

NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

NBCSL



## 2012 RATIFIED POLICY RESOLUTIONS

Ratified December 9, 2011



SEEING BEYOND –  
**STATE LEADERSHIP,  
NATIONAL PROGRESS**

**35<sup>th</sup> Annual Legislative Conference**

December 7–11, 2011

Renaissance Chicago Downtown Hotel  
Chicago, IL

December 21, 2011

Dear Members and Supporters:

The National Black Caucus of State Legislators (NBCSL) convened for our 35th Annual Legislative Conference (ALC) at the Renaissance Chicago Downtown Hotel, in Chicago, Illinois from December 7-11, 2011.

NBCSL's nearly 650 legislators represent over 50 million Americans from 44 states, the District of Columbia, and the U.S. Virgin Islands and hail from rural, urban, and suburban districts. They represent the low income, middle class, and wealthy from all ethnic and religious backgrounds. Yet, what distinguishes NBCSL from other legislator associations is our unwavering commitment to viewing and analyzing policy from the perspective of the disenfranchised and underserved.

*We are pleased to send you the 2012 Policy Resolutions, which were ratified by the full body of NBCSL members on Friday, December 9, 2011. Our resolutions communicate what we believe are the greatest challenges facing constituents and the actions that should be taken to remedy those challenges at the state and federal levels. Often, these resolutions serve as the basis for actual legislation.*

The National Black Caucus of State Legislators works diligently to disseminate these resolutions and meet with the nation's leaders so they may incorporate them into policymaking decisions. We ask that you share these resolutions with your colleagues, build on them in your statehouses, and please let us know about your legislative successes. In 2012, the National Black Caucus of State Legislators will provide more opportunities for our members to exchange ideas and launch coordinated legislative campaigns. And, these resolutions are at the very center of it all.

It is a privilege and honor to serve as your president and I look forward to working with you throughout the year as we continue to open doors, create opportunities, and provide a voice for our constituents.

Sincerely,



Rep. Barbara W. Ballard (KS)  
President, NBCSL

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# BUSINESS, FINANCIAL SERVICES, AND INSURANCE (BFI)

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**2012 RATIFIED POLICY RESOLUTIONS**  
RATIFICATION DATE: DECEMBER 9, 2011

NBCSL 35<sup>th</sup> Annual Legislative Conference  
Chicago, Illinois  
December 7–11, 2011

### IN RECOGNITION AND SUPPORT OF MINORITY AUTOMOBILE DEALERS

WHEREAS, the number of ethnic minority automobile dealers in the United States has declined dramatically since 2008;

WHEREAS, according to the National Association of Minority Owned Dealers, on January 1, 2008, there were 1,325 ethnic minority-owned automobile dealerships, and on January 1, 2011, there were just 921. Black-owned automobile dealers were the hardest hit in this recession with a decline of 50 percent, as their numbers during that same period were reduced from 523 to just 261;

WHEREAS, the forced closure of automobile dealerships has had a devastating financial impact on both the dealership owners and their communities due to the loss of jobs;

WHEREAS, during the recession, domestic automobile manufacturers significantly reduced ethnic minority Dealer Development Programs, which had made access to the ownership of automobile dealerships possible for minorities;

WHEREAS, the decline in the number of ethnic minority automobile dealers continues due, in large part, to the lack of access to capital and floor plan financing loans;

WHEREAS, since 2009, a large number of floor plan lenders have exited the market because of their inability to sell their loans on the secondary market;

WHEREAS, because of the severe decrease of automobile dealer floor plan financing and working capital loans, a new program to provide each of these loans is vital to the reinstatement of ethnic minority automobile dealers;

WHEREAS, an Ethnic Minority Dealer Financing (EMDF) Program will provide the access to capital many ethnic minority automobile dealers need at this critical time, as they go through the transition brought on by larger changes within the domestic automobile industry;

WHEREAS, with the increasing presence of international name plates opening manufacturing facilities in the United States that lack ethnic minority automobile dealer representation in their dealer body, such entities must also be required to implement a Dealer Development Program that allows ethnic minority automobile dealers to participate;

WHEREAS, the EMDF Program would provide working capital, lock in term loans, and provide stable floor plan financing for terminated and displaced dealers so they may take advantage of opportunities to reenter the automobile dealership market during these tough economic times;

WHEREAS, the EMDF Program would increase the viability and success of ethnic minority dealers as well as create jobs;

WHEREAS, the EMDF Program would give first priority to those ethnic minority automobile dealers, which General Motors, Chrysler, and Ford terminated between 2008-2011, and then to ethnic minorities who are struggling to maintain their dealerships due to the lack of access to capital, and finally to ethnic minorities entering the automobile dealership industry;

WHEREAS, the EMDF Program would provide long-term, fixed-rate, and revolving financing to provide working capital, floor plan lending, and real estate financing (such a plan would require a contribution of at least 15 percent equity from the automobile dealer for acquisition cost; a floor plan loan from a lender covering up to 100 percent of the vehicle cost, guaranteed by the Original Equipment Manufacturer (OEM) and the dealer; a working capital loan, with the OEM covering up to 35 percent of the acquisition cost; and a real estate loan of 70 percent from a bank and 30 percent OEM financing);

WHEREAS, it is estimated that as many as 1,000 ethnic minority automobile dealers may ultimately participate in such a program;

WHEREAS, the program could be completely funded by the reinstatement of OEM Dealer Development Programs and the enactment of a requirement that those international manufacturers who manufacture automobiles in the United States implement such a Dealer Development Program, thus at no cost to the taxpayer;

WHEREAS, all such loans would be made through private lenders to creditworthy dealers and dealerships that meet the lender's requirements and demonstrate sound finances and a viable business plan (the maximum term for an EMDF Program working capital loan would be seven years and twenty years for a real estate loan, with the floor plan financing only covering titleable inventory and the lenders controlling title transfer as a means of risk mitigation); and

WHEREAS, the creation of such a program would create jobs across this great nation, in addition to increasing economic development in those communities hit hard by the continuing international financial crisis.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) and its members hereby urge the establishment and creation of an Ethnic Minority Dealers Financing Program, housed within the United States Department of Commerce;

BE IT FURTHER RESOLVED, that the NBCSL requests that automobile manufacturers should do everything possible to prevent the termination of ethnic minority automobile dealers for at least the next five years;

BE IT FURTHER RESOLVED, that the NBCSL supports increasing diversity in the appointment of minority automobile dealers within a five-year time frame, so that ethnic minorities own at least 15 percent of domestic automobile dealerships, even though they represent over 35 percent of the total U.S. population and growing;

BE IT FURTHER RESOLVED, that the NBCSL urges a priority for appointment to new dealerships be afforded to ethnic minority automobile dealers that have previously been displaced or terminated because of the recession; and

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

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**SPONSOR(S):** Representative Karen Camper (TN) and Representative Lois DeBerry (TN)  
**Committee of Jurisdiction:** Business, Financial Services, and Insurance Policy Committee  
**Certified by Committee Chair:** Representative George Flaggs, Jr. (MS)  
**Ratified in Plenary Session:** Ratification Date is December 9, 2011  
**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

# BUSINESS, FINANCIAL SERVICES, AND INSURANCE

## Resolution BFI-12-22

### SUPPORTING GREATER FINANCIAL LITERACY AND HELP FOR CONSUMERS TO IMPROVE THEIR CREDIT REPORT AND SCORES

WHEREAS, credit scores are widely used by financial institutions to assess eligibility for mortgages, credit cards, student loans, personal loans, retail credit, and other consumer credit;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) and its members believe all consumers, and particularly African American consumers, need free access to financial information that can help them better understand how they can improve their creditworthiness and obtain greater access to credit on better terms;

WHEREAS, Resolution 06-62 expressed the NBCSL's support for legislation that would assist financially underserved consumers so that they may build or rebuild their credit and obtain greater access to affordable credit;

WHEREAS, Resolution BFI-09-22 established the policy of the NBCSL to support a "credit card holders' Bill of Rights" where consumers would be protected from overcharging and undue practices of financial institutions to take advantage of financial illiteracy among challenged populations;

WHEREAS, Resolution BFI-10-02 instituted detailed policy for the NBCSL supporting greater credit rehabilitation and financial literacy resources for consumers, including mainstream financial instrument transition services and the creation of a strong consumer financial protection agency;

WHEREAS, over 7.2 million families in the United States held subprime home mortgage loans ("subprime mortgages") in 2008, which totaled over \$1.3 trillion;

WHEREAS, African American and Hispanic/Latino borrowers are overrepresented among consumers in the subprime mortgage market and often targeted for risky loan products, and, therefore, particularly vulnerable to an increase in foreclosure rates;

WHEREAS, over 40 percent of Americans are estimated to have low credit scores and are thereby considered financially underserved borrowers;

WHEREAS, the United States Congress has repeatedly stressed the importance of increasing transparency of credit reports and credit scores through amendments to the Fair Credit Reporting Act (FCRA), the Fair and Accurate Credit Transactions Act of 2003 (the FACT Act), the Credit CARD Act of 2009, and the Dodd/Frank Wall Street Reform and Consumer Protection Act of 2010;

WHEREAS, the FACT Act amended the FCRA and provided consumers with several new rights, among them the ability to do the following: 1) request a free copy of their credit report every 12 months from each of the nationwide credit reporting agencies; 2) purchase a credit score from a credit reporting agency for a reasonable fee; and, 3) receive a disclosure of a credit score from a mortgage lender after applying for a mortgage loan;

