



NBCSL

2013 RATIFIED POLICY RESOLUTIONS

Ratified December 7, 2012

THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

Leading A United Front:

DIVERSE NOT DIVIDED

36TH ANNUAL LEGISLATIVE CONFERENCE

December 5-9, 2012

Washington Marriott Wardman Park Hotel
Washington, DC

NATIONAL BLACK CAUCUS OF STATE LEGISLATORS

December 7, 2012 | 2013 Ratified Policy Resolutions

December 19, 2012

Dear Members and Supporters:

The National Black Caucus of State Legislators (NBCSL) convened for our 36th Annual Legislative Conference (ALC), December 5-9, 2012, at the Washington Marriott Wardman Park Hotel, in Washington, D.C. The theme for our conference was *Leading A United Front: Diverse Not Divided*.

During the conference, legislators debated and ratified resolutions that addressed the needs of over 50 million Americans. Policy resolutions ratified included helping to facilitate 21st century job creation, preserving homeownership, expanding access to the ballot box, continuing to ensure successful implementation of the Patient Protection and Affordable Care Act, and improving the nutritional and educational outcomes of our youth.

Taken as a whole, NBCSL Resolutions communicate what we believe to be many of the greatest policy challenges facing underserved and under-represented communities in America today. Our resolutions embody the core values of our organization and create a platform for organizational action and legislative change.

*We are pleased to send you the 2013 Policy Resolutions, ratified on Friday, December 7, 2012. We ask that you share these resolutions with your colleagues, build upon them in your statehouses, and use them as a springboard for much-needed conversation in your respective states. It is our hope that these policy resolutions will not only help you **Lead**, but that they will also encourage a renewed appreciation of **Diversity and Collaboration** through tangible, evidence-based, and unifying solutions.*

The National Black Caucus of State Legislators is committed to the dissemination of these Policy Resolutions. They serve as the foundation for our Legislative Priorities for 2013 and for advocacy efforts at the federal, state, and local levels.

It has been an honor and a privilege to serve as your President. Thank you for your continued confidence and support. I look forward to working with you to implement these resolutions and to provide a voice of hope and opportunity for our constituents.

Sincerely,



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

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2013 RATIFIED POLICY RESOLUTIONS

Ratification Date: December 7, 2012

NBCSL 36th Annual Legislative Conference
Washington, DC
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AGRICULTURE

Resolution AGR-13-09

COMMITTED TO REDUCING MALNUTRITION IN THE UNITED STATES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has established policy promoting the importance of quality nutrition for all Americans in order to maintain healthy, active, independent lifestyles;

WHEREAS, the NBCSL adopted policy supporting increased access to quality nutrition and support for infants and children, as passed in Resolution HHS-11-19;

WHEREAS, leading health and nutrition experts agree that nutrition status is a direct measure of patient health and that good nutrition and good patient health can keep people healthy and out of institutionalized health care facilities, thus reducing healthcare costs;

WHEREAS, inadequate or unbalanced nutrition, known as malnutrition, is not routinely viewed as a medical concern in the U.S., and that malnutrition is particularly prevalent in vulnerable populations, such as older adults, hospitalized patients, or minority populations that statistically shoulder the highest incidences of the most severe chronic illnesses such as diabetes, kidney disease, and cardiovascular disease;

WHEREAS, illness, injury, and malnutrition can result in the loss of lean body mass, leading to complications that impact good patient health outcomes, including recovery from surgery, illness, or disease; the elderly lose lean body mass more quickly and to a greater extent than younger adults and weight assessment (body weight and body mass index) can overlook accurate indicators of lean body mass;

WHEREAS, the American Nursing Association defines therapeutic nutrition as the administration of food and fluids to support the metabolic processes of a patient who is malnourished or at high risk of becoming malnourished;

WHEREAS, access to therapeutic nutrition is critical in restoring lean body mass such that it resolves malnutrition challenges and, in turn, improves clinical outcomes, reduces health care costs, and can keep people and our communities healthy; and

WHEREAS, despite the recognized link between good nutrition and good health, nutritional screening and therapeutic nutrition treatment have not been incorporated as routine medical treatments across the spectrum of health care.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages states that provide Medicaid coverage to examine the benefits of routine nutritional screening and therapeutic nutrition treatment for those who are malnourished or at risk for malnutrition, as well as examine the benefits of nutrition screening and therapeutic nutrition treatment as part of the standard for evidenced-based hospital care;

BE IT FURTHER RESOLVED, that the NBCSL supports an increased emphasis on nutrition through the reauthorization of the Older Americans Act, as well as for Medicare beneficiaries, to improve their disease management and health outcomes;

BE IT FURTHER RESOLVED, that the NBCSL is encouraged that preventive and wellness services, such as counseling for obesity and chronic disease management, are part of the Essential Health Benefits package included in the Patient Protection and Affordable Care Act; and

AGRICULTURE

Resolution AGR-13-09

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

SPONSOR: Representative Lois DeBerry (TN)

Committee of Jurisdiction: Agriculture Policy Committee

Certified by Committee Chair: Representative Helen Miller (IA)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

AGRICULTURE

Resolution AGR-13-10

IN SUPPORT OF INFANT NUTRITION OUTREACH INITIATIVES

WHEREAS, scientific research demonstrates that good nutrition beginning in utero and extending throughout the first year of life is critical to the healthy growth and development of infants and that breastfeeding is the best form of infant nutrition by providing certain health benefits for both the mother and child;

WHEREAS, the United States Surgeon General and the American Academy of Pediatrics recommend babies be exclusively fed with breast milk for the first six months of life, and continue on with breast milk through the first year of life;

WHEREAS, Healthy People 2020, an initiative that comprises science-based, ten-year national objectives to improve the health of all Americans, administered under the U.S. Department of Health and Human Services, aims to increase the percentage of women initiating breastfeeding to 81.9 percent and still continuing to breastfeed when their newborn is six months of age to 60.6 percent;

WHEREAS, it is a mother's choice in how she feeds her baby, and the choice is often made based on the best feeding option for her infant given her and her family's life circumstance, including familial, cultural, and community issues as well as based on barriers to breastfeeding, including returning to work, medical difficulties, and lack of breastfeeding support;

WHEREAS, the Surgeon General's Call to Action to Support Breastfeeding, the American Academy of Pediatrics, and other public health organizations do promote breastfeeding goals, and some go beyond this to promote other dietary guidance for feeding an infant under age two or identify what a mother should do if she cannot or chooses not to breastfeed, or needs to supplement breastfeeding;

WHEREAS, an example of this is provided in the U.S. Department of Agriculture Food & Nutrition Service publication, "Feeding Your Baby in the First Year," which gives participants in the Women, Infant, and Children (WIC) food program a basic overview of the best sources of nutrition for their babies in the first year, starting with breastfeeding, including infant formula if needed, following with the introduction of solid foods; and

WHEREAS, infant nutrition research has generated a range of iron-fortified infant formulas (as well as specialized infant formulas for premature babies and for those babies with medical conditions needing sustenance to survive and thrive) that address a critical need in providing a safe and nutritious alternative to breast milk for mothers who are unable to breastfeed.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) acknowledges the role of optimal infant nutrition during the first year of life and that new mothers require information, guidance, and support to provide the best nutritional start for their babies;

BE IT FURTHER RESOLVED, that the NBCSL recognizes scientific research documenting that breastfeeding is the best form of infant nutrition and supports breastfeeding promotion policies;

BE IT FURTHER RESOLVED, that members of the NBCSL aspire for mothers to make informed choices about how to feed their infants by requiring that mothers receive, prior to and/ or after birth, complete and balanced information on all infant nutrition options;

AGRICULTURE

Resolution AGR-13-10

BE IT FURTHER RESOLVED, that the NBCSL calls on the U.S. Department of Health and Human Services to publish and distribute maternal and infant nutrition information approved by the U.S. Surgeon General to mothers prior to and after birth;

BE IT FURTHER RESOLVED, that the NBCSL urges state health departments to facilitate public-private collaboration with families and communities to increase maternal and infant nutrition awareness, particularly in underserved areas, and provide access to nutritional programs for mothers and their children beginning in utero and throughout their first year of life; 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, the Secretary of the U.S. Department of Health and Human Services, the United States Surgeon General, the Secretary of the U.S. Department of Agriculture, and other federal and state government officials as appropriate.

