolve the claims pending in the US District Court in San Juan as well as those pending for the Municipality of Vieques before the Secretary of the U.S. Navy.

**Sponsored by: Senator Fas Alzamora (PR)**

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## A RESOLUTION

To protect rum cover-over tax funds provided to Puerto Rico

**Short Title:** Protect Puerto Rico rum tax cover-over funds

**WHEREAS** the National Hispanic Caucus of State Legislators (NHCSL) strives to positively impact the quality of life for all segments of the Hispanic community by advocating for improvements to the economic condition, educational attainment, political influence, and health and civil rights of Hispanics in the United States and Puerto Rico; and

**WHEREAS** NHCSL represents the interests of Hispanic state legislators from all states, commonwealths, and territories of the United States; and

**WHEREAS** in appreciation of the tremendous contributions of Puerto Ricans in the fields of arts, science, medicine, culture, business, literature, and sports which have enriched the U.S; and

**WHEREAS** in the knowledge that Puerto Ricans have shed their blood to defend the nation of the United States, but cannot elect its President or federal legislators; and

**WHEREAS** in the knowledge that Puerto Rico is experiencing an economic crisis where 1 in 3 people live below the poverty line and an estimated 16% unemployment rate threatens the economic stability of 3.9 million U.S. citizens; and

**WHEREAS** in the knowledge of the actions taken by British-owned Diageo PLC to move its Captain Morgan operations to the U.S. Virgin Islands without any regards to the impact in revenue losses to Puerto Rico from federal funds designated by Congress to be used for economic development, education, health services, and land preservation and NOT for excessive corporate subsidies; and

**WHEREAS** in the knowledge that the Government of Puerto Rico has responsibly designated reasonable limits on the utilization of the rum cover-over tax rebate for corporate incentives; and

**WHEREAS** in knowledge that the Hispanic community is a high volume consumer of Diageo's brands like Johnny Walker, Jose Cuervo, Bailey's Irish Cream, Tanqueray, Smirnoff Vodka, Captain Morgan Rum, and Dom Perignon; and

**WHEREAS** in knowledge that some of our highly respected community partner organizations like the National Puerto Rican Coalition, Inc. (NPRC), the National Puerto Rican Day Parade, Inc. of New York, and other Hispanic serving institutions are asking all Hispanic consumers to join their "STOP DIAGEO NOW" campaign by discontinuing their consumption of any Diageo brands and by denying them from participating in the largest cultural celebration on the mainland until Congress takes corrective action in the form of reasonable limits on corporate incentives from the rum cover-over tax rebate;

**THEREFORE, BE IT RESOLVED**, that NHCSL calls upon policy makers at all levels of government, including but not limited to Congress and the Senate, and the Obama Administration to support legislative protections that would establish clearly-defined safeguards for ensuring that rum cover over funds are utilized responsibly and create substantive opportunity for job creation, economic growth, and social investment for the vulnerable U.S. citizens of the Territories.

**Sponsored by:** Senator Iris Y. Martinez (IL)

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## **A Resolution**

To support the passage of H.R. 3100, the Food Desert Oasis Act of 2009 and other action to address the nation's food deserts

**Short Title:** Pass HR 3100 and address food deserts

**WHEREAS** Latinos and other communities of color struggle with obesity at epidemic proportions; and

**WHEREAS** Lack of availability of natural, whole food, including fresh fruits and vegetables is a contributor to both obesity and undernourishment – leading to health disparities including higher than average rates of cancer, diabetes, obesity and other health concerns; and

**WHEREAS** Children in some communities reside in “food deserts,” containing very little access to healthy, whole food within convenient distance to their homes; and

**WHEREAS** Lack of access to affordable, healthy food, including whole grains and fresh fruits and vegetables can result in poor food choices, whereby families opt for refined, cheaper food; and

**WHEREAS** Food deserts need fresh, whole food options through incentives for new food retailers, farmers’ markets and other proactive strategies for making such food available; and

**WHEREAS** Family nutrition counseling and education is integral to the maintenance of healthy families. Community institutions must be incentivized to educate families on good food and nutrition; and

**WHEREAS** School lunch is a key component of many school childrens’ nutrition, especially for Title I schools serving a largely poor community, necessitating more creativity and purposeful use of vegetables and nutritious foods in school menus to add healthy foods to children's diets.

**THEREFORE, BE IT RESOLVED**, that H.R. 3100 be passed into law and provide national support for addressing food deserts in communities across the country.

**BE IT FURTHER RESOLVED**, that community institutions must take up the issue of food deserts and collaborate in addressing the lack of health food through enhanced awareness of the importance of health food choices among Latinos, and enhancing fresh food access in communities through farmers’ markets and other options.

**Sponsored By:** Representative Mara Candelaria Reardon (IN)

**THIS RESOLUTION WAS ADOPTED ON JULY 10<sup>th</sup>, 2010, AT THE NHCSL EXECUTIVE COMMITTEE MEETING HELD IN LOUISVILLE, KENTUCKY AND RATIFIED AT THE NHCSL 2010 ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS ON NOVEMBER 13<sup>TH</sup>, 2010.**

## A RESOLUTION

### IN SUPPORT OF INCREASING ACCESS TO CAPITAL TO MINORITY-AND WOMEN-OWNED FIRMS AND GROWING THE US ECONOMY

**Short Title:** Minority-and Women-owned firms

**WHEREAS**, Growing the US economy must include specific attention to access to capital for minority and women-owned firms.