WHEREAS, the FACT Act also required the Federal Reserve Board (FRB) and Federal Trade Commission (FTC) to issue a "risk-based pricing" (RBP) rule to require notice when a creditor uses a credit report to

set the credit terms and offers credit to a consumer on material terms. The final rule, which took effect January 1, 2011, also allows a creditor, in lieu of an RBP notice, to provide a credit score disclosure to all its credit applicants. The RBP rule may create millions of notices to consumers every year, and each notice will provide the name, address, and phone number of the nationwide credit reporting agency that provided the credit report and score;

WHEREAS, amendments to the FCRA in 2010, added a requirement that a credit score disclosure be included in all adverse action and RBP notices whenever a credit score is used in making the adverse action or RBP decision beginning July 21, 2011;

WHEREAS, amendments to the FCRA may result in millions of score disclosures to consumers annually, with each disclosure telling consumers how to contact the specific nationwide credit reporting agency that provided the score;

WHEREAS, many consumers who read these disclosures and contact the nationwide credit reporting agencies to ask questions about how their credit scores are determined and/or what actions they can take to improve their particular credit scores may find that these agencies are limited by the Credit Repair Organizations Act (CROA) from providing some individualized assistance to consumers;

WHEREAS, some of the provisions contained in CROA prevent deceptive practices of credit repair organizations that promise consumers they can remove negative, but accurate, information from a credit report;

WHEREAS, consumers should be able to request from nationwide credit reporting agencies information and specific recommendations about what legitimate actions they can take to improve their individual credit reports and credit scores;

WHEREAS, according to the Pew Research Center study in 2009, the typical net worth was \$5,677 for African Americans, \$6,325 for Latinos, and \$113,149 for Caucasians; further, the study showed that one-third of African American and Latino households had zero or negative net worth that year, while the same was true for only 15 percent of Caucasian households; and

WHEREAS, another 2009 study conducted by the Pew Charitable Trust Economic Mobility Project showed that a person was 21 percent more likely to move out of poverty if he or she had a savings account at a young age.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) calls upon the United States Congress to enact legislation affirming the following:

- (a) nationwide consumer reporting agencies can create, promote, and maintain a resource whereby consumers can be provided information and specific recommendations about what legitimate actions they can take to improve their individual credit reports and credit scores;
- (b) such a resource to help financially underserved consumers improve their credit report and scores would not violate Credit Repair Organizations Act; and
- (c) some resources, aids, and reports should be provided to consumers at no charge and at no detriment to their credit rating;

BE IT FURTHER RESOLVED, that the NBCSL applauds the creation of the Consumer Financial Protection Bureau that was created under the Wall Street Reform and Consumer Protection Act and opposes any attempts to weaken this new agency;

BE IT FURTHER RESOLVED, that the NBCSL supports efforts both privately and publicly that would aid young children in establishing savings accounts and provide greater financial education at a young age to help educate the next generation on financial management; and

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

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**SPONSOR:** Representative George Flaggs, Jr. (MS)

**Committee of Jurisdiction:** Business, Financial Services, and Insurance Policy Committee

**Certified by Committee Chair:** Representative George Flaggs, Jr. (MS)

**Ratified in Plenary Session:** Ratification Date is December 9, 2011

**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

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## EDUCATION (EDU)

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NBCSL 35<sup>th</sup> Annual Legislative Conference  
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## EDUCATION

### Resolution EDU-12-01

## SUPPORTING PROMISE NEIGHBORHOODS TO IMPROVE OUTCOMES FOR OUR NATION'S YOUTH

WHEREAS, the National Black Caucus of State Legislators (NBCSL) affirms its commitment to enhancing continued access to education in a manner that builds community;

WHEREAS, the NBCSL has advocated for community schools that support our students through Resolution EDU-11-09 and has recognized the importance of community partnerships that work toward improving educational outcomes in Resolution EDU-10-01;

WHEREAS, the State of New York originated this approach to treating the developmental challenges facing at-risk youth;

WHEREAS, the enactment of the Michigan Promise Zone Act and its associated model in Kalamazoo, Michigan, provided a foundation from which the State of Tennessee has built its own pilot program to implement best practices for college attainment and community development;

WHEREAS, Tennessee's pilot project, known as "Promise Community," is a scholarship program centered around education and community-building in Knox and Shelby Counties;

WHEREAS, Promise Community, is based on a community's unique needs and seeks to increase high school and college graduation rates, employment, and a healthy and safe environment through quality early childhood education, K-12 education, and access to further educational opportunities for two-year and four-year degrees as well as technical education;

WHEREAS, pilot projects based on the Promise Neighborhoods Program can use the higher education community to convene state, local, and private stakeholders to develop sustainable revenue streams from public and private funds for scholarships so students can attend state colleges, universities, and technology centers;

WHEREAS, establishing a pilot based on the Promise Neighborhoods Program can inspire school districts and children, particularly the economically disadvantaged, so as to increase academic achievement and enable children to pursue higher education;

WHEREAS, the United States Department of Education has established Promise Neighborhoods, which seeks to improve the outcomes in our most distressed communities that provides funding for programs like the Promise Community model; and

WHEREAS, Promise Neighborhoods was first funded in FY2010, and, in FY2011, it received less than \$30 million for competitive grants.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) endorses the expansion of programs, such as Promise Communities, which have shown their value in aiding youth in our most distressed communities;

BE IT FURTHER RESOLVED, that the NBCSL encourages states to examine the Promise Community model and adapt it to each state's particular situation so that local communities can be strengthened

and the achievement levels of vulnerable students improved so that they may succeed in higher and technical education;

BE IT FURTHER RESOLVED, that the NBCSL supports the Promise Neighborhoods program and supports President Barack Obama's efforts to increase funding for the program, so that communities across the country can be provided with the resources needed to implement similar programs in their communities; and

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

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**SPONSOR: Representative Barbara Cooper (TN)**

**Committee of Jurisdiction: Education Policy Committee**

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

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

## EDUCATION

### Resolution EDU-12-02

## SUPPORTING INNOVATIONS IN MATHEMATICS EDUCATION AND TEACHER EFFECTIVENESS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) acknowledges the critical need to improve achievement levels of all children, especially those who are disadvantaged and historically underserved;

WHEREAS, the NBCSL seeks to improve the educational achievement and proficiency of such students in mathematics;

WHEREAS, projects exist in states such as Tennessee and Pennsylvania, which aim to strengthen elementary school education in mathematics;

WHEREAS, some of these partnerships rely on relationships between public schools and higher education institutions, including Historically Black Colleges and Universities (HBCUs);

WHEREAS, teacher effectiveness programs provide teacher training; and

WHEREAS, Race To the Top is a competitive program created under the United States Department of Education that has helped to fund programs, like Tennessee and Pennsylvania's, which improve elementary education in Mathematics.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages the development of elementary mathematics-focused pilot projects in appropriate settings throughout the nation;

BE IT FURTHER RESOLVED, that the NBCSL encourages the United States Congress to appropriate additional funding to the Race to the Top program, so the United States Department of Education can increase the number of awards made throughout the country; and

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

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**SPONSOR(S):** Representative Barbara Cooper (TN) and Representative Tommie Brown (TN)

**Committee of Jurisdiction:** Education Policy Committee

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

**Ratified in Plenary Session:** Ratification Date is December 9, 2011

**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

## EDUCATION

### Resolution EDU-12-25

## REVIVING THE AMERICAN ECONOMY

WHEREAS, nearly every school district in the nation is facing the inevitable effects of repeated cuts in education funding;

WHEREAS, school district layoffs have accelerated over the past three years, more than tripling since 2008;

WHEREAS, according to White House projections, as many as 280,000 education jobs across the country are under threat of elimination due to continued state budget constraints;

WHEREAS, across the nation, students and their families have returned to school only to face crowded classrooms, canceled classes, such as art, music, and foreign languages, with reduced school weeks or school years, and added fees for participation in sports and other after-school activities;

WHEREAS, according to the United States Secretary of Education Arne Duncan, the accumulated backlog of deferred maintenance on schools across the country exceeds \$270 billion;

WHEREAS, these cutbacks are not only an obstruction to student achievement but an impediment to the growth of our fragile economy;

WHEREAS, in the short term, our schools need emergency federal assistance to preserve or rehire essential staff;

WHEREAS, historically low interest rates should be capitalized on to effectively finance the renovation of outdated infrastructure for public schools and community colleges;

WHEREAS, President Barack Obama's "American Jobs Act of 2011" recognizes and supports the notion that good public schools are the foundation for strong communities and a vibrant economy;

WHEREAS, the American Jobs Act of 2011 would provide billions of dollars to save teachers from termination and help schools renovate their deteriorating structures; and

WHEREAS, the American Jobs Act of 2011 would provide over \$50 billion to address infrastructure needs in our states that would spur economic development and job growth.