SPONSOR: Representative Lois DeBerry (TN)

Committee of Jurisdiction: Agriculture Policy Committee

Certified by Committee Chair: Representative Helen Miller (IA)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

AGRICULTURE

Resolution AGR-13-15

ADDRESSING THE OBESITY EPIDEMIC IN AMERICA

WHEREAS, America must confront the scourge of a dire epidemic, with more than one-third (35.7 percent) of Americans being considered obese by the Centers for Disease Control and Prevention;

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has previous policy addressing obesity prevention and mitigation, such as HHS-11-19, "Supporting Increased Access to Quality Nutrition and Support for Infants and Children," and HHS-10-11, "A Resolution Recognizing the Prevalence of Excess Weight and Obesity within the African-American Community, and its Impact on Diabetes and Cardiovascular Disease and Urging Innovative and Improved Solutions,";

WHEREAS, nearly two-thirds of Americans are overweight or obese and certain demographic and socioeconomic groups, like African Americans, Hispanic Americans, and the impoverished are impacted disproportionately by obesity;

WHEREAS, unfortunately, these groups often lack the needed information and resources to address this situation;

WHEREAS, obesity has eclipsed smoking as the leading cause of preventable death in the United States and this condition has significantly increased the mortality or morbidity rates for conditions such as heart disease, type 2 diabetes, cancers (endometrial, breast, and colon), hypertension (high blood pressure), dyslipidemia, stroke, liver and gallbladder disease, sleep apnea and respiratory problems, osteoarthritis (a degeneration of cartilage and its underlying bone within a joint), and gynecological problems (abnormal menses and infertility);

WHEREAS, obesity has significantly reduced the quality and years of life for millions of people in this country and throughout the world;

WHEREAS, obesity and the co-morbid conditions described above have significantly impacted our country's economy as well;

WHEREAS, these costs will continue to have an extraordinarily high financial impact on our economy, as medical costs associated with obesity were estimated at \$147 billion in 2008;

WHEREAS, direct costs include preventive, diagnostic, and treatment services, indirect costs include both mortality and morbidity costs, including the value of income lost from decreased productivity, restricted activity, absenteeism, and bed days; and

WHEREAS, while the economic impact is significant, the personal financial impact is great as well, and according to Dr. Thomas Frieden, Director of the Centers for Disease Control and Prevention, people who are obese spend almost \$1,500 more each year on health care (about 41 percent more than the average-weight person).

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages the development of weight management programs designed to help consumers address their health conditions to improve the quantity and quality of life for millions of Americans;

BE IT FURTHER RESOLVED, that the development of such programs should take into consideration the many contributing factors at play in causing obesity, including metabolic, genetic, emotional, physiological, behavioral, environmental, cultural, and socioeconomic factors;

AGRICULTURE

Resolution AGR-13-15

BE IT FURTHER RESOLVED, that the development of such programs should bring together four of the most significant resources, which if properly coordinated, will result in measurable improvements in the health of individuals suffering from conditions related to obesity, including physician/doctor, restaurant/eating, fitness center/gym, and supplementation resources;

BE IT FURTHER RESOLVED, that the NBCSL applauds the passage of the Healthy, Hunger-Free Kids Act and the steps taken by First Lady Michelle Obama with the Let's Move! initiative;

BE IT FURTHER RESOLVED, that the NBCSL encourages legislators to take steps in their own states to address obesity in their communities to encourage healthier lifestyles and raise awareness; and

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

SPONSOR: Representative JoAnne Favors (TN)

Committee of Jurisdiction: Agriculture Policy Committee

Certified by Committee Chair: Representative Helen Miller (IA)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

BUSINESS, FINANCIAL SERVICES, AND INSURANCE POLICY COMMITTEE (BFI)

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BUSINESS, FINANCIAL SERVICES, AND INSURANCE

Resolution BFI-13-14

PROMOTING SAFE AND AFFORDABLE LENDING PRACTICES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has always been committed to financial empowerment through improved access to capital as well as a marketplace that offers safe and affordable lending products and services;

WHEREAS, in 1998, the United Nations defined poverty as the lack of access to certain essential goods and services, including access to credit;

WHEREAS, the need for small-dollar credit exists in every community throughout the country;

WHEREAS, not all loan types are equally safe and affordable, and the structure of certain loans significantly increases the likelihood of borrowers falling into a cycle of debt;

WHEREAS, responsibly structured credit is essential to support a household's ability to save, build a sound credit history, and facilitate crucial investments that can provide a foundation for other wealth-building activities;

WHEREAS, the key structural qualities of loans that are safe and affordable are that the lender makes a good faith efforts to assess the borrower's ability to repay the loan and that the loan is repayable in substantially equal installments of principal and interest, with no balloon payments;

WHEREAS, it is the intention of this body to ensure access to loans that are low cost rather than low rate, since consumers buy goods with dollars and cents and not with annual percentage rates;

WHEREAS, government subsidized loans do not exist in meaningful numbers, and whenever they do exist, their availability is only temporary, and so loan products must be available at commercially sustainable rates;

WHEREAS, it is important that safe and affordable small-dollar loans be made from offices located within communities and licensed and audited by state authorities to protect from predatory lenders and lending practices.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the development of lending products that encourage responsible underwriting, and attempts to assess a borrower's stability, ability, and willingness to repay the loan;

BE IT FURTHER RESOLVED, that NBCSL encourages policymakers to take the following into account:

- ▶ that lenders should examine factors like a borrower's credit bureau reports, the availability of monthly income for debt service, the length of time the consumer has been gainfully employed, and the amount of the borrowers' debt compared to assets and income as a condition for making a loan;
- ▶ that lenders should support and observe all applicable state laws regarding collection practices and that they should make good faith attempts with borrowers to remedy a delinquent account;
- ▶ that any loan should be structured in such a way as to minimize the danger of that a borrower might fall into the cycle of debt;
- ▶ that lenders take care to explain to borrowers, the terms of a possible loan transaction in as clear and transparent a manner as possible;

BUSINESS, FINANCIAL SERVICES, AND INSURANCE

Resolution BFI-13-14

- ▶ that lenders should be a vital part of the communities in which they operate and actively participate in community activities and charitable endeavors;
- ▶ that lenders should support and participate in financial literacy programs by contributing financially to organizations that offer these services to borrowers; and
- ▶ that lenders, non-profit organizations, and government entities should work together to improve financial literacy;

BE IT FURTHER RESOLVED, that the NBCSL supports efforts to protect consumers who need short-term loans; and

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

SPONSOR: Representative Larry Miller (TN)

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

Certified by Committee Chair: Senator Catherine Pugh (MD)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

IMPROVING PATIENT ACCESS TO PRESCRIPTION MEDICATION

WHEREAS, access restrictions on prescription medication can take many forms, including tiered co-pays, co-insurance, benefit caps, prescription limits, prior authorization, step therapy, closed formularies, mandatory generic substitution, and reference pricing;

WHEREAS, for certain conditions, evidence indicates that more cost sharing is associated with worsening clinical outcomes and increased use of other medical services, such as hospitalizations and emergency department visits;

WHEREAS, demand for pharmaceuticals declines with higher co-payments, and there is concern that low-income patients are more responsive to cost sharing;

WHEREAS, a review of studies that assessed multi-tier plans, step protocols, drug caps, and preferred drug lists, showed decreased medication utilization, significant no-fill rates, circumvention or increased expenditures to obtain non-preferred drugs, and increased discontinuation rates; and

WHEREAS, according to a study published by the American Medical Association, by offering prescription drug coverage, Medicare was able to reduce its spending on hospitals and nursing homes for those seniors covered.

