

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: **01/27/2001**

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **Johnnie Morris-Tatum (608) 266-3756**

By/Representing: **George**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters:

Subject: **Memorials - Congress to**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Support Rep. Conyer's legislation in Congress regarding reparations for African-Americans

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 02/16/2001	csicilia 02/16/2001	martykr 02/19/2001	_____	lrb_docadmin 02/19/2001	lrb_docadmin 02/20/2001	

FE Sent For:

<END>

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<END>

2293

**Bill Summary & Status for the 106th Congress**

Item 1 of 1

**PREVIOUS:ALL | NEXT:ALL**  
**HOME | HELP****H.R.40**

Sponsor: Rep Conyers, John, Jr. (introduced 1/6/1999)

Latest Major Action: 2/25/1999 Referred to House subcommittee

Title: To acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 **American** colonies between 1619 and 1865 and to establish a **commission** to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against **African-Americans**, and the impact of these forces on living **African-Americans**, to make recommendations to the Congress on appropriate remedies, and for other purposes.

Jump to: [Titles](#), [Status](#), [Committees](#), [Related Bill Details](#), [Amendments](#), [Cosponsors](#), [Summary](#), [CRS Products](#)

**TITLE(S):** (*italics indicate a title for a portion of a bill*)

- **SHORT TITLE(S) AS INTRODUCED:**  
**Commission to Study Reparation Proposals for African-Americans Act**
- **OFFICIAL TITLE AS INTRODUCED:**  
To acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 **American** colonies between 1619 and 1865 and to establish a **commission** to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against **African-Americans**, and the impact of these forces on living **African-Americans**, to make recommendations to the Congress on appropriate remedies, and for other purposes.

**STATUS:** (*italics indicate Senate actions*)**1/6/1999:**

Referred to the House Committee on the Judiciary.

**2/25/1999:**

Referred to the Subcommittee on the Constitution.

**COMMITTEE(S):**

<b>Committee/Subcommittee:</b>	<b>Activity:</b>
<u>House Judiciary</u>	Referral
<u>Subcommittee on Constitution</u>	Referral

**RELATED BILL DETAILS:**

\*\*\*NONE\*\*\*

**AMENDMENT(S):**

\*\*\*NONE\*\*\*

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**COSPONSORS(48), ALPHABETICAL** [followed by Cosponsors withdrawn]: (Sort: by date)

<u>Rep Brady, Robert</u> - 3/8/1999	<u>Rep Brown, Corrine</u> - 4/12/1999
<u>Rep Carson, Julia</u> - 6/22/2000	<u>Rep Christensen, Donna MC</u> - 2/25/1999
<u>Rep Clay, William (Bill)</u> - 4/13/2000	<u>Rep Clayton, Eva M.</u> - 3/23/1999
<u>Rep Cummings, Elijah E.</u> - 2/25/1999	<u>Rep Davis, Danny K.</u> - 2/25/1999
<u>Rep Dixon, Julian C.</u> - 2/25/1999	<u>Rep Dooley, Calvin M.</u> - 7/11/2000
<u>Rep Engel, Eliot L.</u> - 4/12/2000	<u>Rep Faleomavaega, Eni F. H.</u> - 4/13/1999
<u>Rep Fattah, Chaka</u> - 1/6/1999	<u>Rep Ford, Harold, Jr.</u> - 6/21/2000
<u>Rep Hastings, Alcee L.</u> - 1/6/1999	<u>Rep Hilliard, Earl F.</u> - 1/6/1999
<u>Rep Jackson, Jesse L., Jr.</u> - 1/27/2000	<u>Rep Jackson-Lee, Sheila</u> - 3/8/1999
<u>Rep Jefferson, William J.</u> - 1/6/1999	<u>Rep Johnson, Eddie Bernice</u> - 1/6/1999
<u>Rep Kilpatrick, Carolyn C.</u> - 3/15/1999	<u>Rep Klink, Ron</u> - 3/27/2000
<u>Rep Lee, Barbara</u> - 4/12/1999	<u>Rep Lewis, John</u> - 6/26/2000
<u>Rep McCarthy, Karen</u> - 7/27/2000	<u>Rep McGovern, James P.</u> - 3/15/1999
<u>Rep McKinney, Cynthia A.</u> - 7/30/1999	<u>Rep Meek, Carrie P.</u> - 1/6/1999
<u>Rep Meeks, Gregory W.</u> - 4/13/1999	<u>Rep Millender-McDonald, Juanita</u> - 6/20/2000
<u>Rep Moran, James P.</u> - 2/16/2000	<u>Rep Nadler, Jerrold</u> - 9/27/2000
<u>Rep Norton, Eleanor Holmes</u> - 3/23/1999	<u>Rep Olver, John W.</u> - 3/8/1999
<u>Rep Owens, Major R.</u> - 1/6/1999	<u>Rep Pascrell, Bill, Jr.</u> - 11/14/2000
<u>Rep Pastor, Ed</u> - 2/25/1999	<u>Rep Payne, Donald M.</u> - 3/23/1999
<u>Rep Rangel, Charles B.</u> - 3/8/1999	<u>Rep Rivers, Lynn N.</u> - 2/29/2000
<u>Rep Rush, Bobby L.</u> - 1/6/1999	<u>Rep Stupak, Bart</u> - 2/16/2000
<u>Rep Thompson, Bennie G.</u> - 3/15/1999	<u>Rep Towns, Edolphus</u> - 1/6/1999
<u>Rep Traficant, James A., Jr.</u> - 3/9/2000	<u>Rep Underwood, Robert A.</u> - 3/15/1999
<u>Rep Waters, Maxine</u> - 3/15/1999	<u>Rep Wynn, Albert Russell</u> - 4/12/1999

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**SUMMARY AS OF:**

1/6/1999--Introduced.

**Commission to Study Reparation Proposals for African-Americans Act** - Establishes the **Commission to Study Reparation Proposals for African-Americans** to examine slavery and discrimination in the colonies and the United States from 1619 to the present and recommend appropriate remedies.

Authorizes appropriations.