THEREFORE BE IT RESOLVED, for our students, communities, and economy to thrive, the National Black Caucus of State Legislators (NBCSL) endorses the "American Jobs Act of 2011" as President Barack Obama has introduced the legislation and urges the United States Congress to immediately pass this critical legislation;

BE IT FURTHER RESOLVED, that the NBCSL supports other efforts to stimulate our economy through spending on infrastructure and providing direct funding to save the jobs of teachers and first responders;

BE IT FURTHER RESOLVED, that the NBCSL recognizes the best way to encourage our economy is through spending at the state level which will not only create jobs, but allows for the improvement in

education and infrastructure that will encourage our economy to grow in the future as those are critical pieces for any long-term economic success; and

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

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**SPONSOR: Representative Gregory W. Porter (IN)**

**Committee of Jurisdiction: Education Policy Committee**

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

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

# EDUCATION

## Resolution EDU-12-26

### PROMOTING HIGHER COLLEGE GRADUATION RATES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has established policy supporting increased funding for the Pell Grant Program through Resolution EDU-10-36;

WHEREAS, the NBCSL has long-standing policy regarding the disparity in education, which was recently expanded to include vocational education in Resolution EDU-07-20;

WHEREAS, the NBCSL has adopted policy calling for an end to the achievement gap in colleges and universities and the establishment of a National Office of Education Equity as passed in Resolution EDU-10-41;

WHEREAS, the NBCSL most recently added to its education policy dialogue with Resolution EDU-11-11, calling for equality in the taxation rates of public education;

WHEREAS, the Georgetown University Center on Education and the Workforce has concluded that between 1973 and 2018, the proportion of jobs in the United States economy that require postsecondary education will increase from 28 percent to 63 percent;

WHEREAS, the Organization for Economic Cooperation and Development has concluded the United States world ranking for the proportion of college graduates in the age 25-34 population cohort has fallen from first to twelfth and fallen from first to last among industrialized nations;

WHEREAS, the Lumina Foundation reports 30 percent of Caucasians hold four-year degrees and only 18 percent of African Americans do, while Complete College America has concluded that fewer than 12 percent of full-time African American college students complete a bachelor's degree within six years and fewer than 5 percent of full-time African American college students complete an associate's degree within three years;

WHEREAS, Complete College America has concluded that fewer than four percent of part-time African Americans complete a bachelor's degree within six years and fewer than two percent of part-time African Americans complete an associate's degree within three years; and

WHEREAS, President Barack Obama has declared that, by 2020, America will once again have the highest proportion of college graduates in the world.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators supports the following:

- (a) stable and equitable funding for PELL Grants;
- (b) reestablishment of the student loan interest rate reduction program and the in-school interest subsidy on subsidized loans for graduate students program to make borrowing easier and less expensive for our most financially challenged students;
- (c) an increased focus on college preparedness programs for our most neglected populations;

(d) increased support for America’s Historically Black Colleges and Universities (HBCUs) and Minority Serving-Institutions (MSIs); and

(e) equitable access and full opportunities to succeed in all higher education institutions for all degrees and in all fields of study; and

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

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**SPONSOR:** Representative Gregory W. Porter (IN)  
**Committee of Jurisdiction:** Education Policy Committee  
**Certified by Committee Chair:** Representative Gregory W. Porter (IN)  
**Ratified in Plenary Session:** Ratification Date is December 9, 2011  
**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

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# ENERGY, TRANSPORTATION, AND ENVIRONMENT (ETE)

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## 2012 RATIFIED POLICY RESOLUTIONS RATIFICATION DATE: DECEMBER 9, 2011

NBCSL 35<sup>th</sup> Annual Legislative Conference  
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# ENERGY, TRANSPORTATION, AND ENVIRONMENT

## Resolution ETE-12-05

### PROTECTING THE PUBLIC FROM SERIOUS INJURY AND DEATH CAUSED BY CONTACT VOLTAGE IN OUR COMMUNITIES

WHEREAS, contact voltage has caused deaths and serious injuries across the country, especially in densely populated urban areas;

WHEREAS, contact voltage results from deterioration of the underground electric distribution infrastructure;

WHEREAS, all conductive surfaces, such as sidewalks, pedestrian crossings, manhole covers, fences, street lights, bus shelters, etc., in the public right of way can become electrified by contact voltage;

WHEREAS, pedestrians and pets can be and have been shocked or killed from coming into contact with an electrified conductive surface;

WHEREAS, most safety actions with respect to contact voltage are not taken until after a tragedy has occurred;

WHEREAS, to date, the only state to have in place a comprehensive regulatory process to protect the public from contact voltage is the State of New York;

WHEREAS, the methodology used in the State of New York has substantially improved public safety; and

WHEREAS, African American state legislators are committed to ensuring the public safety of all residents of, workers in, and visitors to our nation's urban areas.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL), in recognition of the dangers of contact voltage to its constituents, recommends that all state legislators ensure their respective regulators, who are not already doing so, are proactively addressing these dangers;

BE IT FURTHER RESOLVED that the NBCSL calls upon its membership to make their constituents aware of the risks of contact voltage; and

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

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**SPONSOR: Representative Alan Williams (FL)**

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

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

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

### MODERNIZE THE FEDERAL TOXIC SUBSTANCE CONTROL ACT OF 1976

WHEREAS, children and pregnant women are uniquely vulnerable to the health threats of toxic chemicals, and early life chemical exposures have been linked to chronic disease later in life;

WHEREAS, a growing body of peer-reviewed scientific evidence links exposure to toxic chemicals to many diseases and health conditions that are rising in incidence, including childhood cancers, prostate cancer, breast cancer, learning and developmental disabilities, infertility, and obesity;

WHEREAS, the President's Cancer Panel report released in May 2010, states, "The true burden of environmentally-induced cancers has been grossly underestimated," and the panel advised President Barack Obama "to use the power of your office to remove the carcinogens and other toxins from our food, water, and air that needlessly increase health care cost, cripple our nation's productivity, and devastate American lives";

WHEREAS, workers in a range of industries are exposed to toxic chemicals which pose threats to their health, increasing worker absenteeism, workers' compensation claims, and health care costs that burden the economy;

WHEREAS, a recent national poll found that 78 percent of American voters were seriously concerned about the threat to children's health from exposure to toxic chemicals in day-to-day life;

WHEREAS, states bear an undue burden from toxic chemicals, including health care costs and environmental damages, disadvantaging businesses that lack information on chemicals in their supply chain, and increasing demands for state regulation;

WHEREAS, the Federal Toxic Substances Control Act of 1976 (TSCA; 15 U.S.C. Sec. 2601 et seq.), the primary governing federal statute, was intended to authorize the United States Environmental Protection Agency (EPA) to protect public health and the environment from toxic chemicals;

WHEREAS, TSCA has been recognized as having challenges that prevent the EPA from taking quick and effective regulatory action to protect the public against chemical threats;

WHEREAS, in January 2009, the United States General Accountability Office (GAO) added the EPA's regulatory program for assessing and controlling toxic chemicals to its list of "high risk" government programs that may have some deficiencies;

WHEREAS, the National Conference of State Legislatures unanimously adopted a resolution in July 2009, that articulated principles for the reform of TSCA and called on the United States Congress to update the law;

WHEREAS, in August 2010, the Environmental Council of the States (ECOS), the national association of state environmental agency directors, unanimously adopted a resolution entitled "Reforming the Toxic Substance Control Act," which endorsed specific policy reforms including making certain the EPA has adequate authority to ensure existing new chemicals are safe;

WHEREAS, ten states have come together to launch the Interstate Chemicals Clearinghouse (IC2) to coordinate state chemical information management programs, and a coalition of thirteen states issued guiding principles for TSCA reform;

WHEREAS, seventy-one state laws on chemical safety have been enacted and signed into law in eighteen states with broad bi-partisan support over the last eight years;

WHEREAS, the State of California's policy leadership regarding chemical management is outstanding and warrants close examination by the National Black Caucus of State Legislators and its members;

WHEREAS, the TSCA Modernization effort presents a rare opportunity to bolster sustainable innovation within the chemical sciences industry to create jobs and eliminate the toxicity of older, more harmful substances; and

WHEREAS, legislation to substantially reform TSCA was introduced during the 109th Congress in 2005, the 110th Congress in 2008, and again in the 111th Congress in 2010.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges the President of the United States and the 112th United States Congress to enact federal legislation to modernize the Federal Toxic Substances Control Act of 1976 by strengthening chemical management through policy reforms that would encourage the following:

- (a) producers and importers to perform comprehensive toxicity testing on their products and to fully disclose the results of their testing;
- (b) producers and importers to disclose the identities of chemicals in their products;
- (c) the authorization of the EPA to require a safer alternatives assessment for any chemical it identifies as a "Priority Chemical," such as Persistent Bioaccumulative Toxins (PBTs), and other priority toxic chemicals, to which there is already widespread exposure;
- (c) preservation of the authority of state and tribal governments to operate chemical management programs that are more protective than the programs established by the federal government, and resources to be provided for state-level implementation;
- (d) establishment of health safety standards for chemicals that rely on the best available science to protect the most vulnerable, including children and the developing fetus;
- (e) expansion of the EPA's authority to test, assess, regulate, take expedited action, and impose interim conditions in evaluating the impact of chemicals on our environment;
- (f) enhancement of timely state/federal consultation and coordination in areas of particular concern to the states, including the development and implementation of Hot Spot action plans, prioritization of the most severely impacted communities, and provision of funding to state and local governments to conduct chemicals management technical assistance; and
- (g) facilitation of the development of a trained workforce to strengthen and enhance sustainable chemistry research, development, and adoption while stimulating innovation, business, and job creation; and

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

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**SPONSOR:** Representative Brenda Gilmore (TN)