THEREFORE BE IT RESOLVED, that a patient's physician is best able to determine the most appropriate medicine to address a patient's medical needs;

BE IT FURTHER RESOLVED, that medication should be based on medical and scientific evidence and carefully evaluated on an ongoing basis for its impact on medical care utilization and health care outcomes;

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators (NBCSL) believes in the following principles:

- ▶ that patient safeguards should be established to ensure that patients have a choice of drugs;
- ▶ that certain classes of medications, such as those to treat cancer, HIV/AIDS, and mental illness, should be considered for exemption from access restrictions due to the unique characteristics of these medical conditions;
- ▶ that a patient stabilized on a medication should be allowed to remain on that medication, unless there is cause to believe the medication would be detrimental to the patient's health or a safe comparable alternative is determined;
- ▶ that patients should be notified of their right to appeal decisions that restrict their access to medications; and
- ▶ that patients, their representatives, and their health care providers have real-time, easy access to information on medication restrictions; and

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

BUSINESS, FINANCIAL SERVICES, AND INSURANCE

Resolution BFI-13-20

SPONSOR: Senator Donne Trotter (IL)

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

Certified by Committee Chair: Senator Catherine Pugh (MD)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

ENSURING THAT EVERY AMERICAN HAS ACCESS TO VITAL HEALTHCARE TREATMENTS AND SERVICES

WHEREAS, the Patient Protection and Affordable Care Act (PPACA) ensures health plans offered in the individual and small group markets, both inside and outside of the Affordable Health Insurance Exchanges (Exchanges), offer a comprehensive package of items and services, known as Essential Health Benefits (EHB or Essential Benefits);

WHEREAS, the PPACA directs the Secretary of the U.S. Department of Health and Human Services (HHS) to define the scope of EHB as being equal to a typical employer plan; however, the statute does not provide a definition of "typical";

WHEREAS, on December 16, 2011, the Center for Consumer Information and Insurance Oversight issued a bulletin, developed with significant input from the American people, as well as reports from the U.S. Department of Labor, the Institute of Medicine, and research conducted by HHS identifying ten categories of services and items included in EHB: ambulatory patient services; emergency services; hospitalization; maternity and newborn care; mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services and chronic disease management; and pediatric services, including oral and vision care;

WHEREAS, all ten categories of services and items must be covered by insurance offered in the individual and small group markets as of January 1, 2014;

WHEREAS, as directed by the PPACA, HHS provided guidance on the Essential Benefits package and proposed that states select from four types of benchmark health insurance plans that reflect the scope of products and services offered by a "typical employer plan";

WHEREAS, however, HHS did not establish standards that would ensure affordability or patient access to a full range of treatments;

WHEREAS, the design of the Essential Benefits package is critically important and will directly impact the future of patient access to quality health care and the health of all Americans;

WHEREAS, quality health care for America's diverse patient populations depends on access to a wide range of health care products and services, including access to a full range of medications which save and improve patients' lives and enable patients to avoid other alternatives which may be less efficient, duplicative, or more expensive; and

WHEREAS, affordability is also essential to ensure access and improve health outcomes, since burdensome patient out-of-pocket costs and high co-payments can cause people to delay or forego needed treatment.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports an Essential Health Benefits (EHB) package to ensure all Americans have access to affordable, high quality, culturally appropriate health care and should include a wide range of health care products and services that meet diverse patient needs;

BUSINESS, FINANCIAL SERVICES, AND INSURANCE

Resolution BFI-13-21

BE IT FURTHER RESOLVED, that the NBCSL calls upon the federal government to consider new medical treatments approved by the HHS and the U.S. Food and Drug Administration to be included in EHB packages in a timely manner so that patients can benefit immediately from improvements in the quality and practice of medicine;

BE IT FURTHER RESOLVED, that EHB should ensure that patients and their healthcare providers determine the most appropriate course of treatment, while taking into account empirical evidence and studies performed by independent evaluators;

BE IT FURTHER RESOLVED, that patients' out-of-pocket exposure to EHB should be affordable and transparent with regards to insurance coverage and cost sharing obligations;

BE IT FURTHER RESOLVED, that the NBCSL calls upon the federal government to ensure that EHB provide meaningful coverage for all individuals so that all patients, especially vulnerable patients with chronic conditions or other complex treatment needs, have access to medically necessary and appropriate treatments at affordable out-of-pocket costs; and

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

SPONSOR: Senator Donne Trotter (IL)

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

Certified by Committee Chair: Senator Catherine Pugh (MD)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

BUSINESS, FINANCIAL SERVICES, AND INSURANCE

Resolution BFI-13-24

ENCOURAGING EFFICIENCY IN HEALTH SERVICES TO REDUCE COSTS

WHEREAS, prior authorization is a process in which physicians must seek approval from health plans for medications, diagnostic tests, and procedures needed by their patients;

WHEREAS, physicians typically wait several days to receive authorization from an insurer for medications;

WHEREAS, patients suffer as access to needed drugs, including pain management and chronic care medication, is delayed;

WHEREAS, according to American Medical News, the official publication of the American Medical Association, practices' interactions with insurers cost an estimated \$23.2 billion to \$31 billion per year, and the average physician spends 43 minutes per work day—or more than three hours per week—dealing with health plan administrative requirements;

WHEREAS, in addition, the time physicians, nurses, and other practice staff spend interacting with insurers costs an average of \$68,274 per physician per year;

WHEREAS, phone calls and fax communications between pharmacies and physician offices account for up to 25 percent of pharmacists' time and 20 percent of the workload of physician-office staff;

WHEREAS, the current, paper-based system of prior authorization is cumbersome and administratively burdensome for providers and patients alike, in part because information requirements are inconsistent and vary by payer;

WHEREAS, a standardized prior authorization process would mean prescribers could use the same form for all payers, saving prescribers and patients time and money;

WHEREAS, in addition, standardizing prior authorization would simplify the process and enhance efficiency in preparation for electronic systems;

WHEREAS, according to a 2010 survey conducted by the American Medical Association, three-quarters (75 percent) of physicians said an automated pre-authorization process would help them manage patients' care more efficiently;

WHEREAS, electronic prescribing (eRx) technology can be used to alert a prescriber of the need for prior authorization at the point of care, allowing physicians to discuss treatment options with patients, and streamlining the process and making it more efficient; and

WHEREAS, state Medicaid programs that have implemented automated prior authorization systems report significant cost savings as a result.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports standardized and electronic prior authorization in order to improve patient care, enhance patient/provider decision-making, save health care providers and patients both time and money, and increase health system efficiency and cost savings;