**WHEREAS**, Minority firms continue to lag in access to capital as illustrated by multiple indicators. According to the US Department of Commerce, Minority Business Development Agency (MBDA), minority firms lag across indicators: 17% of minority firms receive loans, versus 23% of non-minority firms; the average loan amount for all high sales minority firms was \$149,000. The non-minority average was more than twice this amount at \$310,000; For all firms, minority firms paid 7.8 percent on average for loans compared with 6.4 percent for non-minority firms. Minority firms also had the most trouble obtaining external equity with \$2,984 on average compared with \$7,607 on average for non-minority firms; and

**WHEREAS**, The gap in investment in minority business grows after the first year of business. Non-minority businesses invested an average of \$45,000 annually into their firms, while minority-owned firms invested less than \$30,000 on average after the first year of operation. The disparity in financial capital between minority and non-minority firms was much larger in percentage terms for the next three years in operation than their first year; and

**WHEREAS**, minority-and women-owned investment companies are an integral part of facilitating investments in minority-owned, women-owned and other emerging businesses, including partnership-based structures that facilitate urban development and other ventures that increase quality of life; and

**WHEREAS**, access to top talent for such partnership-based investment companies, incentivized through partnership share, equity and development is an important component of growing business, particularly by minority-and women-owned investment firms, whose partners realize returns primarily from the investment, growth and sale of assets, including real estate investments and small businesses; and

**WHEREAS**, access to capital must include new capital management opportunities at all levels by firms who are minority- or women- owned and operated. The strategic advantage provided to institutions from investing in emerging firms, including those who invest in emerging domestic markets, provides new opportunities to investments and growth as a component of their overall investment portfolios; and

**WHEREAS**, targeted policies are needed to break barriers and realize access to still-closed state, corporate and foundation investments for minority-and women-owned investment companies; and

**WHEREAS**, public pension funds in even the most minority-dense states with more than 20% minority population, have, on average 1-3% of fund managed by minority managers; and

**WHEREAS**, less than 1% of the corporate pension market is managed by minority managers; and

**WHEREAS**, proactive efforts are needed to ensure that institutions realize the benefits of minority and women talent offered by investment managers that are managed by "emerging managers" and which invest in the emerging domestic market; and

**WHEREAS**, tax policy should incentivize such investment and facilitate the long-term growth of capital across the marketplace, to grow the American economy.

**AND NOW, THEREFORE, BE IT RESOLVED**, that states, corporate and foundation institutional investors call upon their trustees and investment to staffs to develop proactive minority and women manager programs and emerging domestic market plans that create opportunity for qualified emerging managers and investment companies.

**BE IT FURTHER RESOLVED**, That federal tax policy, specifically the federal tax on carried interest should remain at its historical treatment as capital gains taxed at such rate, in order to maximize the long-term investments in infrastructure, entrepreneurship and development from partnership-based investment companies; and so that emerging and minority- and women-owned investment companies may continue to attract and incentivize top talent.

**Sponsored by:** Senator Iris Y. Martinez (IL.)

**THIS RESOLUTION WAS ADOPTED ON JULY 10<sup>th</sup>, 2010, AT THE NHCSL EXECUTIVE COMMITTEE MEETING HELD IN LOUISVILLE, KENTUCKY AND RATIFIED AT THE NHCSL 2010 ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS ON NOVEMBER 13<sup>TH</sup>, 2010.**

## A RESOLUTION

IN SUPPORT OF PUERTO RICO'S "ACT FOR THE PREVENTION OF BACTERIAL MENINGITIS"

**SHORT TITLE:** PR BACTERIAL MENINGITIS PREVENTION ACT

**WHEREAS**, meningitis or meningococcal disease is an infection of the fluid surrounding the brain and spinal cord that causes the inflammation of the protective membranes covering the brain and spinal cord known as the meninges; and

**WHEREAS**, meningococcal disease can be a life threatening disease if not treated properly and in a timely manner; and

**WHEREAS**, bacterial meningitis is usually more severe than viral, fungal, or parasitic meningitis; it can be treated with antibiotics that may prevent severe illness and reduce the spread of infection from person to person; and

**WHEREAS**, meningococcal disease tends to spread quickly wherever larger groups of people gather together; therefore, college students living in dormitories, military personnel and children in childcare facilities are at an increased risk; and

**WHEREAS**, vaccination is an effective way to protect adolescents against certain serogroups of meningococcal disease and the risk of meningococcal disease may increase by not following the recommended adolescent vaccination schedule for meningococcal disease; and

**WHEREAS**, in accordance with the recommendations of the Center for Disease Control (CDC), meningococcal conjugate vaccine (MCV4) is recommended for certain high risk children from ages 2 through 10; routinely recommended for all 11 through 18 year olds; and either the MPSV4 vaccine or the MCV4 vaccine is recommended in the case of college freshmen living in dormitories, military recruits, adults with a damaged spleen or whose spleen has been removed, adults with terminal complement deficiency, microbiologists who are routinely exposed to *Neisseria Meningitidis* (the causal pathogen), adults who are traveling or residing in countries in which the disease is hyper endemic or epidemic; and

**WHEREAS**, 37 states already require compulsory vaccination for university students who live in dormitories and/or public education efforts to promote vaccination in accordance with the recommendations of the Center for Disease Control (CDC); and

**WHEREAS**, it is also important to promote prevention approaches and the development of educational programs to create awareness about this devastating illness and urge parents to learn more about meningococcal disease and adolescent meningitis and speak with their child's physician about immunization and help communicate important disease and prevention messages to schools and communities; and

**THEREFORE, BE IT RESOLVED**, by the National Hispanic Caucus of State Legislators, to fully support that other states and territories introduce bills requiring vaccination for bacterial meningitis among university students who live in dormitories and or student residences or apartments in Puerto Rico.

**Sponsored by:** Senator Lucy Arce Ferrer (PR).  
Senator Angel Martínez Santiago (PR)

**THIS RESOLUTION WAS ADOPTED ON JULY 10<sup>th</sup>, 2010, AT THE NHCSL EXECUTIVE COMMITTEE MEETING HELD IN LOUISVILLE, KENTUCKY AND RATIFIED AT THE NHCSL 2010 ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS ON NOVEMBER 13<sup>TH</sup>, 2010.**

## **A Resolution**

### **Calling on the Federal Communications Commission to Reform Its Rules Governing Retransmission Consent to Ensure Those Rules Protect Consumers**

**Short Title:** FCC Reform of Retransmission

**WHEREAS**, the National Hispanic Caucus of State Legislators (NHCSL) recognizes the strong governmental interests in ensuring continued access to local broadcast signals for all consumers, including Hispanic viewers, and in fostering a diverse television programming industry; and

**WHEREAS**, the carriage of local broadcast signals on cable systems and other distribution platforms is governed by a regulatory regime referred to as "retransmission consent"; and