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

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

**Ratified in Plenary Session:** Ratification Date is December 9, 2011

**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

### THE ROLE OF STATE REGULATORY POLICIES IN THE DEVELOPMENT OF FEDERAL ENVIRONMENTAL REGULATIONS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that the United States Environmental Protection Agency (EPA) is engaged in the development of public health and environmental regulations that will directly impact the electric power sector;

WHEREAS, the EPA is expected to promulgate regulations to be implemented by state environmental regulators concerning the interstate transport of sulfur dioxide and nitrogen oxides, cooling water intake, emissions of hazardous air pollutants and greenhouse gases, release of toxic and thermal pollution into waterways, and management of coal combustion solid waste;

WHEREAS, the NBCSL has extensive energy policies establishing priorities around alternative energy sources, as passed in Resolutions ETE-09-23, ETE-10-07, and ETE-11-02; protecting the financially vulnerable populations that are most impacted by fluctuations in energy supply pricing, as passed in Resolutions ETE-08-04 and ETE-10-06; and creating opportunities for minority interests in energy markets, as passed in Resolutions ETE-98-41 and ETE-07-24;

WHEREAS, such regulations under consideration by the EPA could pose challenges for the electric power sector, with respect to the economic burden, the feasibility of implementation by the contemplated deadlines, and the maintenance of system reliability;

WHEREAS, the EPA is expected to provide opportunities for public comment and input with respect to forthcoming regulations;

WHEREAS, compliance with forthcoming environmental regulations will impact consumers differently depending upon each state's electricity market and the nature of the decisions made by state regulators;

WHEREAS, state utility regulators are positioned to evaluate costs and benefits of various resource options through policies that account for the risks arising from compliance with pending regulations;

WHEREAS, cooperation between utility commissions and environmental regulators can promote greater policy coordination, integration, and improve the quality and effectiveness of electricity sector regulation; and

WHEREAS, state utility regulators, by working with the power sector and state and federal environmental regulators, can help to facilitate optimal results for public health and environmental goals.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges the United States Environmental Protection Agency (EPA) to ensure that as it develops public health and environmental programs, it will do the following:

- (a) avoid compromising energy system reliability, while seeking to move the nation toward long-term energy independence and sustainability;

- (b) seek ways to minimize cost impacts to consumers, while ensuring long-term health costs to both our communities and our environment are taken into account;
- (c) provide regulations that protect the health and well-being of our citizens;
- (d) protect environment and vulnerable ecosystems from further degradation;
- (e) ensure its actions do not impair the availability of adequate electricity and natural gas resources;
- (f) consider cumulative economic and reliability impacts in the process of developing multiple environmental rules that impact the electricity sector;
- (g) recognize the needs of states and regions to deploy a diverse portfolio of resources based on the unique circumstances of each state and region;
- (h) encourage the development of innovative, multi-pollutant reduction solutions;
- (i) employ cost-benefit analyses consistent with federal law;
- (j) provide an appropriate degree of flexibility and timeframes for compliance that recognizes the highly localized and regional nature of the provision of electricity services in the United States, as long as that flexibility does not compromise the objective of the regulations to protect the integrity of ecosystems and the health of our public waterways;
- (k) engage in timely and meaningful dialogue with state energy regulators in pursuit of these objectives; and
- (l) recognize and account for, state or regional efforts already undertaken to address environmental challenges;

BE IT FURTHER RESOLVED, that the NBCSL urges the development of grant programs and corporate partnerships that support low-income individuals and families to transition to green practices;

BE IT FURTHER RESOLVED, that the NBCSL urges state utility regulators to actively engage with state and federal environmental regulators and to take other appropriate actions in furtherance of the goals of this resolution; and

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

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**SPONSOR: Representative Alan Williams (FL)**

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

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

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

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# HEALTH AND HUMAN SERVICES (HHS)

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## 2012 RATIFIED POLICY RESOLUTIONS RATIFICATION DATE: DECEMBER 9, 2011

NBCSL 35<sup>th</sup> Annual Legislative Conference  
Chicago, Illinois  
December 7–11, 2011

# HEALTH AND HUMAN SERVICES

## Resolution HHS-12-07

### RECOGNIZING THE NEED TO IMPROVE THE DIAGNOSIS AND TREATMENT OF DIABETES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has passed extensive policy regarding diabetes treatment and expanded its policy base regarding this issue perennially over the past decade (including Resolutions HHS-10-11, HHS-10-20, HHS-07-27, and HHS-06-50), as further research and greater technological advances in the screening and treatment of diabetes have prompted updates to the Caucus's policy coverage of this important concern;

WHEREAS, diabetes is a serious, costly, and an increasingly common chronic disease that affects almost 26 million Americans, or eight percent of the total population, with millions more at risk for the disease;

WHEREAS, diabetes contributes to more than 231,000 deaths per year and is the seventh leading cause of death by disease in the United States;

WHEREAS, the direct and indirect costs of diabetes are over \$174 billion per year, and minority populations suffer from diabetes at rates much higher than the general population and have the highest rates of complications of the disease;

WHEREAS, 4.9 million African Americans or 18.7 percent of all African Americans over the age of 20 live with diabetes;

WHEREAS, African Americans are twice as likely to be diagnosed with diabetes than Caucasians;

WHEREAS, African Americans experience higher rates of some of the most serious complications of diabetes--being 2.3 times more likely to suffer from lower limb amputations, 2.2 times more likely to suffer from kidney disease, and 2.3 times as likely to die from diabetes;

WHEREAS, diabetes is frequently undiagnosed until complications appear, and approximately one-third of all people with diabetes may go undiagnosed;

WHEREAS, unlike detection when an individual exhibits symptoms or signs of the disease, screening is conducted to identify asymptomatic individuals who are likely to have diabetes, and the NBCSL supports the expert opinion that screening should be considered by health care providers at one-year intervals beginning at age 35, or more frequently in cases where individuals are overweight and/or have two or more other risk factors, such as family history of diabetes or hypertension;

WHEREAS, the Patient Protection and Affordable Care Act (ACA) provides short-term access to health insurance coverage for individuals with pre-existing conditions, including diabetes, and restricts the ability of insurers to limit coverage based on such pre-existing conditions beginning in 2014;

WHEREAS, the ACA also eliminates the use of annual or lifetime dollar limits on coverage, which provides relief from some of the cost burden for people with diabetes whose medical expenses are, on average, twice as high as people without diabetes; and

WHEREAS, the ACA improves diabetes prevention efforts by requiring coverage of diabetes screening recommended by the United States Preventive Services Task Force and funding grants to support primary prevention activities under Medicaid, including efforts to avoid the onset of diabetes and to provide disease management for individuals with diabetes and wellness initiatives by states and communities to reduce the effects of chronic diseases, such as diabetes.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports innovative approaches that allow states to implement efforts to prevent, diagnose, and treat diabetes while reducing the burdens associated with the disease for African Americans living with or at-risk for diabetes;

BE IT FURTHER RESOLVED, that the NBCSL urges the United States Congress to appropriate dollars for diabetes-related projects authorized but not funded under the ACA, including the National Diabetes Prevention Program to support lifestyle intervention programs to prevent type 2 diabetes as well as Healthy Aging and Living Well Grants for public health interventions including identifying risk factors for diabetes in adults age 55 to 64;

BE IT FURTHER RESOLVED, that the NBCSL further urges the Secretary of the United States Department of Health and Human Services to prepare, in a timely and comprehensive manner, the National Diabetes Report Card and State Diabetes Report Card required by the ACA;

BE IT FURTHER RESOLVED, that the NBCSL urges state officials to develop programs in response to opportunities provided under the ACA to improve prevention and education efforts related to diabetes, and to ensure those efforts reach high-risk African Americans groups;

BE IT FURTHER RESOLVED, that the NBCSL calls upon medical and health officials in the public and private sector to increase efforts to identify individuals with undiagnosed diabetes or pre-diabetes, drawing on lessons learned from cancer screening initiatives such as programs intended to encourage women to receive mammograms;

BE IT FURTHER RESOLVED, that the NBCSL urges the United States Preventive Services Task Force to continually evaluate the evidence about the benefits, harms, and costs of screening and its role to reduce the burden of persons suffering with diabetes, and to respond, in a timely manner, to the introduction of any new evidence that supports expanding screening;

BE IT FURTHER RESOLVED, that the NBCSL encourages researchers and clinicians to conduct studies to clarify the benefits of screening efforts and those persons who should be screened to reduce the prevalence of diabetes and complications from the disease;

BE IT FURTHER RESOLVED, that the NBCSL also calls upon the United States Centers for Disease Control and Prevention to work with state officials to improve collection of vital statistics including information on diabetes; training for physicians on completing death certificates, as required by the ACA; and improve the funding needed to effectively carry out these endeavors;

BE IT FURTHER RESOLVED, that the NBCSL urges the Secretary of the United States Department of Health and Human Services, the Institute of Medicine, and other relevant groups to carefully evaluate the extensive impact of diabetes on the delivery of healthcare and the appropriateness of diabetes medical education in developing the Report Card to the United States Congress mandated by the ACA;

BE IT FURTHER RESOLVED, that the NBCSL supports improvements, including more funding, under the ACA of data collection efforts to better identify and evaluate health care disparities, including those related to race; and

BE IT FINALLY RESOLVED, that copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, the United States Secretary of Health and Human Services, the Director of the United States Centers for Disease Control, and other elected officials as appropriate.