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BE IT FURTHER RESOLVED, that the NBCSL calls upon the federal government and states to consider allowing standardized and electronic prior authorization within the physician, pharmacist, and patient treatment network;

BE IT FURTHER RESOLVED, that the NBCSL believes that such systems should be developed to work with electronic medical records, where possible, to maximize efficiency improvements while maintaining patient privacy; and

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

SPONSOR: Senator Donne Trotter (IL)

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

Certified by Committee Chair: Senator Catherine Pugh (MD)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

INCREASING TRANSPARENCY IN HEALTH CARE COVERAGE

WHEREAS, complex, non-standardized, and often incomprehensible information on benefits and costs associated with health care coverage diminishes the ability of providers and their patients to identify optimal treatment programs and interferes with the ability of businesses and consumers to make informed decisions among coverage options;

WHEREAS, Section 2715 of the Patient Protection and Affordable Care Act (PPACA) requires the Secretary of the U.S. Department of Health and Human Services (HHS) to develop standards for use by group health plans and health insurance issuers in compiling and providing a summary of benefits and coverage explanation that accurately describes benefits and coverage;

WHEREAS, Section 2715 of the PPACA provides a remedy for the lack of transparency that has plagued the process of purchasing insurance coverage, by requiring information on costs and covered benefits to be available to consumers in a clear, standardized format to allow true comparisons;

WHEREAS, in February of 2012, HHS issued final rules for implementing Section 2715, which address many of the PPACA's requirements and provide opportunities for future modifications;

WHEREAS, businesses will be able to use standardized benefit and cost information to select health coverage that is appropriate for their employee population and provide employees with much needed clear and useful information about their health care choices;

WHEREAS, according to the Deloitte Center for Health Solutions 2012 U.S. Survey of Health Care Consumers, many employees are unaware of their benefit options, and 25 percent of respondents believe they selected the wrong level of insurance coverage or selected benefits they didn't need, and only 16 percent felt confident they had not made mistakes during the enrollment process;

WHEREAS, in addition, it is also critical that providers have access to clear, accurate, and easily comparable information about patients' health benefits and formulary provisions;

WHEREAS, when patients and providers both have this information available, it enhances the patient/provider interaction and decision-making process because it is known in advance which treatments will be covered; and

WHEREAS, patients can start treatments and maintain adherence to treatment regimens, confident that by doing so, they will not incur unexpected financial obligations and hardship.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the need for full and transparent information regarding benefits, costs, and coverage when businesses and consumers shop and compare health insurance plans;

BE IT FURTHER RESOLVED, that businesses must have access to full, standardized information about coverage options for employees and provide that information in a clear, understandable way to enhance the ability of employees to make informed coverage choices;

BE IT FURTHER RESOLVED, that providers must have access to full, transparent information about treatment and formulary coverage for each patient in order to ensure that patient preferences and constraints are considered and optimal treatment decisions are made;

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BE IT FURTHER RESOLVED, that while providers should have access to the information, the provider should present all options to the patients with costs and benefits of the different options and should not use the financial information as a sole factor for determining care while ignoring the opinion of the patient;

BE IT FURTHER RESOLVED, that individual consumers must have complete, standardized information about health care coverage in order to fully understand their coverage options, be effectively involved in their own health care, and make informed plans that balance treatment options and financial requirements when medical needs arise; 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, the Secretary of the U.S. Department of Health and Human Services, and other federal and state government officials as appropriate.

SPONSOR: Senator Donne Trotter (IL)

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

Certified by Committee Chair: Senator Catherine Pugh (MD)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

FACILITATING A LEVEL PLAYING FIELD FOR ALL DISADVANTAGED BUSINESS ENTERPRISES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has passed resolutions supporting greater opportunities for minority businesses, increasing awareness of Request For Proposal (RFP) processes, raising awareness about the disparity of contracting awards to African-American-owned businesses, and examining strategies to improve the record of minority business owners as prime contractors (Resolutions BFI-10-03 and ETE-10-10);

WHEREAS, according to the U.S. Census Bureau, as of 2010, African Americans represent 12 percent of the U.S. population but only seven percent of all classifiable firms, representing 1.92 million firms with nearly \$136 billion in gross receipts and employing approximately 910,000 people;

WHEREAS, these statistics reveal tremendous disparity in business ownership for African Americans;

WHEREAS, according to the U.S. Department of Commerce, if African-American firms reached parity, increasing their representation to 12 percent of all classifiable firms from the current seven percent, they would total 3.3 million firms with gross receipts of \$1.4 trillion and employ over 7.1 million people, placing them at approximately eight times the current number;

WHEREAS, according to the National Academy of Sciences' Transportation Research Board, the greatest barrier to Disadvantaged Business Enterprises (DBE) obtaining state department of transportation contracts has been a lack of financial and insurance-related resources, and the second greatest barrier to successful contract bidding has been large project contract size;

WHEREAS, a proven strategy exists to address these barriers through instituting Controlled Insurance Programs (CIPs) that allow contractor insurance coverage to be pooled together for large construction projects, and African-American contractors will be given the ability to perform on the necessary project size and budget to be competitive prime contractors; and

WHEREAS, the Federal Highway Owner Controlled Insurance Program Guide states that CIP's help level the playing field by eliminating or reducing conventional insurance expenses that for DBEs tend to be higher than those expenses for larger contractors.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) calls upon the United States Congress and state legislatures to examine and include Controlled Insurance Programs for all public works programs worth over \$100 million with the express goal of promoting greater participation of Disadvantaged Business Enterprise contractors, insurance brokers, and consultants;

BE IT FURTHER RESOLVED, that the NBCSL supports the reduction of barriers in minority business certification processes to enable minority businesses to more quickly and easily be able to apply for certifications, as long as such changes do not harm the overall certification process by allowing non-minority-owned businesses to take advantage of available programs; 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

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United States Senate, the Secretary of the U.S. Department of Commerce, the National Director of the Minority Business Development Agency, and other related departments and agencies as appropriate.

SPONSOR: Senator Catherine Pugh (MD)

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

Certified by Committee Chair: Senator Catherine Pugh (MD)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

INCREASING FAIR CONTRACTING OPPORTUNITIES AND PRACTICES FOR GREATER ECONOMIC PARITY

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has passed resolutions supporting increased government outreach to minority businesses, promoting the use of minority firms for brokerage and investment management services, and increasing participation of minority contractors in infrastructure awards (Resolutions BFI-10-03, BFI-10-45, and ETE-10-10);

WHEREAS, in 1969, President Richard M. Nixon issued Executive Order 11458 establishing the Office of Minority Business Enterprise, which was renamed the Minority Business Development Agency (MBDA) in 1979;

WHEREAS, the mission of the MBDA is to actively promote the growth and competitiveness of businesses owned by ethnic minorities by providing access to capital, contracts, and market opportunities—both domestic and global;

WHEREAS, the MBDA established five regional offices located in Atlanta, Chicago, Dallas, New York, Los Angeles and San Francisco, over the years, to assist minority-owned businesses in their growth;

WHEREAS, in response to a national push to streamline government services and cut overhead costs, the MBDA closed its five regional administrative facilities and redirected resources to strengthen and expand its nationwide network of 39 MBDA Business Centers, including its new Federal Procurement Center;

WHEREAS, since closing its regional centers, the MBDA has continued operating Business Centers in those cities, which provide direct services to minority-owned business owners and entrepreneurs, and the MBDA opened new Business Centers in Memphis, TN; Atlanta, GA; San Antonio, TX; Chicago, IL; San Jose, CA; Boston, MA; Phoenix, AZ; and Hato Rey, Puerto Rico;