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**CRS PRODUCTS:**

\*\*\*NONE\*\*\*

106TH CONGRESS  
1ST SESSION

# H. R. 40

To acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. CONYERS (for himself, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MEEK of Florida, Mr. OWENS, Mr. RUSH, and Mr. TOWNS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission to Study  
5 Reparation Proposals for African-Americans Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) approximately 4,000,000 Africans and their  
9 descendants were enslaved in the United States and  
10 the colonies that became the United States from  
11 1619 to 1865;

12 (2) the institution of slavery was constitu-  
13 tionally and statutorily sanctioned by the Govern-  
14 ment of the United States from 1789 through 1865;

15 (3) the slavery that flourished in the United  
16 States constituted an immoral and inhumane depri-  
17 vation of Africans’ life, liberty, African citizenship  
18 rights, and cultural heritage, and denied them the  
19 fruits of their own labor; and

20 (4) sufficient inquiry has not been made into  
21 the effects of the institution of slavery on living Afri-  
22 can-Americans and society in the United States.

23 (b) PURPOSE.—The purpose of this Act is to estab-  
24 lish a commission to—

1 (1) examine the institution of slavery which ex-  
2 isted from 1619 through 1865 within the United  
3 States and the colonies that became the United  
4 States, including the extent to which the Federal  
5 and State Governments constitutionally and statu-  
6 torily supported the institution of slavery;

7 (2) examine de jure and de facto discrimination  
8 against freed slaves and their descendants from the  
9 end of the Civil War to the present, including eco-  
10 nomic, political, and social discrimination;

11 (3) examine the lingering negative effects of the  
12 institution of slavery and the discrimination de-  
13 scribed in paragraph (2) on living African-Americans  
14 and on society in the United States;

15 (4) recommend appropriate ways to educate the  
16 American public of the Commission's findings;

17 (5) recommend appropriate remedies in consid-  
18 eration of the Commission's findings on the matters  
19 described in paragraphs (1) and (2); and

20 (6) submit to the Congress the results of such  
21 examination, together with such recommendations.

22 **SEC. 3. ESTABLISHMENT AND DUTIES.**

23 (a) **ESTABLISHMENT.**—There is established the Com-  
24 mission to Study Reparation Proposals for African-Ameri-



1 cans (hereinafter in this Act referred to as the "Commis-  
2 sion").

3 (b) DUTIES.—The Commission shall perform the fol-  
4 lowing duties:

5 (1) Examine the institution of slavery which ex-  
6 isted within the United States and the colonies that  
7 became the United States from 1619 through 1865.  
8 The Commission's examination shall include an ex-  
9 amination of—

10 (A) the capture and procurement of Afri-  
11 cans;

12 (B) the transport of Africans to the United  
13 States and the colonies that became the United  
14 States for the purpose of enslavement, including  
15 their treatment during transport;

16 (C) the sale and acquisition of Africans as  
17 chattel property in interstate and intrastate  
18 commerce; and

19 (D) the treatment of African slaves in the  
20 colonies and the United States, including the  
21 deprivation of their freedom, exploitation of  
22 their labor, and destruction of their culture,  
23 language, religion, and families.

24 (2) Examine the extent to which the Federal  
25 and State governments of the United States sup-

1 ported the institution of slavery in constitutional and  
2 statutory provisions, including the extent to which  
3 such governments prevented, opposed, or restricted  
4 efforts of freed African slaves to repatriate to their  
5 home land.

6 (3) Examine Federal and State laws that dis-  
7 criminated against freed African slaves and their de-  
8 scendants during the period between the end of the  
9 Civil War and the present.

10 (4) Examine other forms of discrimination in  
11 the public and private sectors against freed African  
12 slaves and their descendants during the period be-  
13 tween the end of the Civil War and the present.

14 (5) Examine the lingering negative effects of  
15 the institution of slavery and the matters described  
16 in paragraphs (1), (2), (3), and (4) on living Afri-  
17 can-Americans and on society in the United States.

18 (6) Recommend appropriate ways to educate  
19 the American public of the Commission's findings.

20 (7) Recommend appropriate remedies in consid-  
21 eration of the Commission's findings on the matters  
22 described in paragraphs (1), (2), (3), and (4). In  
23 making such recommendations, the Commission  
24 shall address, among other issues, the following  
25 questions:

1 (A) Whether the Government of the United  
2 States should offer a formal apology on behalf  
3 of the people of the United States for the per-  
4 petration of gross human rights violations on  
5 African slaves and their descendants.

6 (B) Whether African-Americans still suffer  
7 from the lingering affects of the matters de-  
8 scribed in paragraphs (1), (2), (3), and (4).

9 (C) Whether, in consideration of the Com-  
10 mission's findings, any form of compensation to  
11 the descendants of African slaves is warranted.

12 (D) If the Commission finds that such  
13 compensation is warranted, what should be the  
14 amount of compensation, what form of com-  
15 pensation should be awarded, and who should  
16 be eligible for such compensation.

17 (c) REPORT TO CONGRESS.—The Commission shall  
18 submit a written report of its findings and recommenda-  
19 tions to the Congress not later than the date which is one  
20 year after the date of the first meeting of the Commission  
21 held pursuant to section 4(c).

22 **SEC. 4. MEMBERSHIP.**

23 (a) NUMBER AND APPOINTMENT.—(1) The Commis-  
24 sion shall be composed of 7 members, who shall be ap-

1 pointed, within 90 days after the date of enactment of this  
2 Act, as follows:

3 (A) Three members shall be appointed by the  
4 President.

5 (B) Three members shall be appointed by the  
6 Speaker of the House of Representatives.

7 (C) One member shall be appointed by the  
8 President pro tempore of the Senate.

9 (2) All members of the Commission shall be persons  
10 who are especially qualified to serve on the Commission  
11 by virtue of their education, training, or experience, par-  
12 ticularly in the field of African-American studies.

13 (b) TERMS.—The term of office for members shall  
14 be for the life of the Commission. A vacancy in the Com-  
15 mission shall not affect the powers of the Commission, and  
16 shall be filled in the same manner in which the original  
17 appointment was made.