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**SPONSOR:** Representative Charmaine L. Marchand (LA)  
**Committee of Jurisdiction:** Health and Human Services Policy Committee  
**Certified by Committee Chair:** Representative Beverly Earle (NC)  
**Ratified in Plenary Session:** Ratification Date is December 9, 2011  
**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

# HEALTH AND HUMAN SERVICES

## Resolution HHS-12-08

### WOMEN'S HEART HEALTH INITIATIVE—A CALL TO ACTION

WHEREAS, heart disease, often called the “silent killer,” continues to be the number one killer of women, causing a woman to die from heart disease every 60 seconds;

WHEREAS, heart disease claims more women's lives than the next eight causes of death combined, including breast cancer;

WHEREAS, two-thirds of American women who die suddenly from heart disease had no prior symptoms;

WHEREAS, African American women and Latina women have higher heart disease and stroke risk factors than Caucasian women of comparable socioeconomic status, with heart disease being the number one killer of African American women;

WHEREAS, increasing the number of women of different races and various age groups in cardiovascular clinical trials is pivotal to identifying the best treatment options for heart disease and stroke in all women;

WHEREAS, continuation of programs such as “Go Red for Women,” led by the American Heart Association (AHA), and WISEWOMAN, created by the Centers for Disease Control (CDC), are designed to improve prevention through early diagnosis connected with the ability to access the best treatment, are vital to addressing women's heart health; and

WHEREAS, the Women's Heart Health Initiative (WHHI) explores a non-traditional venue to provide additional cardiovascular screening for women during their OB/GYN office visits that can be of further assistance to health care providers in early identification, education, and the prevention of heart disease.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes there is a monumental need for “A Call to Action,” to devise strategies, with a strong emphasis on recognizing the warning signs of a cardiovascular event, that encompasses socioeconomic factors, cultural barriers, and lifestyle choices for those women at highest risk, thereby decreasing the deaths of one in three women dying of heart disease and stroke each year;

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators encourages its members and all of their legislative colleagues to create public policy to be implemented and monitored through their respective state departments of health by allowing the department to establish and collaborate with private partners to raise awareness and promote education of heart disease, to increase screening programs that will identify risk factors in women to aid in the early detection and prevention of heart disease, to ensure access to medical treatment protocols for heart disease, and lastly, to provide suggestions and support for lifestyle choices that contribute to the management of heart disease for those women at highest risk, in order to improve the quality of life for all women; and

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

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**SPONSOR:** Representative Mary Coleman (MS)

**Committee of Jurisdiction:** Health and Human Services Policy Committee

**Certified by Committee Chair:** Representative Beverly Earle (NC)

**Ratified in Plenary Session:** Ratification Date is December 9, 2011

**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

# HEALTH AND HUMAN SERVICES

## Resolution HHS-12-16

### GO RED FOR WOMEN DAY—FEBRUARY 3, 2012

WHEREAS, diseases of the heart are the nation’s leading causes of death; stroke is ranked as the fourth overall leading cause;

WHEREAS, cardiovascular disease claims the lives of over 421,000 American females each year—approximately one female per minute dies from heart disease;

WHEREAS, each year, 52 percent of all cardiovascular disease-related and 60 percent of all stroke-related deaths occur in females;

WHEREAS, high blood pressure is more prevalent in certain racial/ethnic minority groups in the United States, especially in African Americans, for whom the prevalence is among the highest in the world;

WHEREAS, too many women die each year because of their lack of awareness about heart disease as the number one killer of women. Nearly as many women die of heart disease, stroke, and all other cardiovascular diseases than the next four leading causes of death combined, including all cancers;

WHEREAS, only 16 percent of women surveyed in 2009 identified cardiovascular disease as the greatest health problem facing them;

WHEREAS, Go Red For Women® is the American Heart Association’s national call to increase awareness about heart disease—the leading cause of death for women—and to inspire women to take charge of their heart health;

WHEREAS, all women should learn their own personal risk for heart disease by talking to their healthcare providers; and

WHEREAS, making the right choices related to proper nutrition, physical activity, and other healthy lifestyle choices is essential to a heart healthy life style.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL), in recognition of the importance of the ongoing fight against heart disease and stroke in women, hereby acknowledges support for Friday, February 3, 2012, as “National Wear Red Day”;

BE IT FURTHER RESOLVED, that the NBCSL urges its members to show support for women and the fight against heart disease by commemorating this day by the wearing of the color red on February 3, 2012, and by speaking out about heart disease, thus empowering women to reduce their risk for cardiovascular disease and saving thousands of lives each year;

BE IT FURTHER RESOLVED, that in recognition of the importance of making all women aware of the risk factors and warning signs of heart disease, the NBCSL urges its members to “Make It Their Mission to Help Save Lives” through the introduction of legislation in their home states;

BE IT FURTHER RESOLVED, that the NBCSL urges its members to educate their constituents about the risk factors for heart disease in women through participation in Go Red For Women® during the month of February, and by sharing Go Red For Women® messages in their newsletters and town hall meetings; and

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

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

**Committee of Jurisdiction: Health and Human Services Policy Committee**

**Certified by Committee Chair: Representative Beverly Earle (NC)**

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

# HEALTH AND HUMAN SERVICES

## Resolution HHS-12-21

### ENCOURAGING ADULT IMMUNIZATION

WHEREAS, vaccines have been widely cited as one of the ten great public health achievements of the 20th and 21st centuries, responsible for helping to increase life expectancy in the United States by over 25 years between 1900-1999, and directly credited for saving hundreds of thousands of lives in the United States and millions around the world;

WHEREAS, significant strides have been made to increase vaccine uptake rates and reduce vaccine-preventable diseases among children in the United States;

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP) recommend immunization for adults against 14 different vaccine-preventable diseases, including influenza, tetanus, diphtheria, pertussis (whooping cough), varicella (chickenpox), human papilloma virus (HPV), zoster (shingles), measles, mumps, rubella, pneumococcal disease (pneumonia), meningococcal disease (meningitis), hepatitis A, and hepatitis B;

WHEREAS, despite the recommendations from experts about the effectiveness and safety of adult vaccines, immunization rates remain low and far below national targets;

WHEREAS, although immunization rates are low among all adults, substantial racial and ethnic disparities exist, with immunization rates among African Americans and Hispanics/Latinos substantially lower than the rates of their white counterparts;

WHEREAS, during the 2010-2011 influenza season, 44 percent of Caucasians were vaccinated, whereas only 40 percent of Hispanics/Latinos and 39 percent of African Americans received vaccinations;

WHEREAS, between 40,000 and 50,000 adults die annually from vaccine-preventable diseases in the United States;

WHEREAS, the CDC estimates the direct healthcare burden of adult vaccine-preventable diseases at \$10 billion annually;

WHEREAS, the Institute of Medicine (IOM) has stated that one of the six causes of excess costs in the United States healthcare system is missed prevention opportunities;

WHEREAS, millions of American adults go without routine and recommended vaccinations because our medical system is not designed to ensure that adults receive regular preventive healthcare; and

WHEREAS, it is important to acknowledge that vaccinations are not without risks and medical professionals dispensing vaccines are required to make all substantive disclosures regarding the risks associated with receiving a certain vaccine.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) states unwavering support for Adult Immunization Awareness and urge all citizens to speak with their healthcare providers to ensure their vaccinations are current, and all providers and policymakers work to remove barriers to vaccination and protect adults from vaccine-preventable diseases;

BE IT FURTHER RESOLVED, that the NBCSL applauds the Affordable Care Act provisions passed by the United States Congress, requiring preventative care, including immunizations to be covered at no costs to the patient; and

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

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**SPONSOR: Senator Donne Trotter (IL)**

**Committee of Jurisdiction: Health and Human Services Policy Committee**

**Certified by Committee Chair: Representative Beverly Earle (NC)**

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

# HEALTH AND HUMAN SERVICES

## Resolution HHS-12-24

### SUPPORTING AFFORDABLE PRESCRIPTION MEDICATION

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has established policy supporting the Patient Protection and Affordable Care Act (ACA), as passed in Resolution BFI-11-22;

WHEREAS, the NBCSL adopted policy supporting out-of-pocket expense limits, as passed in Resolution LJE-11-04, which urges every state to examine the impact of limiting out-of-pocket expenses for patients' medications and prescription drugs in all qualified health plans to be offered for sale to consumers purchasing individual coverage and to each employer providing employee group coverage in any of the four actuarial value levels of qualified health plans;

WHEREAS, specialty drugs are, in general, high-cost injectable, infused, oral, or inhaled medications that require close supervision and monitoring and are usually prescribed for patients with serious chronic diseases such as multiple sclerosis, rheumatoid arthritis, and cancer;

WHEREAS, insurers often charge different co-payments (the patient's share of the cost of a prescription) for different medications, which results in medications being placed in tiers depending on whether they are generic, brand name preferred, brand name non-preferred, or a specialty drug;

WHEREAS, specialty drugs are often in the highest co-payment tier with the largest out-of-pocket costs for patients, sometimes as much as or even greater than 20-35 percent of the cost of the medication;

WHEREAS, cost-sharing on specialty medications can subject patients to onerous out-of-pocket costs on prescriptions for chronic, life-threatening conditions;

WHEREAS, nearly one in every two Americans has a chronic medical condition and African Americans and minorities are disproportionately affected by chronic disease;

WHEREAS, with the passage of the ACA, concerns about excessive out-of-pocket costs have been allayed partially, but patients in need of specialty drugs may not receive the full benefit of this protection since co-payment caps for each essential benefit category are not established by the Act and it is unknown whether they will be established through regulation;

WHEREAS, in addition, the Act does not establish levels of cost-sharing by type of drug and it is unknown whether this will be addressed through regulation;

WHEREAS, insurers may seek to manage the use of expensive drugs by assigning greater co-pay amounts and percentages to specialty medications;

WHEREAS, plans grandfathered by the ACA are eligible to be exempt from certain requirements, including the out-of-pocket cap;

WHEREAS, protection from excessive out-of-pocket costs may be absent for patients in many of these plans; and

WHEREAS, high drug co-pays for patients with chronic, life-threatening conditions are likely to act as a barrier to medication access and may result in serious harm based on disease or disability.