**WHEREAS**, the retransmission consent rules, adopted nearly 20 years ago under significantly different competitive conditions than exist today, conferred a host of advantages on local broadcasters in their carriage negotiations with cable systems; and

**WHEREAS**, broadcasters today enjoy far more distribution options including cable, satellite, telco, and Internet platforms-and thus far more negotiating leverage over individual distributors than they had 20 years ago; and

**WHEREAS**, the breakdowns in the retransmission consent system cause a number of harms to consumers, including consumer confusion surrounding the negotiations between the broadcasters and the distributors and the threats to "go dark" unless distributors meet their demands, the possible loss of these local signals, and the possible higher subscription prices; and

**WHEREAS**, the negotiations are increasingly timed to coincide with major television events, as was clear during the March 2010 dispute involving ABC and Cablevision on the evening of the Academy Awards, and during the December 2009 dispute involving FOX and Time Warner Cable on the eve of the college bowl season; and

**WHEREAS**, escalating retransmission consent fees are also soaking up funds that were once available for the carriage of diverse, independently owned networks, thus causing a large number of these independent programmers to be deprived of reasonable compensation or to be excluded from carriage altogether.

**THEREFORE BE RESOLVED**, that NHCSL calls upon the Federal Communications Commission (lithe Commission") to carry out its duty to protect the public interest by opening a rulemaking proceeding to update its rules governing retransmission consent to reflect current competitive realities; *and*

***BE IT FURTHER RESOLVED***, that NHCSL calls on the Commission to establish a dispute-resolution or rate-setting mechanism and to provide for interim carriage while Commission proceedings are underway, in order to ensure that viewers are not held hostage by threats to withhold their signals and that retransmission fees do not unreasonably drive up rates for subscription television services; *and*

***BE IT FURTHER RESOLVED***, that NHCSL encourages the Commission to explore how other related conduct-such as the joint negotiation of retransmission consent by multiple stations, the use of program exclusivity agreements to limit the distribution of broadcast programming, and the interference by major national networks in the retransmission consent negotiations of their independent affiliates-are undermining the government's interests in diversity, localism, and competition and;

***THEREFORE BE FINALL YRESOLVED***, that NHCSL send a copy of this resolution to the President of the United States, members of Congress, and the Federal Communications Commission.

**Sponsored by: Representative Mara Candelaria Reardon (IN)**

**THIS RESOLUTION WAS ADOPTED ON , AT THE NHCSL EXECUTIVE COMMITTEE MEETING HELD IN LOUISVILLE, KENTUCKY AND RATIFIED AT THE NHCSL 2010 ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS ON NOVEMBER 13<sup>TH</sup>, 2010.**

## **A Resolution**

Calling for enhanced quality higher education options for Hispanics

**Short title:** Higher education quality

**WHEREAS** only one third of students at four-year colleges are minorities, but over half of career college students are minorities; and

**WHEREAS** President Obama has called on the United States to once again have the world's highest college graduation rate by 2020, a goal which will only be achieved by maximizing the quality options for higher education that are available to minority students; and

**WHEREAS** the U.S. Department of Education has found that a number of career colleges fail to sufficiently assist students in finding employment after college that will allow them to successfully pay back student loans; and

**WHEREAS** the U.S. Department of Education is considering a "Gainful Employment" rule that may limit education and economic opportunities for hundreds of thousands of Americans by making entire programs ineligible for Title IV financial aid if they fail to meet a debt service-to-income ratio test; and

**WHEREAS** A "Gainful Employment" rule may disproportionately harm low-income and minority populations by discriminating against students who must borrow the needed tuition to attend college; without such financial aid, higher education opportunities will be limited for thousands of students; and

**WHEREAS** ensuring a transparent relationship between career colleges and their prospective students would improve the value of the education received and reduce the number of students who default on student loans; and

**WHEREAS**, NHCSL members believe that enhanced programming quality may be achieved through more comprehensive policy frameworks than the currently-promoted gainful employment rule; and

**WHEREAS**, career colleges play an important and valuable role in the preparation of Hispanics for jobs; and

**WHEREAS**, achieving quality higher education should be achieved through a combination of accreditation standards, measurement of multiple indicia of quality, and establishment of industry best practices; and

**THEREFORE, BE IT RESOLVED**, that the U.S. Department of Education should hold implementation of the new “Gainful Employment” rule until additional studies are performed which would look at specific remedies to address the abuses by some within the career college industry; and

**BE IT FURTHER RESOLVED**, that a committee of government, industry and other stakeholders should be established to carefully study and make comprehensive recommendations for the improvement of the career college industry for the betterment of Hispanics and all students served by these institutions; and

**BE IT FURTHER RESOLVED**, that among possible requirements of private higher education sector programs seeking qualification for Title IV financial aid, the Department of Education should consider:

1. Requiring career college associates to give prospective students accurate information regarding credit transferability, post-graduation employment options, the likelihood of graduation by program of study, and the total program cost; and
2. Requiring career colleges annually to evaluate the employment demand for graduates of given programs with intent to achieve graduate employment rates of 65%;
3. Requiring career colleges to only enter students the institution deems it has the “ability to benefit” into degree programs who have completed their GED or a US DOE acceptable alternative;
4. Requiring career colleges to maintain graduation records, offer graduates frequent career assistance and academic counseling, and annually survey graduates regarding their satisfaction;
5. Requiring a baseline skills assessment of all students entering the institution and making commensurate remedial courses and programs available to those students deemed “at need of improvement.”
6. Requiring an appropriate dedication of resources to remediation programs and resources available to students assesses as most “at need” when entering an institution.
7. Establishing the same or similar rules and standards of transparency, record keeping and accountability across all areas of higher education, including community colleges and other non-profit public and private higher educational institutions.

**Sponsored by:** Representative Mara Candelaria-Reardon (IN)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## **A Resolution**

Requesting federal, state, and local governments to adopt education reforms aimed at improving the United States standing in global test scores, graduation rates and overall education.