18 (c) FIRST MEETING.—The President shall call the  
19 first meeting of the Commission within 120 days after the  
20 date of the enactment of this Act, or within 30 days after  
21 the date on which legislation is enacted making appropria-  
22 tions to carry out this Act, whichever date is later.

23 (d) QUORUM.—Four members of the Commission  
24 shall constitute a quorum, but a lesser number may hold  
25 hearings.

1           (e) CHAIR AND VICE CHAIR.—The Commission shall  
2 elect a Chair and Vice Chair from among its members.  
3 The term of office of each shall be for the life of the Com-  
4 mission.

5           (f) COMPENSATION.—(1) Except as provided in para-  
6 graph (2), each member of the Commission shall receive  
7 compensation at the daily equivalent of the annual rate  
8 of basic pay payable for GS-18 of the General Schedule  
9 under section 5332 of title 5, United States Code, for each  
10 day, including travel time, during which he or she is en-  
11 gaged in the actual performance of duties vested in the  
12 Commission.

13           (2) A member of the Commission who is a full-time  
14 officer or employee of the United States or a Member of  
15 Congress shall receive no additional pay, allowances, or  
16 benefits by reason of his or her service on the Commission.

17           (3) All members of the Commission shall be reim-  
18 bursed for travel, subsistence, and other necessary ex-  
19 penses incurred by them in the performance of their duties  
20 to the extent authorized by chapter 57 of title 5, United  
21 States Code.

22 **SEC. 5. POWERS OF THE COMMISSION.**

23           (a) HEARINGS AND SESSIONS.—The Commission  
24 may, for the purpose of carrying out the provisions of this  
25 Act, hold such hearings and sit and act at such times and

BILL NUMBER: SB 2199      CHAPTERED  
 BILL TEXT

CHAPTER    934  
 FILED WITH SECRETARY OF STATE    SEPTEMBER 30, 2000  
 APPROVED BY GOVERNOR    SEPTEMBER 29, 2000  
 PASSED THE SENATE    AUGUST 31, 2000  
 PASSED THE ASSEMBLY    AUGUST 29, 2000  
 AMENDED IN ASSEMBLY    AUGUST 28, 2000  
 AMENDED IN ASSEMBLY    AUGUST 7, 2000  
 AMENDED IN SENATE    MAY 16, 2000  
 AMENDED IN SENATE    MAY 2, 2000

INTRODUCED BY    Senator Hayden  
 (Coauthor:    Assembly Member Aroner)

MARCH 16, 2000

An act to add Chapter 5 (commencing with Section 13810) to Division 3 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2199, Hayden. Slavery era insurance policies.

Existing law requires an insurer doing business in this state that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry, as specified.

This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. This bill would state that descendants of slaves are entitled to full disclosure.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Insurance policies from the slavery era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

(b) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(c) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor corporations. The people of California are entitled to significant

historical information of this nature.

SEC. 2. Chapter 5 (commencing with Section 13810) is added to Division 3 of the Insurance Code, to read:

CHAPTER 5. SLAVERY ERA INSURANCE POLICIES

13810. The commissioner shall request and obtain information from insurers licensed and doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era.

13811. The commissioner shall obtain the names of any slaveholders or slaves described in those insurance records, and shall make the information available to the public and the Legislature.

13812. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

13813. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure.

BILL NUMBER: SB 2199      ENROLLED  
BILL TEXT

PASSED THE SENATE      AUGUST 31, 2000  
PASSED THE ASSEMBLY    AUGUST 29, 2000  
AMENDED IN ASSEMBLY    AUGUST 28, 2000  
AMENDED IN ASSEMBLY    AUGUST 7, 2000  
AMENDED IN SENATE      MAY 16, 2000  
AMENDED IN SENATE      MAY 2, 2000

INTRODUCED BY    Senator Hayden  
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MARCH 16, 2000

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This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. This bill would state that descendants of slaves are entitled to full disclosure.

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(b) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(c) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor corporations. The people of California are entitled to significant historical information of this nature.

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13812. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

13813. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure.

BILL NUMBER: SB 2199      AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY    AUGUST 28, 2000  
AMENDED IN ASSEMBLY    AUGUST 7, 2000  
AMENDED IN SENATE      MAY 16, 2000  
AMENDED IN SENATE      MAY 2, 2000

INTRODUCED BY    Senator Hayden  
(Coauthor:    Assembly Member Aroner)

MARCH 16, 2000

An act to add Chapter 5 (commencing with Section 13810) to Division 3 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2199, as amended, Hayden. Slavery era insurance policies.

Existing law requires an insurer doing business in this state that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry, as specified.

This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. This bill would state that descendants of slaves are entitled to full disclosure. ~~This bill would request the University of California to assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery to owners and their businesses and to report its findings to the Legislature by January 1, 2002.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Insurance policies from the slavery era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

(b) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(c) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor

corporations. The people of California are entitled to significant historical information of this nature.

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13812. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

13813. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure.

~~13814. The Legislature requests that the University of California assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery that accrued to owners and the businesses, including insurance companies and their subsidiaries, that received those benefits. The colloquium shall draw on the resources and knowledge of historians and other scholars from across the nation as well as California, and interested parties shall also be invited to participate. The State Library shall participate in this effort, as resources allow. The State Library shall examine the economic legacy of slavery in California, including forced slavery, chattel slavery, and indentured servitude. The Legislature further requests that the University of California make recommendations to the Legislature regarding the colloquium's findings by January 1, 2002.~~

BILL NUMBER: SB 2199 AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY AUGUST 7, 2000  
AMENDED IN SENATE MAY 16, 2000  
AMENDED IN SENATE MAY 2, 2000

INTRODUCED BY Senator Hayden

MARCH 16, 2000

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SB 2199, as amended, Hayden. Slavery era insurance policies.

Existing law requires an insurer doing business in this state that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry, as specified.