WHEREAS, despite weathering a \$1.6 million or five-percent cut to its budget from the United States Congress on top of an already insufficient level of funding, the MBDA has demonstrated its worth as a critical component of job creation—providing taxpayers with a 125-percent return on investment;

WHEREAS, according to Bloomberg News, the total number of federal government contracts awarded between FY2010 and FY2011 fell one percent as the government slowed spending to help reduce the deficit; however, the federal government missed its goals for contracting to small businesses for the 11th year in a row in FY2011 and is on pace to miss its targets again in FY2012, including to African American-owned and Hispanic American-owned businesses whose contracts dropped by eight percent and seven percent respectively between FY2010 and FY2011—more than any other group;

WHEREAS, the Small Business Reauthorization Act of 1997 defines contract bundling as “consolidating two or more procurement requirements for goods or services previously provided or performed under separate, smaller contracts into a solicitation of offers for a single contract that is unlikely to be suitable for award to a small business concern”;

WHEREAS, contract bundling includes several factors that might cause unsuitability for award to a small business:

- ▶ the diversity, size, or specialized nature of the elements of the performance specified;

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- ▶ the aggregate dollar value of the anticipated award; and
- ▶ the geographical dispersion of contract performance sites;

WHEREAS, according to a report prepared for the Small Business Administration's (SBA) Office of Advocacy, for every 100 "bundled" contracts, 106 individual contracts are no longer available to small businesses and for every \$100 awarded on a "bundled" contract, there is a \$33 decrease to small businesses;

WHEREAS, the SBA report concludes that because these types of contracts "run longer and encompass a greater scope, competition is reduced in terms of frequency and the number of opportunities";

WHEREAS, the SBA found that significantly fewer small businesses are receiving federal government contracts, signaling an increase in contract bundling and a decline in small business opportunities;

WHEREAS, both federal and state governments distribute trillions of dollars in pension funds to federal and state agencies' funds for management by private firms, including brokerage and asset management, domestic and global private equity as well as real estate and hedge fund management firms;

WHEREAS, millions of Americans invest their money through pension plans managed and invested by companies and firms all over the country, a \$1.7 trillion market in the U.S. annually;

WHEREAS, according to the National Bureau of Economic Research, the value of pension promises already made are expected to grow by \$7.9 trillion over the next 15 years, with current values of pensions valued at over \$16 trillion;

WHEREAS, African Americans and other people of color comprise a significant portion of pension fund contributors, yet people of color make up a disproportionately low share of the companies and investment firms in charge of managing this wealth;

WHEREAS, according to the U.S. Census Bureau's Survey of Business Owners, in 2007 there were 42,160 Black-owned firms within the finance and insurance sector compared to 1,019,054 of all U.S. firms within this sector or 4.1 percent of the total, and, within the management of companies and enterprises sector, there were 201 Black-owned firms compared to 26,864 for all U.S. firms within this sector or 0.7 percent of the total; and

WHEREAS, according to the Pensions and Investments Resource Center, assets under management at Black-owned asset management firms increased by 4.4 percent to a total of \$80.9 billion between 2005 and 2006, and private equity capital under management increased 13.2 percent to a total of \$4.5 billion for the same period.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges the United States Congress and all state legislatures to diversify their pension portfolios by encouraging African-American-owned and other qualified minority-owned firms to participate at all levels of brokerage and asset management, as well as private equity, real estate, and hedge fund management;

BE IT FURTHER RESOLVED, that the NBCSL requests that all states and the federal government take action where possible to prevent contract bundling a practice that makes it "virtually impossible" for small businesses to compete;

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BE IT FURTHER RESOLVED, that the NBCSL urges the United States Congress to allocate appropriate funding to support the growth and development of minority-owned businesses within the Minority Business Development Agency and in offices throughout the federal government dedicated to supporting minority-owned businesses; 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 Secretary of the U.S. Department of Commerce, the National Director of the Minority Business Development Agency, and other related departments and agencies as appropriate.

SPONSOR: Senator Catherine Pugh (MD)

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

Certified by Committee Chair: Senator Catherine Pugh (MD)

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

EDUCATION COMMITTEE (EDU)

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2013 RATIFIED POLICY RESOLUTIONS

Ratification Date: December 7, 2012

NBCSL 36th Annual Legislative Conference
Washington, DC
December 5–9, 2012

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Resolution EDU-13-28

KEEPING CHILDREN WITH DIABETES SAFE AT SCHOOL

WHEREAS, diabetes is a chronic metabolic disorder, resulting in the body's inability to utilize glucose for energy due to a lack of insulin;

WHEREAS, type 1 diabetes, previously called juvenile, or insulin dependent diabetes, is an autoimmune disease in which the insulin producing cells of the pancreas are destroyed, resulting in the need for daily injections of insulin (insulin is necessary for blood glucose—also called “blood sugar”—to be maintained at normal levels);

WHEREAS, type 2 diabetes, previously called adult onset, or non-insulin dependent diabetes, rarely occurs in children, though in recent years its appearance has been more common in adolescents and is characterized by a resistance to insulin rather than a deficiency of insulin;

WHEREAS, diabetes is the seventh leading cause of death in the United States;

WHEREAS, diabetes is the leading cause of kidney failure, non-traumatic lower-limb amputations, and new cases of blindness among adults in the United States;

WHEREAS, diabetes is a major cause of heart disease and stroke;

WHEREAS, according to the U.S. Department of Health and Human Services (HHS) about 215,000 people younger than 20 years of age had diabetes (type 1 and type 2) in the United States in 2010;

WHEREAS, each year, more than 13,000 young people are diagnosed with type 1 diabetes;

WHEREAS, researchers at the Centers for Disease Control and Prevention estimate that among the new cases of childhood diabetes, the proportion of those with type 2 diabetes ranges between 8 percent and 43 percent;

WHEREAS, according to HHS, most children who develop type 2 diabetes are American Indian, African American, Asian, or Hispanic/Latino;

WHEREAS, diabetes can be a disability and can have substantial impacts on a student's academic performance and safety at school, but it does not affect all students in the same ways;

WHEREAS, children with diabetes require daily care including insulin/medication administration, blood glucose checks throughout the day, assistance with nutrition calculations, and prompt recognition of diabetes emergencies including hyperglycemia (high blood glucose) and hypoglycemia (low blood glucose) to avoid serious medical complications and to be best positioned to achieve academic success and normal growth at school;

WHEREAS, many schools do not have a full-time nurse or licensed healthcare professional available on-site to provide daily care and address diabetes emergencies, and diabetes care can be safely provided by other school personnel who have received training;

WHEREAS, according to the American Diabetes Association, the ages at which children with diabetes are able to perform self-care tasks are individual and varied;

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WHEREAS, support is needed to ensure more students can become independent with their self-care management that is age appropriate; and

WHEREAS, a growing number of states have adopted statutes that specifically relate to diabetes care in schools, and 27 states have already enacted state legislation permitting schools to identify school personnel to volunteer to be trained to provide diabetes care to students.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports efforts (the provision of in-service training using the American Diabetes Training materials to all school-related staff/boards/personnel) taking place in states that permit schools to do the following:

- ▶ provide training to identified school staff members that includes a basic understanding of diabetes and the students' needs, how to identify medical emergencies, and which school staff members to contact in the event of a diabetes emergency;
- ▶ provide training by a qualified health care professional to a small group of school staff members in routine and emergency diabetes who are authorized to provide care when a school nurse is not available on-site; and
- ▶ permit students who possess the necessary skills and maturity to self-manage their diabetes in the classroom or wherever they are in conjunction with a school activity, with the agreement of the student's parent or guardian, school personnel, and the school's health care team, as necessary; and

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

SPONSOR: Senator Sharon Weston Broome (LA)

Committee of Jurisdiction: Education Policy Committee

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

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

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FACILITATING SAFE AND SUPPORTIVE LEARNING ENVIRONMENTS

WHEREAS, a safe and supportive school climate is a necessary precursor for effective teaching and learning;

WHEREAS, excellence in academic achievement and an effective school discipline system that promotes positive and pro-social behavior go hand-in-hand;

WHEREAS, effective instruction requires school and classroom practices that ensure students are engaged in behaviors conducive to learning;

WHEREAS, there is a direct correlation between student behavior and student engagement in the classroom, and in order to sufficiently address issues of behavior, schools must ensure that classroom instructional practices are culturally responsive;

WHEREAS, exclusionary discipline approaches, such as out-of-school suspension and expulsion as a first resort, have been shown to be ineffective approaches for addressing problems of student discipline and behavior;

WHEREAS, national reports by the American Psychological Association, the Council of State Governments, the National Association of School Psychologists, and several other organizations have found little evidence to suggest that the use of suspension and expulsion improves student behavior or school climate;

WHEREAS, disciplinary strategies that exclude students from school are associated with decreased student engagement, lower academic achievement, and an increased likelihood of lower graduation rates, school dropout and involvement with the juvenile justice system;

WHEREAS, students suspended or expelled from school are five times more likely to repeat a grade and/or drop out; a single suspension or expulsion nearly doubles the likelihood that a student will come into contact with the juvenile justice system by the end of the following school year;

WHEREAS, students of color, especially African-American and Latino students, are disproportionately exposed to these negative effects by being consistently over-represented in the use of out-of-school suspension and expulsion;

WHEREAS, data released by the U.S. Department of Education, Office for Civil Rights, showed that Black students were three and a half times more likely to be suspended or expelled than their White classmates; in districts that reported expulsions under zero-tolerance policies, Latino and African-American students represent 45 percent of the student body, but 56 percent of the students expelled under such policies, with 20 percent of Latinos receiving out-of-school suspensions;

WHEREAS, this over-representation is not caused simply by an association with the effects of poverty, nor does the data show that disciplinary disparities are due to higher rates of disruption on the part of students of color;

WHEREAS, schools should replace disciplinary practices that criminalize student misbehavior with models that have proven to be effective in nurturing positive social behaviors that are desired in the classroom;

WHEREAS, an emerging model system of school-wide discipline is Positive Behavior Interventions and Supports (PBIS), which guides the selection and integration of the best evidence-based academic and behavior practices for improving academic and social outcomes;

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WHEREAS, the U.S. Department of Education has funded the implementation of PBIS because it has been successful in reducing disciplinary incidents, increasing school safety, and improving academic outcomes;

WHEREAS, another model system of school-wide discipline is restorative justice, which identifies and takes steps to repair harm, involves all stakeholders, and transforms the traditional relationship between communities and their governments in responding to crime, having been found highly promising in reducing rates of disciplinary referrals and increasing rates of positive and pro-social student behavior, thereby improving school climate and student mental health, and reducing teacher burnout; and

WHEREAS, it cannot be assumed that a universal intervention approach to improving school discipline will necessarily reduce long-standing racial and ethnic achievement and discipline gaps; rather, all effective discipline approaches must infuse principles of cultural responsiveness in order to specifically address achievement and discipline gaps.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports efforts aimed at reducing school discipline policies that push students out of school and into the juvenile justice system;

BE IT FURTHER RESOLVED, that the NBCSL encourages legislators to examine effective strategies, such as Positive Behavior Interventions and Supports, restorative justice practices, and other effective measures for promoting improved school discipline and a safe and supportive school environment, and, in particular, reducing ubiquitous racial and ethnic disparities in school discipline outcomes;

BE IT FURTHER RESOLVED, that such systems should be built upon the following principles and components:

- ▶ clearly defined behavioral expectations;
- ▶ data-based decision-making;
- ▶ disaggregation of data and application of culturally responsive principles;
- ▶ strength-based approaches;
- ▶ attention to issues of school climate and the increased use of school-based mental health services; and
- ▶ procedures for resolution of conflict;

BE IT FURTHER RESOLVED, that the NBCSL is committed to identifying and sharing various effective models of culturally responsive instruction and discipline that have been developed throughout the country;

BE IT FURTHER RESOLVED, that the NBCSL applauds the Supportive School Discipline Initiative, a combined effort on the part of the U.S. Departments of Education and Justice to reduce school discipline policies that push children out of school and into the juvenile justice system;

BE IT FURTHER RESOLVED, that the NBCSL supports the increased use of a range of positive behavioral strategies in schools so students are not simply punished for misbehavior, but shaped towards positive and pro-social behavior;

BE IT FURTHER RESOLVED, that the NBCSL supports replacing models of zero-tolerance discipline with a graduated system of discipline that carefully defines infractions and their relationship to consequences, in order to avoid applying serious consequences to non-threatening misbehaviors (e.g. non-compliance);

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BE IT FURTHER RESOLVED, that the NBCSL recognizes student safety is paramount to a constructive learning environment, and, as such, NBCSL acknowledges at certain times it is necessary to remove a student from a learning environment due to safety concerns the student may pose to other students, school personnel, or him or herself;

BE IT FURTHER RESOLVED, that the NBCSL advocates for schools to establish a set of expectations at the school and classroom level that are clear for school staff, students, and families;

BE IT FURTHER RESOLVED, that the NBCSL promotes a data-based approach that includes the collection and regular review of disciplinary data to identify particular areas of behavioral difficulty, and to develop and implement solutions;

BE IT FURTHER RESOLVED, that the NBCSL advocates for particular attention to the longstanding and unresolved issue of racial and ethnic disparities in discipline, including the disaggregation by race/ethnicity of all discipline and instructional data, and the use of that data to promote culturally responsive instruction and classroom 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.

SPONSOR: Representative Gregory W. Porter (IN)

Committee of Jurisdiction: Education Policy Committee

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

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

EDUCATION

Resolution EDU-13-35

TAKING ACTION TO IMPROVE THE ACADEMIC ACHIEVEMENT OF BLACK AND LATINO MALES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has a long history of promoting public policy that seeks to close the education achievement gap and improve education for all Americans;

WHEREAS, the NBCSL has passed resolutions such as EDU-11-10, "Teacher Development and Evaluation," EDU-12-26, "Promoting Higher College Graduation Rates," and EDU-12-02, "Supporting Innovations in Mathematics Education and Teacher Effectiveness," all of which aim to close the achievement gap;

WHEREAS, according to the National Center for Education Statistics, only about half of Black and Hispanic fourth graders perform at or above "basic" on National Assessment of Educational Progress (NAEP) reading assessment;

WHEREAS, the Schott Foundation for Public Education found that only 52 percent of Black male and 58 percent of Hispanic male ninth-graders graduate from high school four years later, while 78 percent of non-Hispanic White male ninth-graders graduate four years later;

WHEREAS, the NBCSL has been committed to raising awareness on the importance of closing the opportunity and achievement gap in education; and re-dedicating resources to combat the continued failure of African-American and Latino male students; and