THEREFORE BE IT RESOLVED, that because provisions of the Patient Protection and Affordable Care Act do not specifically or completely address the issue, the National Black Caucus of State Legislators should promote, support, and encourage addressing excessive out-of-pocket costs for specialty medication by state legislative or regulatory action;

BE IT FURTHER RESOLVED, that through either the health insurance mandate process or through state authority to certify qualified health plans in health benefit exchanges, plans should be prohibited from creating specialty tiers within their drug formularies and from requiring payment of a percentage cost of prescriptions;

BE IT FURTHER RESOLVED, that the amount of patient cost-sharing should be limited and overall out-of-pocket expenses for enrollees capped;

BE IT FURTHER RESOLVED, that any efforts should be carefully monitored, since it is likely that additional legislative provisions may be needed to safeguard patient access to specialty medications;

BE IT FURTHER RESOLVED, that this resolution does not endorse any particular specialty drug or even the overall use of specialty drugs; and

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

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**SPONSOR: Representative Beverly Earle (NC)**

**Committee of Jurisdiction: Health and Human Services Policy Committee**

**Certified by Committee Chair: Representative Beverly Earle (NC)**

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

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# INTERNATIONAL AFFAIRS (IAF)

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**2012 RATIFIED POLICY RESOLUTIONS**  
**RATIFICATION DATE: DECEMBER 9, 2011**

NBCSL 35<sup>th</sup> Annual Legislative Conference  
Chicago, Illinois  
December 7–11, 2011

# INTERNATIONAL AFFAIRS

## Resolution IAF-12-21

### COMMENDING TURKEY AND THE TURKISH-AMERICAN COMMUNITY

WHEREAS, the Turkish-American community has made contributions to the diversity, economic well-being, culture, and quality of life in the United States of America;

WHEREAS, Turkey is a long time ally of the United States in the Middle East, promoting peace, equality, justice, and respect for the American way of life;

WHEREAS, benefiting from moderate leadership, Turkey has been a dependable leader among the nations of the Middle East on issues of human rights, freedom of the press, and citizen participation;

WHEREAS, Turkish Americans have greatly enriched American arts, culture, science, and civics, while devoting themselves to improving the lives of others;

WHEREAS, the Turkish-American community has continued extended humanitarian and religious opportunities for dialogue and community partnerships;

WHEREAS, in light of the recent earthquakes and loss of lives in Turkey, the National Black Caucus of State Legislators (NBCSL) extends American condolences to the Turkish Americans here and to the entire Turkish population abroad;

WHEREAS, Tunc Yalman and Osmar Karakas received the 1991 National Press Award for the best news photography;

WHEREAS, Arif Mardin has been an influential force in the music industry as a producer for Aretha Franklin, the Bee Gees, Carly Simon, Roberta Flack, and Bette Midler;

WHEREAS, Feza Gursev contributed to major scientific discoveries and won the prestigious Oppenheimer Prize and Wigner Medal; and

WHEREAS, the NBCSL encourages economic development through fostering international relationships with countries such as the Republic of Turkey.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) promotes the cultural, political, and economic exchanges between the United States and Turkey;

BE IT FURTHER RESOLVED, that the NBCSL encourages memoranda of understanding between Turkish colleges and universities and Historically Black Colleges and Universities (HBCUs) to further mutually beneficial exchanges; and

BE IT FINALLY RESOLVED, that the NBCSL is pleased to honor and recognize Turkey and the Turkish-American community on their accomplishments domestically and internationally and to heartily extend our congratulations and best wishes for future endeavors.

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**SPONSOR: Representative JoAnne Favors (TN)**

**Committee of Jurisdiction: International Affairs Policy Committee**

**Certified by Committee 1st Vice Chair: Delegate Nathaniel T. Oaks (MD)**

**Ratified in Plenary Session: Ratification Date is December 9, 2011**

**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

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## LAW, JUSTICE, AND ETHICS (LJE)

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### 2012 RATIFIED POLICY RESOLUTIONS RATIFICATION DATE: DECEMBER 9, 2011

NBCSL 35<sup>th</sup> Annual Legislative Conference  
Chicago, Illinois  
December 7–11, 2011

# LAW, JUSTICE, AND ETHICS

## Resolution LJE-12-12

### IN SUPPORT OF RESTORING JUDICIAL DISCRETION

WHEREAS, the 2009 United States' rate of incarceration was the highest in the world at 748 inmates per 100,000 people;

WHEREAS, as of 2009, 1 in every 135 adults in America has been incarcerated;

WHEREAS, African Americans and Latinos are disproportionately represented throughout the United States criminal justice system from arrest to sentencing, even in the use of the death penalty;

WHEREAS, in 2009, one in nine African American males aged 25-29 was in prison or jail, as were one in twenty-seven Latino males, and one in sixty Caucasian males;

WHEREAS, African American males have a 32 percent chance of serving a prison sentence within their lifetime, Latino males have a 17 percent chance and Caucasian males a 6 percent chance;

WHEREAS, mandatory minimum sentences have disproportionately impacted African American defendants and a study by the United States Sentencing Commission of federal sentences found that African Americans were 21 percent more likely to receive a mandatory minimum sentence than Caucasian defendants facing a similar charge;

WHEREAS, mandatory minimum sentences for illegal substance crimes reduce judicial discretion and can result in a one-size-fits-all sentencing framework that relies on statute rather than a defendant's culpability;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has ratified policy on sentencing provisions including Resolution LJE-09-20 (Record Sealing for Non-Violent Criminals), Resolution LJE-11-03 (Reform of Prison-Based Census Counting), and Resolution LJE-08-13 (Urging Reform of the Juvenile Justice System and Expansion of Juvenile Justice Programs), the last of which addressed the disparity in sentencing regarding powder cocaine and crack cocaine offenses;

WHEREAS, the ubiquitous passage of mandatory minimum sentencing laws for illegal substance crimes has created a situation in which the more punitive statutory punishment "trumps" the ability of judges to determine a fair sentence;

WHEREAS, states are incentivized with federal financial assistance for enacting a variety of draconian provisions such as truth-in-sentencing laws, mandatory minimums, and life sentencing without parole for drug crimes;

WHEREAS, mandatory minimum sentences have been proven not to reduce drug use, but to result in lengthy prison terms that contribute to overcrowding; and

WHEREAS, state budgets can no longer sustain the high cost of incarcerating more people for longer periods of time.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) employs its full influence in the repeal of certain mandatory minimum sentences for illegal substance crimes when

it can be shown that the substance crime was non-violent in nature, and without evidence there was intent to distribute the substance to another under the age of 25;

BE IT FURTHER RESOLVED, that the NBCSL advocates the elimination of mandatory minimum sentences for illegal substance crimes when it can be definitively shown that the substance crime was completely non-violent in nature and without evidence there was intent to distribute the substance to another under the age of 25, and thereby encourage the use of some judicial discretion to restore fairness to state criminal justice systems; and

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

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**SPONSOR: Senator Constance N. Johnson (OK)**  
**Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee**  
**Certified by Committee Chair: Senator Thelma Harper (TN)**  
**Ratified in Plenary Session: Ratification Date is December 9, 2011**  
**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

# LAW, JUSTICE, AND ETHICS

## Resolution LJE-12-18

### IN SUPPORT OF THE CHEROKEE FREEDMEN

WHEREAS, Freedmen, the descendants of African slaves owned by Native American tribal members, went with them to new settlements in Oklahoma from traditional Native American lands in North Carolina, Florida, Georgia, and other areas during the forced migration known as the “Trail of Tears”;

WHEREAS, according to the Sequoyah Research Center at the University of Arkansas at Little Rock, Arkansas, the Cherokee Nation, one of the largest and wealthiest tribes in the United States, was a multi-racial, multi-cultural, constitutional nation whose citizenship was based on birth or adoption;

WHEREAS, Cherokee Freedmen gained their first citizenship in the Cherokee Nation pursuant to the Treaty of 1866, which acknowledged the Nation’s surrender in conjunction with the defeat of the Confederacy;

WHEREAS, Cherokee Freedmen gained their second citizenship in 1901 when the United States made all of the citizens of the Cherokee Nation citizens of the United States; and

WHEREAS, the tribal lineage of Black Native Americans is rich in history and precedent, Cherokee Freedmen in particular actively participated in the economic, social, and political life of the tribes, including voting and running for political office.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) acknowledges the unique heritage and rich contributions of the Cherokee Freedmen to the nation and the world;

BE IT FURTHER RESOLVED, that the NBCSL encourages its members to join the Cherokee Freedmen in celebrating and promoting 140 years of citizenship in the Cherokee Nation;