This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. This bill would state that descendants of slaves are entitled to full disclosure. *This bill would request the University of California to assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery to owners and their businesses and to report its findings to the Legislature by January 1, 2002.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Insurance policies from the slavery era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

(b) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(c) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor corporations. The people of California are entitled to significant historical information of this nature.

SEC. 2. Chapter 5 (commencing with Section 13810) is added to Division 3 of the Insurance Code, to read:

CHAPTER 5. SLAVERY ERA INSURANCE POLICIES

13810. The commissioner shall request and obtain information from insurers licensed and doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era.

13811. The commissioner shall obtain the names of any slaveholders or slaves described in those insurance records, and shall make the information available to the public and the Legislature.

13812. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

13813. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure.

13814. *The Legislature requests that the University of California assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery that accrued to owners and the businesses, including insurance companies and their subsidiaries, that received those benefits. The colloquium shall draw on the resources and knowledge of historians and other scholars from across the nation as well as California, and interested parties shall also be invited to participate. The State Library shall participate in this effort, as resources allow. The State Library shall examine the economic legacy of slavery in California, including forced slavery, chattel slavery, and indentured servitude. The Legislature further requests that the University of California make recommendations to the Legislature regarding the colloquium's findings by January 1, 2002.*

BILL NUMBER: SB 2199 AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY AUGUST 7, 2000  
AMENDED IN SENATE MAY 16, 2000  
AMENDED IN SENATE MAY 2, 2000

INTRODUCED BY Senator Hayden

MARCH 16, 2000

An act to add Chapter 5 (commencing with Section 13810) to Division 3 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2199, as amended, Hayden. Slavery era insurance policies.

Existing law requires an insurer doing business in this state that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry, as specified.

This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. This bill would state that descendants of slaves are entitled to full disclosure. *This bill would request the University of California to assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery to owners and their businesses and to report its findings to the Legislature by January 1, 2002.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Insurance policies from the slavery era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

(b) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(c) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor corporations. The people of California are entitled to significant historical information of this nature.

SEC. 2. Chapter 5 (commencing with Section 13810) is added to Division 3 of the Insurance Code, to read:

CHAPTER 5. SLAVERY ERA INSURANCE POLICIES

13810. The commissioner shall request and obtain information from insurers licensed and doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era.

13811. The commissioner shall obtain the names of any slaveholders or slaves described in those insurance records, and shall make the information available to the public and the Legislature.

13812. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

13813. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure.

13814. *The Legislature requests that the University of California assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery that accrued to owners and the businesses, including insurance companies and their subsidiaries, that received those benefits. The colloquium shall draw on the resources and knowledge of historians and other scholars from across the nation as well as California, and interested parties shall also be invited to participate. The State Library shall participate in this effort, as resources allow. The State Library shall examine the economic legacy of slavery in California, including forced slavery, chattel slavery, and indentured servitude. The Legislature further requests that the University of California make recommendations to the Legislature regarding the colloquium's findings by January 1, 2002.*

BILL NUMBER: SB 2199 AMENDED  
BILL TEXT

AMENDED IN SENATE MAY 16, 2000  
AMENDED IN SENATE MAY 2, 2000

INTRODUCED BY Senator Hayden

MARCH 16, 2000

An act to add Chapter 5 (commencing with Section 13810) to Division 3 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2199, as amended, Hayden. Slavery era insurance policies.

Existing law requires an insurer doing business in this state that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry, as specified.

This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. ~~This bill would require the commissioner to hold a public hearing to determine whether there is a basis to compensate descendants of those slaves under existing law or whether a change in law is required.~~ This bill would state that descendants of slaves are entitled to full disclosure ~~and legal standing to seek compensation or other remedies under these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Insurance policies from the slavery era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

(b) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(c) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor corporations. The people of California are entitled to significant historical information of this nature.



SEC. 2. Chapter 5 (commencing with Section 13810) is added to Division 3 of the Insurance Code, to read:

CHAPTER 5. SLAVERY ERA INSURANCE POLICIES

13810. The commissioner shall request and obtain information from insurers licensed and doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era.

13811. The commissioner shall obtain the names of any slaveholders or slaves described in those insurance records, and shall make the information available to the public and the Legislature.

~~13812. The commissioner shall hold a public hearing to examine whether there is a basis to compensate descendants of those slaves under existing law, or whether a change in law is required.~~

~~13813.~~

13812. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

~~13814.~~

13813. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure ~~and legal standing to seek compensation or other remedies pursuant to this chapter.~~

~~13815. California has a moral and public policy interest in assuring that its residents are given a reasonable opportunity to claim entitlement to full disclosure, and compensation or other remedies arising from insurance policies of insurers whose successors are licensed and doing business in this state.~~

BILL NUMBER: SB 2199 AMENDED  
BILL TEXT

AMENDED IN SENATE MAY 2, 2000

INTRODUCED BY Senator Hayden

MARCH 16, 2000

An act to add Chapter 5 (commencing with Section 13810) to Division 3 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SR 2199, as amended, Hayden. Slavery Era insurance policies.

Existing law requires an insurer doing business in this state that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry, as specified.

This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the Slavery Era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. This bill would require the commissioner to hold a public hearing to determine whether there is a basis to compensate descendants of those slaves under existing law, or whether a change in law is required. This bill would state that descendants of slaves are entitled to full disclosure and legal standing to seek compensation or other remedies under these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Insurance policies from the Slavery Era have been discovered in the archives of ~~Aetna, Inc.~~ several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

~~(b) Aetna has committed itself to actively considering meaningful ways to demonstrate its current commitment to racial equality and diversity in light of these disclosures of past practices.~~

~~(c)~~

(b) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

~~(d) The Aetna discovery came in response to inquiries by African American individuals and organizations, which are seeking disclosure, apologies, and reparations or other compensation from~~

~~those who benefited historically from the institution of slavery.~~

~~(c)~~

(c) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding insurance policies issued to slaveholders by predecessor corporations. The people of California are entitled to significant historical information of this nature.