WHEREAS, President Barack Obama has launched the White House Initiative on Educational Excellence for African Americans to establish an office that will coordinate the work of communities and federal agencies to ensure that African Americans are better prepared for high school, college, and careers.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages stronger public awareness on the overuse of graduation waivers in minority-majority school districts where it is prevalent;

BE IT FURTHER RESOLVED, that the NBCSL supports state and federal policies that require increased cultural competency training within teacher preparation programs and continuous professional development;

BE IT FURTHER RESOLVED, that NCBSL recognizes the critical need for state teacher accountability assessment policies to be amended to incorporate cultural competency as a marker for teacher performance;

BE IT FURTHER RESOLVED, that NBCSL urges legislators to examine cultural competency and best practices for instructing African-American and Latino males, the use of school waivers, and the need for agencies to work with PK-16 stakeholders to establish strategies for African-American and Latino male academic achievement; 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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Resolution EDU-13-35

SPONSOR: Representative Gregory W. Porter (IN)

Committee of Jurisdiction: Education Policy Committee

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

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EDUCATION

Resolution EDU-13-36

REDUCING HIGH SCHOOL DROPOUT RATES BY RAISING THE COMPULSORY ATTENDANCE AGE TO 18

WHEREAS, nationwide, 7,000 students dropout every school day;

WHEREAS, a primary justification for raising the compulsory schooling age to 18 is that adolescents may not fully understand the benefits of more schooling, and, as a result, make a decision with consequences that may affect them for the rest of their lives, and that they may later regret;

WHEREAS, each year, approximately 1.2 million students fail to graduate from high school, and more than half of them are students of color;

WHEREAS, there is evidence, as supported by the Hamilton Project and The Brookings Institution, that a more educated population leaves the entire population—not just the direct beneficiaries of that education—better off;

WHEREAS, not only does having a more educated populace lead to lower crime rates, higher civic participation, lower government spending on public assistance programs, and law enforcement, but working residents also enjoy higher earnings just by living in regions with fewer high school dropouts, irrespective of their own levels of education;

WHEREAS, each class of dropouts is responsible for substantial financial and social costs to their communities, states, and country in which they live;

WHEREAS, over the course of his or her lifetime, a high school dropout earns, on average, about \$260,000 less than a high school graduate;

WHEREAS, dropouts from the class of 2010 alone will cost the nation more than \$337 billion in low wages over the course of their lifetimes;

WHEREAS, increasing the compulsory schooling age from sixteen to eighteen raised high school graduation rates by 2.4 percentage points, and even increased the college completion rate by 1.5 percentage points;

WHEREAS, compulsory-schooling laws may have non-monetary benefits, having been shown to reduce teen pregnancy and increase lifespans;

WHEREAS, a raised compulsory age can also help break the cycle of intergenerational transmission of educational outcomes; parents with more compulsory schooling are less likely to have children who repeat a grade or drop out of school;

WHEREAS, if the approximately 1.2 million young people who are estimated to drop out of school in the United States this year earn diplomas, states could save more than \$17 billion over the course of those young people's lifetimes;

WHEREAS, if the graduation rates of African Americans, Hispanics, and Native Americans were to rise to the level of Caucasian students by 2020, the increase in personal income would add more than \$310 billion to the nation's economy;

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WHEREAS, raising the dropout age to 18 would result in at least five percent of the male dropout population staying in school leading to combined saving and revenue of almost \$8 billion each year by reducing crime-related costs;

WHEREAS, 29 states still allow students to drop out of school before turning 18;

WHEREAS, President Barack Obama's 2012 State of the Union Address asked all states to move their allowable dropout age to 18 giving all students a greater chance to graduate; and

WHEREAS, raising the compulsory schooling age is an important and viable route to increasing high school completion.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges all states to move the compulsory attendance age for high school attendance to 18, thereby assisting more students in obtaining a high school diploma;

BE IT FURTHER RESOLVED, that the NBCSL recognizes in order for this policy to be most effective, it must be part of a comprehensive strategy of intervention, including the following measures:

- ▶ school outreach to and regular communication with parents that empowers them to support their children's education and prevent dropout;
- ▶ mentoring and tutoring programs that can help direct students toward completion;
- ▶ a school culture of high academic expectations that is reinforced in the curriculum, work assignments, and extra-curricular opportunities for students; and
- ▶ a school culture that promotes college attendance and completion as well as career readiness;

BE IT FURTHER RESOLVED, that the NBCSL recognizes the importance of students obtaining a high school diploma;

BE IT FURTHER RESOLVED, that the NBCSL joins President Barack Obama in urging the remaining 29 states to put in place a plan and funding that would result in raising the compulsory attendance age to 18;

BE IT FURTHER RESOLVED, that the NBCSL calls on the United States Congress to allocate the necessary funds and resources to the 2,000 high schools (about 12 percent) known as the nation's lowest performing high schools producing nearly half of the nation's dropouts to improve high school retention; and

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

SPONSOR: Senator Catherine Pugh (MD)

Committee of Jurisdiction: Education Policy Committee

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

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

ENERGY, TRANSPORTATION, AND ENVIRONMENT COMMITTEE (ETE)

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Ratification Date: December 7, 2012

NBCSL 36th Annual Legislative Conference
Washington, DC
December 5–9, 2012

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-13-02

RECOGNIZING THE IMPORTANCE OF COMMUNITY WATER FLUORIDATION

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes the importance of oral health to the overall health and well-being of children and adults;

WHEREAS, dental disease, which may affect the teeth, gums, or other tissues and parts of the mouth, is the most common chronic childhood disease in the United States and is five times more prevalent than asthma;

WHEREAS, optimally fluoridated water reduces rates of tooth decay among children and adults by between 18 and 40 percent;

WHEREAS, for 65 years, community water fluoridation has distinguished itself as a safe and cost-effective way to prevent tooth decay and has been shown to reduce disparities in tooth decay rates that exist by race, ethnicity, and income;

WHEREAS, the Centers for Disease Control and Prevention (CDC) has recognized water fluoridation as one of the 10 greatest public health achievements of the 20th century and estimates that for most cities, each dollar spent on water fluoridation saves \$38 in dental costs and related treatment;

WHEREAS, more than 204 million people in the United States are served by community water supplies containing enough fluoride to protect teeth;

WHEREAS, leading health organizations, including the American Academy of Pediatrics, the American Dental Association, the American Medical Association, the National Dental Association, and the Hispanic Dental Association, have recognized the health benefits of community water fluoridation;

WHEREAS, after examining more than 2.2 million cancer death records and 125,000 cancer case records in counties using fluoridated water, the National Research Council found no indication of increased cancer risk associated with fluoridated drinking water;

WHEREAS, even though more Americans have access to community water fluoridation than ever before, coverage is uneven, and less than 50 percent of those on public water supplies receive recommended fluoride levels; and

WHEREAS, only 20 states currently receive CDC oral health infrastructure grants for prevention activities such as community water fluoridation.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes the importance of community water fluoridation as a safe, cost-effective public health intervention proven to prevent tooth decay and reduce oral health disparities;

BE IT FURTHER RESOLVED, that the NBCSL urges state and local governments to implement and maintain optimal levels of water fluoridation in public water supplies;

BE IT FURTHER RESOLVED, that the NBCSL calls for further studies to be done on the long-term health and effectiveness of water fluoridation to gain more information on the issue, and allow for improved distribution;