**Short Title:** STEM Education Reform

**Whereas**, the future success of the United States of America depends on a highly educated and motivated workforce; and

**Whereas**, math and science are the foundation for research and development and provide the necessary tools for future innovation; and

**Whereas**, future generations must acquire superior math and science skills in order to compete in the global job market; and

**Whereas**, the National Science Foundation is estimating that 80% of the jobs created in the next decade will require math and science skills; and

**Whereas**, the United States was a global leader in math and science but has now dropped to a rank of 35<sup>th</sup> in Math and 29<sup>th</sup> in Science; and

**Whereas**, it is crucial to institute education reform in every state to keep up with the high level of engineering and science students output by foreign countries; and

**Whereas**, the United States graduation rate is estimated at 70%; and

**Whereas**, the national rate for high school graduation of Hispanics in the United States is at 58.4%, the lowest amongst all ethnic groups; and

**Whereas**, according to the U.S. Bureau of Statistics, only 12% of Hispanics in the United States have 4 or more years of college, a number significantly lower than other ethnic groups.

**Be it resolved**, that the National Hispanic Caucus of State Legislators calls on the Congress, the states and local governments to fully embrace education reform that is meaningful and that will put the United States back on top of all education rankings and close the gap between ethnic groups; and

**Be it resolved**, that a copy of this resolution be directed to the United States Congress, the President, the Secretary of the US Department of Education, Arne Duncan, and to all members of NALEO through that organization's national communications network.

**Sponsored By:** Representative Nora Espinoza (NM)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## A Resolution

Calling upon the Mexican government to enhance respect for Human and civil rights in the treatment of undocumented persons through Mexico

**Short title:** Mexico immigration

**WHEREAS** tens of thousands of undocumented persons, mostly from Central America, but including many other migrants, enter Mexico every year, most with the hope of continuing on to the United States. Many stay in Mexico, at least for a time, where they may be beaten, killed, raped, kidnapped by criminal gangs, put in jail or shaken down by corrupt Mexican officials as reported by several news agencies<sup>1</sup> and Human rights advocates, including Amnesty International<sup>2</sup>; and

**WHEREAS** Mexican authorities have been called upon in by Amnesty International to act urgently to protect migrants "who are preyed on by criminal gangs while public officials turn a blind eye or even play an active part" in widespread abuse; and

**WHEREAS** reportedly up to 60% of female migrants through Mexico suffer some form of sexual abuse; migrants are routinely forced to pay bribes; detention centers are woefully overcrowded, and victims are described as too terrorized to make formal complaints, rendering them "invisible;" and

**WHEREAS** Mexico has been widely criticized for abuse of undocumented persons that includes mistreatment by the Mexican police; and

**WHEREAS** the Mexican government has allowed charity groups to openly operate migrant shelters, where travelers can rest for a few days on their journey north. The government also has a special unit of immigration agents, known as Grupo Beta, who patrol the countryside in orange pickups, helping immigrants who are in trouble. Yet Article 67 of Mexico's immigration law requires that all authorities "whether federal, local or municipal" demand to see visas if approached by a foreigner and to hand over migrants to immigration authorities.

**WHEREAS**, Mexico's Article 67 has caused migrants who suffer crimes, including kidnapping, to prefer not to report them to avoid being detained by immigration authorities and returned to their country; and

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<sup>1</sup> <http://latimesblogs.latimes.com/laplaza/2010/04/mexicos-treatment-of-immigrants-slammed.html>

<sup>2</sup> <http://www.amnesty.org/en/news-and-updates/report/widespread-abuse-migrants-mexico-human-rights-crisis-2010-04-27http%3A>

**THEREFORE, BE IT RESOLVED**, that NHCSL, a national organization representing the interests of over 300 US Hispanic state elected officials, calls upon the Mexican Government to institute protections for all migrants through Mexico to ensure respect for Human and civil rights; and

**BE IT FURTHER RESOLVED**, that Mexican officials institute training and stringent policies against the abuse of migrants, and report on its progress to the national community; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be delivered to the Mexican President, Consul General and to the appropriate committees on foreign affairs of the United States House and Senate, as well as the President of the United States.

**Sponsored by:** Representative Louis Ruiz (KS)  
Representative Mario Goico (KS)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## **A Resolution**

Calling for the adoption of Health Information Technology, E-Prescribing and Electronic Health Records

**Short title:** Electronic health records

**WHEREAS**, significant challenges face the current health care system, including loss of physician time due to access barriers, poor coordination between health care providers, inefficiency and waste as a result of unneeded and redundant tests, excessive paperwork, and increasing difficulty in managing the growing volume of health information; and

**WHEREAS**, despite advances in technology, most medical providers use medical systems based on paper and have not embraced and utilized computer technology; and

**WHEREAS**, Health Information Technology (HIT), such as electronic medical records, can greatly improve the quality and safety of care that patients receive, decrease health disparities, help promote efficiencies in medical practice, improve access to care via telemedicine, and allow for improved tracking of health care data and trends; and

**WHEREAS**, the federal government has created incentives and programs to help medical providers across the country make the switch to electronic medical systems appropriating more than \$25 billion to support HIT; and

**WHEREAS**, according to the United States Department of Health Services website, Electronic Health Records can provide many benefits for providers and their patients including providing;

- Providers information about their patient's health history, before they walk into the examination room so that they can provide the best possible care.
- Better access to information so that the information providers need, can be shared more easily, among doctors' offices, hospitals and other health care systems providing better coordination of care to diagnose health problems earlier and improve the health outcomes of their patients.
- Patients the opportunity to take a more active role in their health, and the health of their families, by enabling them to receive electronic copies of their medical records, to share securely over the Internet with their families; and

**WHEREAS**, the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH) Act enacted under the American Recovery and Reinvestment Act (ARRA) specifies that HIT provisions provide assistance and technical support to providers; and

**WHEREAS**, this assistance and support requires enabling coordination in and among states, to assure the workforce is properly trained and equipped to be “meaningful users” of Electronic Health Records (EHRs); and

**WHEREAS**, in order for providers to become comfortable and adept at using EHRs, the federal government has made training “meaningful users” a priority; and

**WHEREAS**, according to the Centers for Medicare and Medicaid Services (CMS), the Recovery Act specifies three main components of Meaningful Use to encourage quality care:

- The use of a certified EHR in a meaningful manner (e.g.: e-Prescribing);
- The use of certified EHR technology for electronic exchange of health information to improve quality of health care; and
- The use of certified EHR technology to submit clinical quality and other measures; and