SEC. 2. Chapter 5 (commencing with Section 13810) is added to Division 3 of the Insurance Code, to read:

#### CHAPTER 5. SLAVERY ERA INSURANCE POLICIES

13810. The commissioner shall request and obtain information from insurers licensed and doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the Slavery Era.

13811. The commissioner shall obtain the names of any slaveholders or slaves described in those insurance records, and shall make the information available to the public and the Legislature.

13812. The commissioner shall hold a public hearing to examine whether there is a basis to compensate descendants of those slaves under existing law, or whether a change in law is required.

13813. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

13814. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure and legal standing to seek compensation or other remedies pursuant to this chapter.

13815. California has a moral and public policy interest in assuring that its residents are given a reasonable opportunity to claim entitlement to full disclosure, and compensation or other remedies arising from insurance policies of insurers whose successors are licensed and doing business in this state.

BILL NUMBER: SB 2199      INTRODUCED  
BILL TEXT

INTRODUCED BY    Senator Hayden

MARCH 16, 2000

An act to add Chapter 5 (commencing with Section 13810) to Division 3 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 2199, as introduced, Hayden. Slavery Era insurance policies.

Existing law requires an insurer doing business in this state that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry, as specified.

This bill would require the commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the Slavery Era, which policies provided coverage to slaveholders for damage to or death of their slaves. This bill would require insurers to research and report on these policies, and would require the commissioner to make this information available to the public and the Legislature. This bill would require the commissioner to hold a public hearing to determine whether there is a basis to compensate descendants of those slaves under existing law, or whether a change in law is required. This bill would state that descendants of slaves are entitled to full disclosure and legal standing to seek compensation or other remedies under these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Insurance policies from the Slavery Era have been discovered in the archives of Aetna, Inc., documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. These documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

(b) Aetna has committed itself to actively considering meaningful ways to demonstrate its current commitment to racial equality and diversity in light of these disclosures of past practices.

(c) Legislation has been introduced in Congress for the past 10 years demanding an inquiry into slavery and its continuing legacies.

(d) The Aetna discovery came in response to inquiries by African-American individuals and organizations, which are seeking disclosure, apologies, and reparations or other compensation from those who benefited historically from the institution of slavery.

(e) The Insurance Commissioner and the Department of Insurance are entitled to seek information from the files of insurers licensed and doing business in this state, including licensed California subsidiaries of international insurance corporations, regarding

insurance policies issued to slaveholders by predecessor corporations. The people of California are entitled to significant historical information of this nature.

SEC. 2. Chapter 5 (commencing with Section 13810) is added to Division 3 of the Insurance Code, to read:

CHAPTER 5. SLAVERY ERA INSURANCE POLICIES

13810. The commissioner shall request and obtain information from insurers licensed and doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the Slavery Era.

13811. The commissioner shall obtain the names of any slaveholders or slaves described in those insurance records, and shall make the information available to the public and the Legislature.

13812. The commissioner shall hold a public hearing to examine whether there is a basis to compensate descendants of those slaves under existing law, or whether a change in law is required.

13813. Each insurer licensed and doing business in this state shall research and report to the commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of their slaves.

13814. Descendants of slaves, whose ancestors were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose ancestors' owners were compensated for damages by insurers, are entitled to full disclosure and legal standing to seek compensation or other remedies pursuant to this chapter.

13815. California has a moral and public policy interest in assuring that its residents are given a reasonable opportunity to claim entitlement to full disclosure, and compensation or other remedies arising from insurance policies of insurers whose successors are licensed and doing business in this state.

SENATE THIRD READING  
 SB 2199 (Hayden)  
 As Amended August 7, 2000  
 Majority vote

INSURANCE 9-5 APPROPRIATIONS 14-6

Ayes: Scott, Calderon, Dutra, Gallegos Havice, Keeley, Steinberg Washington, Wayne	Ayes: Migden, Corbett, Romero, Wiggins, Alquist, Davis, Shelley, Wright, Aroner, Kuehl, Thomson, Cedillo, Papan, Wesson
Nays: Maddox, Cox, Granlund McClintock, Oller	Nays: Campbell, Runner, Ackerman, Zettel, Ashburn, Brewer

SUMMARY : Requires the Insurance Commissioner (Commissioner) to request and obtain information from insurers licensed in California to disclose any records of slaveholder policies issued by the insurer or any predecessor corporation during the slavery era. Specifically, this bill :

- 1) Requires the Commissioner to obtain the names of any slaveholders or slaves described in insurance records and make the information available to the public and the Legislature.
- 2) Requires that each insurer licensed to do business in California research its records and report to the Commissioner any knowledge it may have of insurance policies sold to slaveholders that provided coverage for damage to or death of their slaves.
- 3) Requests the University of California to assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery that accrued to owners and businesses, including insurance companies and their subsidiaries.
- 4) Requires the State Library to participate in this effort as resources allow. The library is to examine the economic legacy of slavery for California, including forced labor, chattel slavery, and indentured servitude.

□

EXISTING LAW requires an insurer doing business in California that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Commissioner for entry into the Holocaust Era Insurance Registry.

FISCAL EFFECT : Unknown

COMMENTS : This bill would trigger full disclosure of facts surrounding the sale of slaveholder policies by insurance companies selling insurance in California and that, in turn, will help the African American community heal the wounds of racism and injustice.

The author believes that nothing has been done under either federal or state law to research and disclose any slavery-era records providing evidence of ill-gotten profits from the years that slavery was an institution in this country. This bill begins this research with an examination of insurance company policies held on slaves.