BE IT FURTHER RESOLVED, that the NBCSL applauds actions taken by the United States Department of Housing and Urban Development to ensure the inclusion of the Cherokee Freedmen and enforcement of the 1866 Treaty;

BE IT FURTHER RESOLVED, that the NBCSL requests that the President of the United States require the Bureau of Indian Affairs to appoint a liaison to address, investigate, or engage with Freedmen Indians on Freedmen tribal issues from any federally recognized tribe including, but not limited to, Cherokees, Chickasaws, Choctaws, Seminoles and Creeks; and

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

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**SPONSOR: Senator Constance N. Johnson (OK)**  
**Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee**  
**Certified by Committee Chair: Senator Thelma Harper (TN)**  
**Ratified in Plenary Session: Ratification Date is December 9, 2011**  
**Ratification is certified by: Representative Barbara W. Ballard (KS), President**

### RECOGNIZING THE NEED TO EMPHASIZE EDUCATION OVER INCARCERATION

WHEREAS, the National Black Caucus of State Legislators (NBCSL), the National Association for the Advancement of Colored People (NAACP), the National Black Police Association (NBPA), Blacks In Government (BIG), and Law Enforcement Against Prohibition (LEAP) have issued statements and resolutions calling for an end to America’s “War on Drugs” and profligate prison spending;

WHEREAS, according to the NAACP, the United States is home to 2.3 million prisoners and accounts for five percent of the world’s population, yet houses twenty-five percent of the world’s prisoners;

WHEREAS, one-quarter of the 2.3 million people behind bars in the United States have been convicted of non-violent, drug-related offenses, and, as a result of the War on Drugs, have been mandated prison sentences rather than drug rehabilitation or diversion programs;

WHEREAS, BIG and LEAP have noted that the War on Drugs has placed African Americans behind bars for drug offenses at more than ten times the rate of Caucasians, and African Americans constitute 53.5 percent of all persons who have entered prison due to a drug conviction, despite the fact that they are no more likely than Caucasians to use or sell drugs;

WHEREAS, many of those incarcerated have low levels of educational attainment, high levels of unemployment, and often are victims of substance abuse;

WHEREAS, according to the Pew Center on the States, over the past two decades, funding for prisons has grown at a rate six times higher than funding for higher education;

WHEREAS, the construction of more prisons has not reduced recidivism and has not increased public safety;

WHEREAS, as states and municipalities are facing budgetary shortfalls, teachers are facing layoffs, schools are closing, extracurricular programs are being eliminated, and class sizes are increasing;

WHEREAS, low-performing schools in poor, African-American and Latino communities serve as a pipeline for the prison system;

WHEREAS, in April of 2011, the NAACP published a report called “Misplaced Priorities: Over Incarcerate, Under Educate,” in which it revealed that more than 65 percent of the lowest-performing schools in Houston, Los Angeles, and Philadelphia are in neighborhoods with the highest rates of incarceration;

WHEREAS, in major cities with large black populations such as Chicago, Detroit, Cleveland, and Atlanta, high school dropout rates approach, and in some cases, surpass 50 percent;

WHEREAS, certain communities bear a greater burden for incarcerated populations, and in Los Angeles, for example, more than a billion dollars is spent every year to imprison people from neighborhoods where nearly 20 percent of the city’s residents live;

WHEREAS, similarly, in Philadelphia, taxpayers spend nearly \$290 million on the imprisonment of residents from neighborhoods that represent just over one-quarter of the city's population;

WHEREAS, a lack of educational opportunities leaves less advantaged citizens with fewer options to feed their families and increases the odds they will resort to drugs or crime to survive;

WHEREAS, the War on Drugs, the growth in prison spending, and cuts to education are tearing at the fabric of the black community; and

WHEREAS, an adequate and affordable education is necessary if Americans hope to maintain a healthy and productive society.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges federal, state, and local governments to choose investments in education over incarceration where possible, while maintaining funding to properly care for those that are incarcerated;

BE IT FURTHER RESOLVED, that the NBCSL calls for investigations at the state and federal level for solutions to eliminate the arrest and incarceration of African Americans, Latinos, and other racial and ethnic groups at extraordinarily disparate rates for non-violent drug offenses;

BE IT FURTHER RESOLVED, that the NBCSL calls on state and federal governments to review and eliminate biased law enforcement operations, practices, and policies;

BE IT FURTHER RESOLVED, that the NBCSL urges legislators to devise cost-effective, common-sense alternatives to prison for non-violent offenders, including reforms such as parole, earned time and early release, drug rehabilitation and drug court, modification of mandatory sentencing laws, community-based prevention programs, and education, job training, and reentry programs;

BE IT FURTHER RESOLVED, that the NBCSL fully supports a wide range of programs that aid communities in ending recidivism; examples include but are not limited to Promise Neighborhoods, Second Chance Act Grants, Byrne Grants, Weed and Seed Grant Violence Against Women Act Grants, Reintegration of Ex-offenders Grant, the Pathways out of Poverty Program, Community Services Block Grant, Child Care and Development Block Grant, and the Substance Abuse Block Grant;

BE IT FURTHER RESOLVED, that the NBCSL asks the United States Congress to increase funding to these programs and put more funding into early intervention in the lives of at-risk youth, as that funding is the best way to mitigate prison costs;

BE IT FURTHER RESOVLED, that the NBCSL calls for the full funding of the Second Chance Act, as its grant programs comprise the best federal funding mechanism targeting recidivism reduction;

BE IT FURTHER RESOLVED, that the NBCSL reiterates its full support for legislation, such as the Youth Promise Act as introduced by United States Congressman Bobby Scott, as the best way to aid in early intervention to help America's youth avoid prison;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the chair of each state legislative black caucus, the presidents of the National Conference of State Legislatures and the Council of State Governments, and the presiding officers of all 50 state legislatures including the chairs of each committee having jurisdiction over education and prisons; and

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

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**SPONSOR:** Representative Ronald G. Waters (PA)

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

**Certified by Committee Chair:** Senator Thelma Harper (TN)

**Ratified in Plenary Session:** Ratification Date is December 9, 2011

**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

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## YOUTH (YTH)

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**2012 RATIFIED POLICY RESOLUTIONS**  
RATIFICATION DATE: DECEMBER 9, 2011

NBCSL 35<sup>th</sup> Annual Legislative Conference  
Chicago, Illinois  
December 7–11, 2011

## YOUTH Resolution YTH-12-17

### IN RECOGNITION OF THE BRAVE YOUTH AND WOMEN OF THE CIVIL RIGHTS MOVEMENT

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has a deep commitment to civil rights, youth, and women, who were such a strong force behind the civil rights movement;

WHEREAS, six of the “Little Rock Nine” were teenage girls who put their own safety in harm’s way for a chance at a better education and equal rights for all;

WHEREAS, college students across the country organized conferences and established organizations such as the Student Non-Violent Coordinating Committee that mobilized young people to end racial segregation;

WHEREAS, young women and men across the nation answered the call to a civil rights movement and organized sit-ins, demonstrations, marches, and boycotts;

WHEREAS, on August 19, 1958, Dr. Clara Shepard Luper, advisor of the Oklahoma City National Association for the Advancement of Colored People (NAACP) Youth Council, with the help and support of many prominent citizens in Oklahoma City, led 13 Council members to Katz Drug Store in Oklahoma City, Oklahoma, where they were refused service pursuant to the segregation policies of the era;

WHEREAS, Dr. Luper continued with subsequent efforts that led to desegregation of Oklahoma City Public Schools and public accommodations in Tulsa and Lawton, and successful organization of the Oklahoma City sanitation workers strike;

WHEREAS, in her fight for equal voting, banking, employment, and housing rights, Dr. Luper organized fellow citizens to participate in marches, boycotts, and sit-ins, even suffering personal injury during the famed “Bloody Sunday” when 600 citizens were attacked by state and local police whilst marching from Selma to Montgomery, Alabama, in 1965;

WHEREAS, Dr. Luper transitioned this life on June 8, 2011, thus bringing to a close a life and legacy of standing for truth, justice, and equality for all people;

WHEREAS, Dr. Dorothy Irene Height was born on March 24, 1912, and was one of the 20th century’s early activists against social injustice;

WHEREAS, Dr. Height was the only woman leader among the civil rights leadership known as the “Big Six” in the 1960s (Dr. Martin Luther King, Jr., Roy Wilkins, Whitney Young, A. Philip Randolph, John Lewis, and James Farmer);

WHEREAS, Dr. Height headed the National Council of Negro Women for four decades, served on the National Board of the Young Women’s Christian Association (YWCA) for three decades, and was elected the tenth National President of the Delta Sigma Theta Sorority (1947-1956);

WHEREAS, in 2004, Dr. Height was awarded the Congressional Gold Medal, the most distinguished award bestowed by the United States Congress, for her work as a profound humanitarian and her tireless service to democracy and equality for all;

WHEREAS, Dr. Height received Presidential honors from Presidents Franklin D. Roosevelt, John F. Kennedy, Ronald Reagan, and Bill Clinton;

WHEREAS, President Barack Obama has called Dr. Height the “Godmother of the Civil Rights Movement,” Senate Majority Leader Harry Reid referred to her as a “Civil Rights Icon,” and House Speaker Nancy Pelosi introduced House Resolution 1281 on April 21, 2010, expressing recognition for Dr. Height’s life-long dedication and leadership in the struggle for civil rights for all people;