**WHEREAS**, funding for the HITECH grant program is provided to establish Health Information Technology Regional Extension Centers to offer technical assistance, and guidance to support and accelerate health care providers’ use of EHRs; and

**WHEREAS**, quality care must include recognition of barriers to access many patients face like “prior authorization”; and

**WHEREAS**, a physician looking into an electronic health record or e-prescribing system should be aware of these “prior authorization” requirements; and

**WHEREAS**, information a physician needs to meet the requirements of the “prior authorization” should be available electronically so that when the physician is sitting with the patient they can discuss treatment options; and

**WHEREAS**, States are primarily focused on planning and financing health information exchange, and trying to encourage the use of health information technology (HIT); and

**NOW, THEREFORE BE IT RESOLVED**, that the National Hispanic Caucus of State Legislators (NHCSL) supports legislation to improve the adoption rates of EHRs, and elected officials should encourage secure and private data exchange that ensures:

- The primacy of the physician patient relationship
- Quality outcomes
- Transparency
- Meaningful cost savings through reduction of fraud, waste and duplication
- Prevention and wellness; and

**BE IT FURTHER RESOLVED**, that the NHCSL believes that state legislatures should require that all electronic prescribing devices used in their States shall;

- Align health information technology systems with the provision of quality care;
- Reduce administrative barriers to timely and effective care;
- Ensure that appropriate information regarding medical decisions is available at the time and place of care;
- Improve the coordination of care and information between hospitals, patients, physicians, payers, laboratories and pharmacies through a secure and effective infrastructure for the exchange of health care information;
- Allow for access to data for research purposes without compromising patient confidentiality
- Ensure that medical decisions remain a joint decisions between a patient and his or her health care professional;
- Otherwise positively influence the quality, safety and efficiency of health care provided to the citizens of their state; and

**BE IT FURTHER RESOLVED**, that the NHCSL supports electronic prescribing devices that support “meaningful use” of electronic health records as required as part of the ARRA; and

**BE IT FURTHER RESOLVED**, that the NHCSL believes that state legislatures should implement policies and procedures that advance telemedicine and remote monitoring applications under the state Medicaid programs, third party payment mechanisms and other state programs to improve access to quality care; and

**BE IT FURTHER RESOLVED**, that the NHCSL believes that states shall provide financial incentives to Medicaid providers as described in Section 4201 of the ARRA and pursue available Federal Financial Participation for these incentives and the state’s administrative costs associated with the program; and

**BE IT FURTHER RESOLVED**, that the NHCSL believes that All Prescription Drug Orders communicated by way of Electronic Transmission shall:

- Be transmitted directly to a Pharmacist or Certified Pharmacy Technician in a licensed Pharmacy of the patient’s choice with no intervening Person having access to the Prescription Drug Order;
- Identify the transmitter’s phone number or any other suitable means to contact the transmitter for verbal and/or written confirmation, the time and date of transmission, and the identity of the Pharmacy intended to receive the transmission, as well as any other information required by federal or state law;
- Be transmitted by an authorized Practitioner or the designated agent of the prescriber;
- Be deemed the original Prescription Drug Order, provided it meets the requirements of this subsection; and

**BE IT FURTHER RESOLVED**, the NHCSL believes all Electronic Transmission Devices used to communicate a prescription to a Pharmacist or Certified Pharmacy Technician shall:

- Allow any legal Prescription Drug Order to be written and entered into the device without interference or limitations, including a medication limited pick list or multiple messaging, prior to submission to a Pharmacist or Certified Pharmacy Technician;
- Allow the prescription to be written through a neutral and open platform that does not use any means, program, or device, including, but not limited to, advertising, instant messaging, and pop up messaging, to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision (as defined in clause (f) of the Definitions) of a health care professional at the point of care (as defined in clause (e) of the Definitions) if such means, program, or device is triggered by, initiated by, or is in specific response to, the input, selection, and/or act of a prescribing health care professional or his agent prescribing a covered outpatient drug or selecting a pharmacy for a patient.

**Sponsored by:** Senator Juan M. Pichardo (RI)  
Senator Leticia Van de Putte (TX)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## **A Resolution**

Calling on all state governments to support a policy framework that accelerates the deployment, infrastructure and production, of nuclear and renewable energy in the United States.

**Short Title:** Support of nuclear and renewable clean energy options

**WHEREAS** clean low-carbon energy from nuclear and renewable sources is beneficial to the economy, environment, and our communities; and

**WHEREAS** , America's 104 nuclear power plants currently generate 20 per cent of the electricity for our homes and businesses around the clock without emitting pollutants or greenhouse gases into the atmosphere; and

**WHEREAS** renewable energy sources, including solar, wind, and biomass power are becoming more reliable in use and efficiency, currently generating 10 percent of the electricity in the United States this year; and

**WHEREAS** the scientists of the Intergovernmental panel on Climate Change (IPCC) recommend urgent action to halt the rise in world greenhouse gas emissions and then recommend reducing those emissions by half of 1990 levels by the year 2050; and

**WHEREAS**, in order to achieve necessary greenhouse gas reductions, new nuclear energy generation power plants are an essential component in assuring an affordable, proven and reliable electricity generation mix; and

**WHEREAS**, the expansion of clean energy infrastructure and production in the United States presents an opportunity to significantly reduce the country's reliance on foreign energy sources, ensure sustainable energy generation, create long-term employment opportunities, and provide the infrastructure for economic expansion; and

**WHEREAS** , a new nuclear plant will provide employment for as many as 2,400 workers during a four-year construction phase and to 400 to 700 permanent jobs, that cannot be outsourced; and

**WHEREAS**, clean energy industries are developing and expanding domestic supply chains to the benefit of local communities struggling with high unemployment rates; and

**WHEREAS**, the clean energy industry is working with community colleges around the country to develop and implement education and training programs to enable more students to enter the clean energy workforce and benefit from good jobs, excellent benefits and community enhancement: and

**WHEREAS**, various state laws and regulations have been enacted across the nation to provide tax incentives, early cost recovery for new project construction, and portfolio standards inclusive of low-carbon generating technologies; and

**WHEREAS**, leadership in the states is crucial to creating an environment supportive of new clean energy projects that will increase energy security, assure long-term stability and affordability of electricity prices, and build a competitive and sustainable future for Americans.