Analysis Prepared by : Duncan McFetridge / INS. / (916) 319-2086

FN: 0006230

SENATE RULES COMMITTEE  Office of Senate Floor Analyses  1020 N Street, Suite 524  (916) 445-6614                      Fax: (916)  327-4478	SB 2199
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THIRD READING

Bill No: SB 2199  
 Author: Hayden (D), et al  
 Amended: 8/28/00  
 Vote: 21

SENATE INSURANCE COMMITTEE : 7-2, 4/26/00  
 AYES: Speier, Escutia, Figueroa, Hughes, Johnston, Sher,  
       Soto  
 NOES: Leslie, Lewis

SENATE JUDICIARY COMMITTEE : 5-1, 5/9/00  
 AYES: Burton, Escutia, O'Connell, Peace, Sher  
 NOES: Morrow

SENATE APPROPRIATIONS COMMITTEE : 10-0, 5/22/00  
 AYES: Johnston, Alpert, Bowen, Burton, Escutia, Karnette,  
       Kelley, McPherson, Perata, Vasconcellos

SENATE FLOOR : 23-9, 5/25/00  
 AYES: Alarcon, Alpert, Bowen, Burton, Chesbro, Costa,  
       Dunn, Escutia, Figueroa, Hayden, Johnston, Karnette,  
       Kelley, McPherson, O'Connell, Ortiz, Peace, Perata, Sher,  
       Solis, Soto, Speier, Vasconcellos  
 NOES: Brulte, Johannessen, Knight, Lewis, Monteith,  
       Morrow, Mountjoy, Pochigian, Wright

ASSEMBLY FLOOR : 56-19, 8/29/00 - See last page for vote

SUBJECT : Slavery era insurance policies

SOURCE : Author

CONTINUED

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 Page



DIGEST : This bill requires the Insurance Commissioner to request and obtain information from insurers doing business in the state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the slavery era, which policies provided coverage to slaveholders for damage to or death of their slaves. Requires insurers to research and report on these policies, and requires the Insurance Commissioner to make this information available to the public and the Legislature. This bill states that descendants of slaves are entitled to full disclosure.

Legislative Amendments make no substantive changes and add a coauthor.

ANALYSIS : In 1998, the Legislature enacted AB 1334 (Knox, Chapter 43, Statutes of 1988), which extended the statute of limitations on Holocaust insurance claims until December 31, 2010, and granted California superior courts jurisdiction over those claims.

Last year, the Legislature enacted SB 1245 (Hayden, Chapter 216, Statutes of 1999), which authorizes any World War II slave labor victim of World War II forced labor victim, or heir of the victim, to bring an action in superior court to recover compensation, from any entity or successor in interest thereof, for whom the labor was performed, either directly or through a subsidiary or affiliate. It also provides that any action brought under these provisions shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is commenced on or before December 31, 2010.

Changes to Existing Law

Existing law prohibits insurers licensed in California to engage in discriminatory practices.

Existing law also requires insurers to provide the insurance commissioner with information about policies sold by a related company in Europe between 1920 and 1945 for possible entry into the Holocaust Era Insurance Registry. If an insurer fails to do so, the commissioner may suspend

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Page

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its license.

Existing law also provides that if an insurer or any affiliate of an insurer has failed to pay any valid claim from Holocaust survivors, the certificate of authority of the insurer shall be suspended until the insurer, or its affiliates, pays the claim or claims.

This bill states that the Legislature finds and declares

that insurance policies from the Slavery Era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. The bill would state that these documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

This bill also requires the state insurance commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the Slavery Era.

This bill also requires the state insurance commissioner to obtain the names of any slaveholders or slaves described in the above-described insurance policies, and make the names available to the public and the Legislature.

This bill also requires the state insurance commissioner to hold a public hearing to determine whether there is a basis to compensate descendants of any slaves named in the above-described insurance policies under existing law, or whether a change in law is required.

This bill also states that descendants of slaves are entitled to full disclosure and legal standing to seek compensation or other remedies under the provisions of the bill, and would state that California has a moral and public policy interest in assuring that this occurs.

#### Related Legislation

SB 1915 (Poochigian) of 2000, would permit Armenian

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SB 2199  
Page

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Genocide victims and their heirs or beneficiaries to file suit in California until December 31, 2010, against any insurer doing business in California or whose contacts with the state satisfy the requirements for imposition of personal jurisdiction, to recover proceeds due under a life, annuities, dowry, educational or casualty insurance policy which was sold directly by that insurer or through a related company to persons in Europe or Asia at any time between 1875 and 1923.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes  
Local: No

SUPPORT : (Verified 5/24/00)

Southern Christian Leadership Conference of Greater Los Angeles  
California State Conference of the National Association for

the Advancement of Colored People  
 Black American Political Association of California  
 New Frontier Democratic Club  
 Drive-By Agony  
 Rainbow Push Coalition  
 John M. Langston Bar Association  
 Transafrica Forum  
 San Diego Urban League  
 First African Methodist Episcopal Church  
 African American Culture Center  
 American Civil Liberties Union

ARGUMENTS IN SUPPORT : In support of this bill, the Southern Christian Leadership Conference of Greater Los Angeles states:

"In this state, the political climate in recent years gives the impression that we are not better off speaking about racism and redressing the historic injustices against African Americans. However, healing is not possible without full disclosure of the scope and depth of an illness. The truth that Africans in America were dehumanized to the level of beasts of burden or only useful for the economic benefit of white slaveholders is more than a sad chapter in our national past. It is an awful reality that has shaped the collective life of ancestors of slaves.

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SB 2199  
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This history directly affects more than 10% of the state population. Your passage of this bill can be the basis for a process that not only discloses the past but also makes healing possible in the future."

ASSEMBLY FLOOR

AYES: Alquist, Aroner, Bock, Calderon, Cardenas, Cardoza, Cedillo, Corbett, Correa, Cox, Cunneen, Davis, Dickerson, Ducheny, Dutra, Firebaugh, Florez, Gallegos, Granlund, Havice, Honda, Jackson, Kaloogian, Keeley, Knox, Kuehl, Lempert, Longville, Lowenthal, Machado, Maldonado, Mazzoni, Migden, Nakano, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Reyes, Romero, Scott, Shelley, Steinberg, Strickland, Strom-Martin, Thomson, Torlakson, Villaraigosa, Vincent, Wayne, Wesson, Wiggins, Wildman, Wright, Zettel, Hertzberg  
 NOES: Aanestad, Ackerman, Ashburn, Baldwin, Bates, Baugh, Brewer, Briggs, Campbell, House, Leach, Leonard, Maddox, Margett, McClintock, Olberg, Oller, Runner, Thompson