WHEREAS, Coretta Scott King was not only the wife of Dr. Martin Luther King Jr., but an accomplished civil rights leader in her own right who continued the civil rights movement after her husband’s assassination;

WHEREAS, Mrs. King received numerous awards including the Gandhi Peace Price and honorary degrees from institutions with Princeton University, Morehouse College, Duke University, and Bates College, among the sixty institutions from which she received an honorary degree;

WHEREAS, Mrs. King was a crucial force behind the passage of the Civil Rights Act of 1964 and led the effort to have Dr. King’s birthday celebrated as a national holiday;

WHEREAS, Mrs. King was a leader against South African Apartheid here in the United State by organizing sit-ins and joining with Mrs. Winnie Mandela to oppose the false imprisonment of her husband, Nelson Mandela;

WHEREAS, Mrs. King influenced world leaders across the globe during her fifty years of public service, having met with numerous heads of states and spiritual leaders, including Pope John Paul, the Dalai Lama, and Archbishop Desmond Tutu;

WHEREAS, Mrs. King suffered the dangers associated with the civil rights movement and endured in the face of losing her own husband, founding and leading the Martin Luther King, Jr. Center for Non-Violent Social Change for 27 years, and continuing to be a leader in the civil rights movement until her death in 2006;

WHEREAS, on December 1, 1955, Rosa Parks was ordered to give up her seat on a Montgomery bus for a white passenger, Mrs. Parks refused, knowing she would be jailed, and her courageous actions launched the Montgomery Bus Boycott;

WHEREAS, Mrs. Parks’s actions served as a spark that ignited an entire peaceful movement for equality among races;

WHEREAS, Mrs. Parks is known as the “First Lady of Civil Rights” and the “Mother of the Freedom Movement”;

WHEREAS, Mrs. Parks has received a number of honors including the Congressional Gold Medal and the Presidential Medal of Freedom;

WHEREAS, Mrs. Parks was the thirty-first person and the first American, non-government official to lie in state in the United States Capitol Rotunda; and

WHEREAS, countless youth and women played roles in the civil rights movement who remain anonymous and to whom we and generations to come are indebted.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) hereby recognizes the critically important role that youth and women played during the civil rights movement and profoundly appreciates their courage, leadership, and sacrifice during those difficult times and without whom the civil rights movement would not have succeeded;

BE IT FURTHER RESOLVED, that the NBCSL acknowledges and celebrates the life of Dr. Clara Shepherd Luper of Oklahoma City, Oklahoma, the “Mother of the Sit-in Movement,” as Dr. Luper successfully led the first sit-in in the United States on August 19, 1958, an action that changed the culture of both a state and a nation;

BE IT FURTHER RESOLVED, that the NBCSL recognizes the contributions of Dr. Dorothy Irene Height for her leadership and conviction during her lifetime of service toward the cause of civil rights;

BE IT FURTHER RESOLVED, that the NBCSL gives our deepest thanks to Coretta Scott King for her sacrifices and tenacity during her lifetime of work dedicated toward equality for all;

BE IT FURTHER RESOLVED, that the NBCSL recognizes Rosa Louise McCauley Parks for unwavering courage that allowed her to stand up against injustice, which inspired a nation; and

BE IT FINALLY RESOLVED, that the NBCSL honors all who participated in peaceful and non-violent demonstrations to ensure equal rights for all Americans.

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**SPONSOR:** Senator Constance N. Johnson (OK)  
**Committee of Jurisdiction:** Youth Policy Committee  
**Certified by Committee Chair:** Representative Gilda Cobb-Hunter (SC)  
**Ratified in Plenary Session:** Ratification Date is December 9, 2011  
**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

# YOUTH

## Resolution YTH-12-27

### ADDRESSING BULLYING PREVENTION AND INTERVENTION IN SCHOOLS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that a safe learning environment is key to increasing student achievement and success;

WHEREAS, the National Association of School Psychologists (NASP) has indicated that bullying is the most common type of violence with 15-30 percent of students involved either as bullies or victims of bullying;

WHEREAS, the National Center for Education Statistics cited that in 2010, one in seven students in kindergarten through 12th grade was either a bully or a victim of bullying;

WHEREAS, bullying involves the following three characteristics: 1) an imbalance of power--people who bully use their power to control or harm and those being bullied have a difficult time defending themselves; 2) intent to cause harm--actions done by accident are not bullying; the person bullying has a goal to cause harm; and 3) repetition--incidents of bullying happen to the same person repeatedly by the same person or group;

WHEREAS, experts have categorized bullying as direct and indirect, with direct bullying being more often associated with boys and indirect bullying being more often associated with girls: direct bullying includes shoving, slapping, punching, spitting, and tripping while indirect bullying includes taunts, name-calling, threats, gossip/rumor-spreading, theft, cyber-bullying, and ostracism;

WHEREAS, according to NASP, the frequency and severity of bullying tends to increase when children observe other family members who display bullying tendencies at home such as verbal abuse or physical punishment;

WHEREAS, according to a joint study by the University of Washington and Indiana University, children exposed to violence in the home were more likely to engage in bullying than those not exposed to violence in the home;

WHEREAS, a study published in the journal Pediatrics found that men who were frequent bullies in school were four times as likely to abuse their partner;

WHEREAS, the American Academy of Child and Adolescent Psychiatry states that bullies identified by age 8 are six times more likely to be convicted of a crime by age 24, and five times more likely to end up with serious criminal records by age 30, if there is no intervention;

WHEREAS, the impact on victims of bullying is both physical and mental: headaches and backaches, abdominal pains, problems sleeping, eating disorders, drug and alcohol abuse, fear that results in running away, and depression often leading to suicidal ideation as well as attempted and completed suicide;

WHEREAS, a number of mental health outcomes for bullying victims are directly related to student achievement: poor concentration, nightmares, fatigue, mood swings and irritability, shame and loss of self-confidence, anxiety and panic attacks, and school absenteeism;

WHEREAS, suicide is the third leading cause of death among young people, and bullying victims are 200-900 percent more likely to commit suicide according to a study conducted by Yale University;

WHEREAS, the United States Departments of Health & Human Services, Education, and Justice have partnered to provide a valuable public service in establishing [www.stopbullying.gov](http://www.stopbullying.gov);

WHEREAS, the NBCSL applauds the FY2010-FY2015 Strategic Plan to stop bullying published by the United States Department of Human Health & Services;

WHEREAS, The White House hosted a conference on bullying in March of 2011;

WHEREAS, in September 2011, the Second Annual Summit on Combating Bullying was hosted by the United States Department of Education's Office of Safe and Drug-Free Schools in conjunction with the Departments of Justice, Health and Human Services (HHS), Defense, Agriculture, and Interior, the Federal Trade Commission, the White House Initiative on Asian Americans and Pacific Islanders, and the National Council on Disability;

WHEREAS, there is a quantifiable link between the severity and frequency of bullying and the provision of effective after-school programs aimed at youth that address self-esteem, teen pregnancy, smoking/substance abuse, recidivism, conflict resolution, and restorative justice;

WHEREAS, schools that receive federal funding (including colleges and universities) are required by federal law to address discrimination on a person's protected characteristics or status;

WHEREAS, school districts may violate both civil rights statutes and the United States Department of Education's regulations when bullying/peer harassment based on race, color, national origin, sex, sexual orientation, gender expression, or disability is sufficiently serious that it creates a hostile environment and when such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees; and

WHEREAS, 46 states have passed anti-bullying legislation going beyond federal statutes, including a New Jersey law that penalizes administrators who fail to investigate bullying and a California law that allows administrators to discipline students that are involved in cyber-bullying.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) believes that school bullying policies and state legislation on bullying should

- (a) define bullying, including cyber-bullying;
- (b) enumerate populations that may be most impacted by bullying;
- (c) prohibit bullying (and cyber-bullying) with grade-appropriate discipline for the child and referrals for the victim to appropriate medical, mental health, and community-based services;
- (d) inform school personnel, students, parents, and community members of the policies as well as provide ongoing professional development and training to prevent, identify, and respond to bullying and potential suicide;
- (e) enable caretakers and require school personnel to report suspected bullying;
- (f) require school administrators to investigate reports of bullying;

- (g) implement bullying prevention and intervention programs that allow for collaboration with families;  
and
- (h) provide for immunity from civil liabilities for members of the school community who report bullying and are found to be non-parties to the abuse in question as well as prohibit retaliation against those who report;

BE IT FURTHER RESOLVED, that elements of the HHS Strategic Plan FY2010-FY2015 which address bullying be adequately funded at FY2010 levels and that such funding be directly allocated to the states for implementation;

BE IT FURTHER RESOLVED, that the NBCSL calls on state education officials to conduct a thorough review of state and federal policies to ensure that students have the opportunity to learn and thrive in safe environments; and

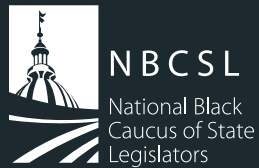
BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

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**SPONSOR(S):** Representative Gilda Cobb-Hunter (SC) and Representative Gregory W. Porter (IN)  
**Committee of Jurisdiction:** Youth Policy Committee  
**Certified by Committee Chair:** Representative Gilda Cobb-Hunter (SC)  
**Ratified in Plenary Session:** Ratification Date is December 9, 2011  
**Ratification is certified by:** Representative Barbara W. Ballard (KS), President

# NBCSL

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