**Therefore be it resolved** that the National Hispanic Caucus of State Legislatures recognizes the importance of transitioning to a clean energy future and the urgency required to meet this challenge;

**Be it further resolved** that the NHCSL shall pursue a host of State and Federal policy initiatives to empower its membership to lead in pursuing accelerated deployment of clean energy production and infrastructure;

**Be it further resolved** that the NHCSL shall issue a series of recommended policy options available to state governments and designed to overcome challenges associated with initiating and financing clean energy projects;

**Be it further resolved** that the NHCSL supports Federal initiatives for providing low-risk financing assistance for clean energy projects, including the current Title XVII loan guarantee program for nuclear and renewable energy projects.

**Sponsored by:** Representative Pedro Marin (GA)  
Representative Mario Goico (KS)  
Senator Iris Y. Martinez (IL.)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## **A Resolution**

In support of driving mental health awareness in the state governments

**Short title:** Mental health and state governments

**WHEREAS**, mental health is essential to everyone's overall health and well-being; and

**WHEREAS**, mental health problems will strike one in five adults each year regardless of age, gender, race, ethnicity, religion or economic status; and

**WHEREAS**, Latinos are identified as a high-risk group for depression, anxiety, and substance abuse; and

**WHEREAS**, women and Latinos are more likely to experience a major depressive episode; and

**WHEREAS**, prevalence of depression is higher in Latino women (46%) than Latino men (19.6%); and

**WHEREAS**, Latinos are twice as likely to seek treatment for mental disorders in other settings, such as general health care or the clergy, than in mental health specialty settings; and

**WHEREAS**, among Latinos with mental disorders, fewer than 1 in 11 contact mental health care specialists, while fewer than 1 in 5 contact general health care providers; and

**WHEREAS**, the statistics become more alarming among Latino immigrants with mental disorders; fewer than 1 in 20 Latino immigrants use services from mental health specialists, while less than 1 in 10-use services from general health care providers; and

**WHEREAS**, untreated and mistreated mental illness costs American business, government and taxpayers an estimated \$113 billion annually; and

**WHEREAS**, the combined indirect and related costs of mental illness, including costs of lost productivity and lost earnings, and social costs are estimated to total at least \$113 billion annually; and

**WHEREAS**, mental health and substance abuse are widespread among persons with other health conditions including cancer, heart disease, diabetes, and other illnesses; and

**WHEREAS**, individuals with mental health conditions are more likely to suffer from hypertension, diabetes, heart disease, asthma, and acute respiratory disorders than the general population; and

**WHEREAS**, 80 percent of the youth entering the juvenile justice system have a mental disorder; and

**WHEREAS**, mental health issues influence all branches of state government including public health, children and family services, criminal justice, housing, employment, and other; and

**WHEREAS**, state government need to work to appropriately address and discuss the many clinical and societal issues related to mental illness; and

**WHEREAS**, through this work and discussion state governments need to ensure that the prevalence of mental illness in minority populations is adequately addressed and discussed in the creation of new policies and proposals; and

**WHEREAS**, states like Louisiana, Minnesota, Colorado and other states have been successful in establishing mental health caucuses to serve as a venue for legislators to do this work and learn about important mental health issues affecting the citizens of their state; and

**WHEREAS**, the establishment of mental health caucuses has allowed legislators to evaluate the role mental health plays in every community and in every sector of government, including Medicaid, criminal justice, education and child welfare; and

**WHEREAS**, the establishment of mental health caucuses provides a venue for dialogue for legislators and community stakeholders to address legislative issues that come before the chamber that could affect access to mental health services and the ability to monitor the state appropriations process to ensure that mental health services, including community supports, are funded at an appropriate level; and

**WHEREAS**, Latinos are disproportionately afflicted with mental illness; and

**WHEREAS**, members of National Hispanic Caucus of State Legislators (NHCSL) heard from mental health professionals and experts about the impact of mental illness on the Latino community during the July 2010 Symposium entitled "Addressing Mental Health."

**THEREFORE, BE IT RESOLVED**, that the members of National Hispanic Caucus of State Legislators express their support for the establishment of mental health caucuses in states legislators throughout this country; and

**BE IT FURTHER RESOLVED** that NHCSL encourage their members to work to establish mental health caucuses or similar governing bodies in their states to ensure that mental health issues, especially those related to the Latino population, are recognized and appropriately addressed; and

**BE IT FURTHER RESOLVED** that NHCSL establish their own Mental Health Task Force to serve as a resource to members in establishing their own caucuses and in recognition of the importance of mental health in the Latino community; and

**BE IT FURTHER RESOLVED** that members of NHCSL recognized the importance of this issue and recommended the establishment of a NHCSL Mental Health Task Force in order to send a strong message about the priority of mental health and wellness and to find solutions that bridge unmet needs, improve the quality of and use of evidence-based practices, and improve our communities.

**Sponsored by:** Representative Mario Goico (KS)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## **A resolution**

Calling on state legislatures to support changes to employment security system funding

**WHEREAS**, State Legislators recognize the many challenges facing the nation as the economy and labor market change. In the states, differing circumstances reflect a changing economic base, prolonged higher unemployment, unique demographic trends, and limitations on available resources. State employment security, unemployment and labor market information systems must figure prominently in efforts to serve the workers and businesses of 21st century economy; and

**WHEREAS**, the National Hispanic Caucus of State legislators (NHCSL) believes that changes are needed in employment security financing to provide a stable system that will be able to address economic and competitive challenges; and

**WHEREAS**, NHCSL supports the decisions aimed at reaching consensus among workers, employers, and state and federal entities to develop comprehensive recommendations for Congress to address the following priorities and inadequacies in the current system; and