DLW:cm 8/29/00 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

\*\*\*\* END \*\*\*\*



SENATE THIRD READING  
 SB 2199 (Hayden)  
 As Amended August 28, 2000  
 Majority vote

INSURANCE 9-5 APPROPRIATIONS 14-6

Ayes: Scott, Calderon, Dutra, Gallegos Havice, Keeley, Steinberg Washington, Wayne	Ayes: Migden, Corbett, Romero, Wiggins, Alquist, Davis, Shelley, Wright, Aroner, Kuehl, Thomson, Cedillo, Papan, Wesson
Nays: Maddox, Cox, Granlund McClintock, Oller	Nays: Campbell, Runner, Ackerman, Zettel, Ashburn, Brewer

SUMMARY : Requires the Insurance Commissioner (Commissioner) to request and obtain information from insurers licensed in California to disclose any records of slaveholder policies issued by the insurer or any predecessor corporation during the slavery era. Specifically, this bill :

- 1) Requires the Commissioner to obtain the names of any slaveholders or slaves described in insurance records and make the information available to the public and the Legislature.
- 2) Requires that each insurer licensed to do business in California research its records and report to the commissioner any knowledge it may have of insurance policies sold to slaveholders that provided coverage for damage to or death of their slaves.

EXISTING LAW requires an insurer doing business in California that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry.

FISCAL EFFECT : Unknown

COMMENTS :

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PURPOSE OF THE BILL: This bill would trigger full disclosure of facts surrounding the sale of slaveholder policies by insurance companies selling insurance in California and that, in turn, will help the African American community heal the wounds of racism and injustice.

The author believes that nothing has been done under either federal or state law to research and disclose any slavery-era records providing evidence of ill-gotten profits from the years that slavery was an institution in this country. This bill begins this research with an examination of insurance company policies held on slaves.

Analysis Prepared by : Duncan McFetridge / INS. / (916)  
319-2086 FN: 0006401

SB 2199

Page 1

Date of Hearing: August 23, 2000

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Carole Migden, Chairwoman

SB 2199 (Hayden) - As Amended: August 7, 2000

Policy Committee:

InsuranceVote:9-5

Urgency: No

State Mandated Local

Program:NoReimbursable:

SUMMARY :

This bill: 1) Requires the Insurance Commissioner to request and obtain information from insurers doing business in the state regarding any records of slaveholder insurance policies issued by any predecessor corporations during the slavery era. 2) Requests the University of California to conduct a symposium on the economic benefits of slavery that accrued to insurance companies and other businesses.

FISCAL EFFECT :

- 1) Minor costs to the University of California (UC) of less than \$100,000 to conduct the symposium and related research (UC has agreed to absorb these costs).
- 2) Minor, absorbable costs to the Insurance Commissioner to collect information on slaveholder insurance policies and make this information available to the public and the Legislature.

COMMENTS :

1)Background and Purpose . During the slavery era, insurance companies issued policies to insure slaveholders against damage to or the death of their slaves. As immoral and offensive These insurance policies were valid and binding contracts between slaveholders and insurance companies. Earlier versions of this bill stated that descendants of slaves are entitled to full disclosure and legal standing to seek compensation against slaveholders who may have been compensated by insurers for damage to their slaves. The provision concerning legal standing to seek compensation was deleted in the Senate Judiciary Committee over concerns that

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SB 2199

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it would represent an unconstitutional impairment of contract, and would violate privacy rights of the descendants of slaves and slaveholders.

2) Purpose. This bill has been recast into an academic inquiry into the issue of slavery-era insurance policies and the broader issue of the economic benefits that accrued to individuals and businesses from slavery. This bill will trigger full disclosure of facts surrounding the sale of slaveholder policies by companies selling insurance in California or their predecessors.

Analysis Prepared by : Stephen Shea / APPR. / (916) 319-2081



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Page 1

Date of Hearing: June 28, 2000

ASSEMBLY COMMITTEE ON INSURANCE  
Jack Scott, Chair  
SB 2199 (Hayden) - As Amended: June 27, 2000

SENATE VOTE : 23-9

SUBJECT : Slavery era insurance policies.

SUMMARY : This bill would require the Insurance Commissioner (Commissioner) to request and obtain information from insurers licensed in California to disclose any records of slaveholder policies issued by the insurer or any predecessor corporation during the slavery era. Specifically, this bill :

- 1) Requires the Commissioner to obtain the names of any slaveholders or slaves described in insurance records and make the information available to the public and the Legislature.
- 2) Requires that each insurer licensed to do business in California research its records and report to the commissioner any knowledge it may have of insurance policies sold to slaveholders that provided coverage for damage to or death of their slaves.
- 3) Requests the University of California to assemble a colloquium of scholars to draft a research proposal to analyze the economic benefits of slavery that accrued to owners and businesses, including insurance companies and their subsidiaries.
- 4) Requires the State Library to participate in this effort as resources allow. The library is to examine the economic legacy of slavery for California, including forced labor, chattel slavery, and indentured servitude.

EXISTING LAW requires an insurer doing business in California that sold certain policies of insurance directly or through a related company to persons in Europe between 1920 and 1945 to provide certain information to the Insurance Commissioner for entry into the Holocaust Era Insurance Registry.

FISCAL EFFECT : Unknown

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COMMENTS :

PURPOSE OF THE BILL: According to the Southern California Christian Leadership Conference of Greater Los Angeles, this bill would trigger full disclosure of facts surrounding the sale of slaveholder policies by insurance companies selling insurance in California and that, in turn, will help the African American community heal the wounds of racism and injustice.

The author believes that nothing has been done under either federal or state law to research and disclose any slavery-era records providing evidence of ill-gotten profits from the years that slavery was an institution in this country. This bill begins this research with an examination of insurance company policies held on slaves.

REGISTERED SUPPORT / OPPOSITION :Support

Southern Christian Leadership Conference of Greater Los Angeles  
California State Conference of the National Association for the Advancement of Colored People  
Black American Political Association of California  
New Frontier Democratic Club  
Drive-By Agony  
Rainbow PUSH Coalition  
John M. Langston Bar Association  
Transafrica Forum  
San Diego Urban League  
First African Methodist Episcopal Church  
African American Culture Center  
American Civil Liberties Union

Opposition

None on file

Analysis Prepared by : Duncan McFetridge / INS. / (916)  
319-2086

SENATE RULES COMMITTEE  Office of Senate Floor Analyses  1020 N Street, Suite 524  (916) 445-6614                      Fax: (916)  327-4478	SB 2199
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THIRD READING

Bill No: SB 2199  
 Author: Hayden (D)  
 Amended: 5/16/00  
 Vote: 21

SENATE INSURANCE COMMITTEE : 7-2, 4/26/00  
 AYES: Speier, Escutia, Figueroa, Hughes, Johnston, Sher,  
       Soto  
 NOES: Leslie, Lewis  
 NOT VOTING: Johnson

SENATE JUDICIARY COMMITTEE : 5-1, 5/9/00  
 AYES: Burton, Escutia, O'Connell, Peace, Sher  
 NOES: Morrow  
 NOT VOTING: Haynes, Wright, Schiff

SENATE APPROPRIATIONS COMMITTEE : 10-0, 5/22/00  
 AYES: Johnston, Alpert, Bowen, Burton, Escutia, Karnette,  
       Kelley, McPherson, Perata, Vasconcellos  
 NOT VOTING: Johnson, Leslie, Mountjoy

SUBJECT : Slavery era insurance policies

SOURCE : Author

DIGEST : This bill requires the Insurance Commissioner to  
 request and obtain information from insurers doing business  
 in the state regarding any records of slaveholder insurance  
 policies issued by any predecessor corporation during the  
 slavery era, which policies provided coverage to

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slaveholders for damage to or death of their slaves. Requires insurers to research and report on these policies, and requires the Insurance Commissioner to make this information available to the public and the Legislature. This bill states that descendants of slaves are entitled to full disclosure.

ANALYSIS : In 1998, the Legislature enacted AB 1334 (Knox, Chapter 43, Statutes of 1988), which extended the statute of limitations on Holocaust insurance claims until December 31, 2010, and granted California superior courts jurisdiction over those claims.

Last year, the Legislature enacted SB 1245 (Hayden, Chapter 216, Statutes of 1999), which authorizes any World War II slave labor victim of World War II forced labor victim, or heir of the victim, to bring an action in superior court to recover compensation, from any entity or successor in interest thereof, for whom the labor was performed, either directly or through a subsidiary or affiliate. It also provides that any action brought under these provisions shall not be dismissed for failure to comply with the applicable statute of limitation, provided the action is commenced on or before December 31, 2010.

Changes to Existing Law

Existing law prohibits insurers licensed in California to engage in discriminatory practices.

Existing law also requires insurers to provide the insurance commissioner with information about policies sold by a related company in Europe between 1920 and 1945 for possible entry into the Holocaust Era Insurance Registry. If an insurer fails to do so, the commissioner may suspend its license.

Existing law also provides that if an insurer or any affiliate of an insurer has failed to pay any valid claim from Holocaust survivors, the certificate of authority of the insurer shall be suspended until the insurer, or its affiliates, pays the claim or claims.

This bill states that the Legislature finds and declares

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that insurance policies from the Slavery Era have been discovered in the archives of several insurance companies, documenting insurance coverage for slaveholders for damage to or death of their slaves, issued by a predecessor insurance firm. The bill would state that these documents provide the first evidence of ill-gotten profits from slavery, which profits in part capitalized insurers whose successors remain in existence today.

This bill also requires the state insurance commissioner to request and obtain information from insurers doing business in this state regarding any records of slaveholder insurance policies issued by any predecessor corporation during the Slavery Era.

This bill also requires the state insurance commissioner to obtain the names of any slaveholders or slaves described in the above-described insurance policies, and make the names available to the public and the Legislature.

This bill also requires the state insurance commissioner to hold a public hearing to determine whether there is a basis to compensate descendants of any slaves named in the above-described insurance policies under existing law, or whether a change in law is required.

This bill also states that descendants of slaves are entitled to full disclosure and legal standing to seek compensation or other remedies under the provisions of the bill, and would state that California has a moral and public policy interest in assuring that this occurs.

#### Related Legislation

SB 1915 (Poochigian) of 2000, would permit Armenian Genocide victims and their heirs or beneficiaries to file suit in California until December 31, 2010, against any insurer doing business in California or whose contacts with the state satisfy the requirements for imposition of personal jurisdiction, to recover proceeds due under a life, annuities, dowry, educational or casualty insurance policy which was sold directly by that insurer or through a related company to persons in Europe or Asia at any time between 1875 and 1923.

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FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes  
Local: No

SUPPORT : (Verified 5/24/00)

Southern Christian Leadership Conference of Greater Los Angeles  
California State Conference of the National Association for the Advancement of Colored People  
Black American Political Association of California  
New Frontier Democratic Club  
Drive-By Agony  
Rainbow Push Coalition  
John M. Langston Bar Association  
Transafrica Forum  
San Diego Urban League  
First African Methodist Episcopal Church

African American Culture Center  
American Civil Liberties Union

ARGUMENTS IN SUPPORT : In support of this bill, the Southern Christian Leadership Conference of Greater Los Angeles states:

"In this state, the political climate in recent years gives the impression that we are not better off speaking about racism and redressing the historic injustices against African Americans. However, healing is not possible without full disclosure of the scope and depth of an illness. The truth that Africans in America were dehumanized to the level of beasts of burden or only useful for the economic benefit of white slaveholders is more than a sad chapter in our national past. It is an awful reality that has shaped the collective life of ancestors of slaves. This history directly affects more than 10% of the state population. Your passage of this bill can be the basis for a process that not only discloses the past but also makes healing possible in the future."

DLW:cm 5/24/00 Senate Floor Analyses

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SUPPORT/OPPOSITION: SEE ABOVE

\*\*\*\* END \*\*\*\*