**WHEREAS**, state governments collect payroll taxes from employers to pay for unemployment insurance benefits. These taxes are deposited into state unemployment insurance trust fund accounts in the federal Unemployment Trust Fund where each state, plus the District of Columbia, Puerto Rico and the U.S. Virgin Islands, has its own account. Each state may borrow from the federal account to cover benefits during economic downturn. During the current recession many states have borrowed to cover benefits. These loans must be repaid with interest unless repaid within a short period established in federal law. If states are unable to repay the loan with interest, an automatic gradual increase of the federal tax will be imposed on the state's employers. More than half of the states have already borrowed and the U.S. Department of Labor projections show that up to 40 states are expected to be borrowing by the end of 2010. NHCSL is encouraged by recent federal action that provided a waiver of interest payments to states with outstanding federal unemployment loans. However, the waiver expires on December 31, 2010; and

**WHEREAS**, extended benefits are paid by state unemployment insurance agencies from state unemployment accounts but reimbursed at 50 percent from the extended unemployment account. Congress provided extended benefits on a 100 percent federally funded basis several times as a result of the recent recession; and

**WHEREAS**, under the framework of the system outlined in the Federal Unemployment Tax Act (FUTA), states collect a state payroll tax to finance unemployment benefits. The federal treasury holds the collected taxes in "trust" accounts, but these accounts are included in the federal unified budget; and

**WHEREAS**, the IRS collects a federal payroll tax from employers to provide funds for administration of both the federal and state unemployment insurance systems. Rising unemployment has resulted in increased state administrative costs and workforce challenges in administering and monitoring the regular, and especially, the extended benefits programs, which have not been sufficiently funded by the federal government. In addition, state unemployment insurance programs have been chronically underfunded in staffing and technology.; and

**THEREFORE, BE IT RESOLVED**, by the National Hispanic Caucus of State Legislators, to fully support an extension of benefits fully funded by the federal government during recessions as a means of stabilizing the economy; and

**BE IT FURTHER RESOLVED**, that NHCSL urges the development of more effective triggers for the federal-state extended benefit programs to improve the program's responsiveness during recessions and decrease the need for separate and additional emergency extended benefit programs in periods of high unemployment; and

**BE IT FURTHER RESOLVED**, NHCSL urges the federal government to move the dedicated FUTA trust fund from the discretionary side to the mandatory side of the federal budget and not use the funds to offset the federal budget deficit; and

**BE IT FURTHER RESOLVED**, NHCSL urges Congress to adequately fund state administrative functions, and continue the state legislative role in the appropriation of administrative funds.

**Sponsored by:** Senator Luz "Lucy" Arce Ferrer (PR).

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## **A resolution**

Promoting mental health treatment parity in the Hispanic population and promoting unrestricted access to mental health drugs

**Short title:** mental health treatment parity

**WHEREAS**, the National Hispanic Caucus of State Legislators (NHCSL) has a strong commitment towards equality in treatment of diseases and conditions; and

**WHEREAS**, statistics show that different racial and ethnic populations have markedly different experiences in the incidence, prevalence, mortality and burden of diseases; and

**WHEREAS**, Hispanic Americans are more likely to experience a mental disorder than their white counterparts, but are less likely to receive treatment (SAMSHA Surgeon General's Report).

**WHEREAS**, Culture biases against mental health professionals and health care professionals in general prevent many Hispanic Americans from accessing care due to prior experiences with historical misdiagnoses. Inadequate treatment and a lack of cultural understanding; only 2% of psychiatrists, 2% of psychologists and 4% of social workers in the U.S. are Hispanic. (NAMI)

**WHEREAS**, Hispanic Americans are more likely to be subject to a number of forces of oppression and discrimination which can increase trauma and vulnerability to mental health disorders.

**WHEREAS**, More Hispanic Americans than whites or members of other racial and ethnic minority groups are homeless, incarcerated, or are children in foster care or otherwise supervised by the child welfare system.

**WHEREAS**, Limited English Proficiency (LEP) is a key barrier to accessing primary health care services for Hispanics in the U.S.

**WHEREAS**, mental illnesses if untreated bring about unhealthy behavior, non-compliance with prescribed medical regimens diminished immune functioning, and poor prognosis.

**WHEREAS**, equal benefits are in the interest of states' public health, education, law enforcement and social services needs; and

**WHEREAS**, the emergence of clinically proven safe and effective mental health medications has significantly increased treatment options for patients; and

**WHEREAS**, mental health professionals have significantly improved the care of patients by utilizing mental health medications; and

**WHEREAS**, mental health treatment is something that has touched virtually everyone. Everyone has a family member, friend or co-worker who has been affected by mental illness; and

**WHEREAS**, that improving mental health benefits improves people's lives and reduces health care costs by avoiding unnecessary, hospitalizations, controlling chronic physical diseases and reducing emergency room visits, improves productivity in the workplace, and reduces law enforcement problems; and

**WHEREAS**, local governments that are large employers, recognized that treatment for mental illnesses is effective and it can improve people's lives and that this treatment is cost effective from an economic standpoint; and

**WHEREAS**, greater patient out-of-pocket costs create a barrier for mental health therapies covered under the pharmacy benefit of a health care plan; and

**WHEREAS**, the NHCSL does not support one medication over another, but supports the best option for the patient as well as a patient's right to be informed and chose his or her treatment; and

**NOW, THEREFORE BE IT RESOLVED**, that the NHCSL supports the elimination of cost barriers and health disparities for Hispanic Americans and minority populations with mental health illnesses to access mental health therapies; and

**BE IT FURTHER RESOLVED**, that the NHCSL supports patients being given the best medication given their health status and not their financial status, and recognizes that a doctor's decision given the specifics of a given case need to reach the optimal solution for the patient; and

**BE IT FURTHER RESOLVED**, to make mental health a part of dialogue in primary care settings; and

**BE IT FURTHER RESOLVED**, that the NHCSL also calls upon state legislatures to expand the scope of efforts to reach Hispanic Americans and those providing healthcare services to the community with targeted programs on how best to prevent or manage mental illnesses; and

**BE IT FURTHER RESOLVED**, the NHCSL encourages each member to investigate legislation in their state that will seek to eliminate mental health patient payment inequities for mental health treatments; and

**BE IT FINALLY RESOLVED**, this legislation will include language that prior authorization or other restrictions NOT be placed on a drug that is classified as an anti-anxiety, anti-depressant, or anti-psychotic central nervous system prescribed for the treatment of a mental illness. A recipient enrolled in any healthcare plan – both private and public, shall have unrestricted access to a mental health drugs.

**Sponsored by:** Senator Luz Z. Arce Ferrer (PR)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

### **A resolution**

Urging support for diabetes awareness and testing among Hispanic communities.

**Short title:** Hispanic diabetes

**Whereas** Diabetes is the sixth leading cause of death in the U.S. behind heart disease, cancer, stroke, chronic lower respiratory diseases, and accidents (unintentional injuries); and

**Whereas** the American Diabetes Association estimates that 23.6 million adults and children in the U.S. have diabetes. Diabetes is the fifth leading cause of death among Hispanics in the United States and is the leading cause of heart disease, stroke, kidney disease, blindness, and amputations; and

**Whereas** today, one in ten Hispanics has diabetes; one in four is unaware they have diabetes. Overall prevalence of diabetes in Hispanics was almost twice that of non-Hispanics whites in the age group 18 to 44 years; and

**Whereas** recognizing the at risk patient population is a significant concern, there is an equal concern of epidemic proportions – nearly half of those who have already been diagnosed with the disease are not reaching their blood glucose target levels - A1c levels - using a blood test that measures blood sugar control over a three month period; and

**Whereas** not gaining control of blood glucose levels and not achieving target A1c levels puts these patients at risk for serious complications including cardiovascular disease, blindness, kidney disease and dialysis, and nerve damage and amputation; and

**Be it Resolved**, that November 14, 2010 is recognized by the National Hispanic Caucus of State Legislators as world diabetes day and November as Diabetes Awareness month; and

**Be it further resolved**, that the National Hispanic Caucus of State Legislators supports awareness campaigns and public education programs on management and recognition of symptoms of diabetes and once diagnosed urges them to work with their healthcare providers to gain control of their blood glucose levels and to manage and prevent complications caused by diabetes.

Further be resolved, the National Hispanic Caucus of State Legislators supports efforts to educate providers about treatment standards tailored to individual patients; and

**Be it further resolved** that the National Hispanic Caucus of State Legislators, through its initiatives, plays a vital role in supporting healthcare among Hispanic diabetics that require regular A1C testing; and

**Be it further resolved** that the National Hispanic Caucus of State Legislators supports programs and educational information that enhances availability of culturally sensitive healthcare, thus resulting in more impactful healthcare delivery.

**Sponsored by:** Representative Pedro Marin (GA)  
Representative Mario Goico (KS)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**

## **A Resolution**

Honoring the service and life of the late Arizona State Senator Jorge Luis Garcia

**Short title:** Honoring Jorge Luis Garcia

**WHEREAS** Senator Jorge Luis Garcia (September 10, 1953 - October 15, 2010) served as Arizona State Senator for District 27 beginning in 2003, where he held the title of Assistant Minority Leader; and

**WHEREAS** Previously Senator Garcia was a member of the Arizona House of Representatives from 1993 through 1996.

**WHEREAS** Senator Garcia passed away on October 15th, 2010; and

**WHEREAS** Senator Garcia was born in Nogales, Sonora Mexico on September 10, 1953 to Jorge Cabado and Concepcion Garcia; and

**WHEREAS** Senator Garcia was married to wife, Maria for 31 years and left to mourn his loss, three grown children, daughters Yvette, Dominique and son, Rolando. The Senator resided in Tucson since 1973; and

**WHEREAS** Senator Garcia served the state of Arizona and his community proudly in dedicated service; and

**BE IT RESOLVED**, The National Hispanic Caucus of State Legislators hereby honors the service of Senator Garcia and offers sincere prayers and condolences to the Garcia family; and

**BE IT FURTHER RESOLVED**, that this resolution be delivered under seal to the widow of the wife of the late Senator Garcia, who shall continue her Husband's great tradition of service.

**Sponsored by:** Senator Iris Y. Martinez (IL)  
NHCSL President

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING DURING NHCSL'S 8<sup>TH</sup> NATIONAL SUMMIT NOVEMBER 13TH, 2010 IN SAN ANTONIO, TEXAS.**

## **A RESOLUTION**

**IN SUPPORT OF INCREASING MEDIA DIVERSITY THROUGH LATINO-OWNED AND OPERATED FIRMS; GROWING THE LATINO AUDIENCE**

**Short Title:** Media Diversity

**WHEREAS**, the ownership of television, radio, cable, Internet and satellite companies has a profound effect on first amendment freedoms; and

**WHEREAS**, attention must be given to minority media ownership as a means of empowering community views; and

**WHEREAS**, Latino ownership or control of broadcast media companies is very limited, and is virtually nonexistent in public broadcasting; and

**WHEREAS**, there are no Latino controlled public television stations in the continental United States that are part of the Public Broadcast System (PBS); and

**WHEREAS**, increasing the number and distribution of U.S. Latino-owned or controlled television and radio networks would enhance diversity and serve the Latino community; and

**WHEREAS**, the total number television channels has multiplied as a result of DTV transition ; and

**WHEREAS**, there is a unique opportunity to use existing digital television channels to expand media diversity by facilitating the use of that capacity by independent, non-profit, minority and new broadcast entities; and

**AND NOW, THEREFORE, BE IT RESOLVED**, that the National Hispanic Caucus of State Legislators urges the administration to make media diversity be considered a central consideration of media policy.

**BE IT FURTHER RESOLVED**, that the Administration pursue policies to make existing broadcast spectrum resources available to independent, non-profit, minority controlled networks;

**BE IT FURTHER RESOLVED** that the Administration use its existing authorities to establish and supervise capacity set-asides for multi-channel video systems in a manner which provides to create opportunities for and enhances advance the diversity of media ownership diversity; and

**BE IT FURTHER RESOLVED**, that the Administration make media diversity a central consideration of media policy.

**BE IT FURTHER RESOLVED**, that broadcast spectrum and financial resources dedicated to public broadcasting be made available to independent, minority educational networks that are not presently part of the public broadcasting system.

**Sponsored by:** Representative Minnie Gonzalez (CT)

**THIS RESOLUTION WAS ADOPTED BY NHCSL AND RATIFIED AT ITS ANNUAL MEETING HELD IN SAN ANTONIO, TEXAS NOVEMBER 13TH, 2010.**