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-13-02

BE IT FURTHER RESOLVED, that the NBCSL calls upon the United States Congress to provide full funding for Centers for Disease Control and Prevention (CDC) oral health infrastructure grants to all 50 states as authorized by the Patient Protection and Affordable Care Act (PPACA) of 2010; 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, the Secretary of the U.S. Department of Health and Human Services, the United States Surgeon General, and the Director of the Centers for Disease Control and Prevention, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Representative Alan Williams (FL)

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

Certified by Committee Chair: Representative Dee Dawkins-Haigler (GA)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-13-43

EXPANDING THE USE OF NATURAL GAS VEHICLES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) is committed to educating families and communities on the importance of energy efficiency and conservation;

WHEREAS, the NBCSL fully supports a comprehensive approach to sustainable energy development, examining all options to lower energy costs and reduced emissions for consumers;

WHEREAS, carbon emissions from vehicles, especially in congested urban areas, pose health and environmental concerns;

WHEREAS, natural gas vehicles can dramatically reduce carbon and toxic emissions compared to their gasoline or diesel counterparts;

WHEREAS, the United States has abundant and currently low-cost resources of natural gas;

WHEREAS, 98 percent of the natural gas used in the United States is produced in North America and is a key element in domestic energy security;

WHEREAS, natural gas fueling infrastructure in the United States is growing and must keep expanding to ensure energy independence and promote 21st century job creation; and

WHEREAS, there is a variety of available light and heavy duty natural gas vehicles for purchase if the infrastructure and incentives are present to encourage their use.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators urges the United States Congress, the U.S. Department of Energy, and state legislatures to support programs and legislation, where appropriate, that encourage or incentivize the expanded use of natural gas vehicles and supporting infrastructure; and

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

SPONSOR: Representative Dee Dawkins-Haigler (GA)

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

Certified by Committee Chair: Representative Dee Dawkins-Haigler (GA)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

ENERGY, TRANSPORTATION, AND ENVIRONMENT

Resolution ETE-13-44

SUPPORTING GREATER COLLABORATION AROUND MANAGING SUSTAINABLE MATERIALS

WHEREAS, in an increasingly resource-constrained world, it is important to waste as little as possible and to encourage resource re-use under conditions that assure environmental, health, and worker safety;

WHEREAS, the U.S. Environmental Protection Agency (EPA) has shown leadership in encouraging resource re-use and proper material management in its report, *Sustainable Materials Management: The Road Ahead (2009)*;

WHEREAS, the EPA has encouraged public-private partnerships that include federal, state, and local government; community advocates; environmental organizations; business and industry; and academic institutions to address the important environmental challenges of our time;

WHEREAS, a public-private partnership of stakeholders reflecting this model of Sustainable Materials Management Coalition—convened to develop recommendations on how the EPA, and state and local governments can develop policies and programs to encourage more sustainable materials management; and

WHEREAS, the Sustainable Materials Management Coalition recommends that all levels of government look to the full life cycle of materials (from extraction to production to use to disposal) principles to identify the approaches with greatest potential for increased waste reduction, recycling, productive end-of-life use, and conversion of discarded materials back into raw materials.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges the United States Congress to provide adequate funding for the U.S. Environmental Protection Agency to continue to lead in developing the information and guidance necessary for projects to advance innovative solutions that create a more sustainable system for the management of waste; and

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

SPONSOR: Representative Dee Dawkins-Haigler (GA)

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

Certified by Committee Chair: Representative Dee Dawkins-Haigler (GA)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

GAMING, SPORTS, AND ENTERTAINMENT COMMITTEE (GSE)

▶ GSE-13-04	PROMOTING JOB CREATION AND ECONOMIC DIVERSIFICATION THROUGH ATTRACTION AND EXPANSION OF FILM, TELEVISION, AND DIGITAL MEDIA PRODUCTION	42
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Washington, DC
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GAMING, SPORTS, AND ENTERTAINMENT

Resolution GSE-13-04

PROMOTING JOB CREATION AND ECONOMIC DIVERSIFICATION THROUGH ATTRACTION AND EXPANSION OF FILM, TELEVISION, AND DIGITAL MEDIA PRODUCTION

WHEREAS, the National Black Caucus of State Legislators (NBCSL) believes our nation's economic future, and that of the African-American community, will be strongly influenced by industries that succeed through innovation, technology, and creativity in a global marketplace;

WHEREAS, the NBCSL recognizes the film, television, and digital media industry embodies all of these critical attributes and is one of our nation's most important sources of good jobs at a range of skill levels;

WHEREAS, according to the Motion Picture Association of America, the film industry supported 2.1 million jobs and nearly \$143 billion in total wages in 2010, with an average salary 32 percent higher than the national average;

WHEREAS, in one example in 2007, the film industry in Illinois brought in revenues from film production of \$155 million and 26,500 were hired to work on local films;

WHEREAS, when a motion picture is filming outside of Los Angeles, California, it is estimated to spend in excess of \$50,000 per day, and the average budget to create a feature film for a major studio is \$64 million;

WHEREAS, the NBCSL recognizes that film, television, and digital media production activity sparks industry-related infrastructure development that serves to revitalize communities and sustains and helps grow thousands of small businesses that support the industry's varied production needs as well as attracts millions of tourism dollars from audiences around the world drawn to urban and rural production locations; and

WHEREAS, the NBCSL recognizes there are aggressive efforts by a growing number of foreign governments providing incentives to attract film, television, and digital media production.

THEREFORE BE IT RESOLVED, the National Black Caucus of State Legislators (NBCSL) supports, local, state, and federal government efforts to retain and expand film, television, and digital media production in our country to ensure the broad economic, social, and cultural benefits generated by this dynamic industry are not lost to foreign locations;

BE IT FURTHER RESOLVED, that the NBCSL encourages its members to educate and avail themselves of opportunities to encourage the adoption of policies and programs to attract and sustain film, television, and digital media production as a potential source of good job opportunities for African-American communities not only in production, but in related industries such as tourism;

BE IT FURTHER RESOLVED, that the NBCSL supports legislation that ties incentives to promote film, TV, and digital media production to their ability to create an equitable amount of jobs and contracts for minorities;

BE IT FURTHER RESOLVED, that the NBCSL supports government-aided economic development benefitting urban and rural communities, including job training and apprenticeship programs; incentives for the construction of new or repurposing of existing structures for production industry activity, such as investment tax credits or

GAMING, SPORTS, AND ENTERTAINMENT

Resolution GSE-13-04

grants; the reduction or elimination of undue administrative burdens; and direct incentives for production activity; and

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

SPONSOR: Representative Mia Jones (FL)

Committee of Jurisdiction: Gaming, Sports, and Entertainment Policy Committee

Certified by Committee Chair: Representative Joe Towns, Jr. (TN)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

HEALTH AND HUMAN SERVICES COMMITTEE (HHS)

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HEALTH AND HUMAN SERVICES

Resolution HHS-13-22

PRESERVING MEDICARE AND MEDICARE PART D AS A CRITICAL SAFETY NET

WHEREAS, Medicare and Medicare Part D work for America, and provide seniors and disabled Americans with access to affordable treatments and medicine;

WHEREAS, low-income Americans, members of racial and ethnic minorities, people with disabilities, and other underserved populations often face limited access to health care and experience poorer health outcomes across their lifespan;

WHEREAS, older Americans in these underserved populations are also less likely to get the preventive care they need to stay healthy;

WHEREAS, improving utilization of Medicare-covered benefits could significantly reduce health care disparities in this country;

WHEREAS, Medicare Part D provides 90 percent of all Medicare beneficiaries with comprehensive and affordable prescription drug coverage and costs 40 percent less than initially projected;

WHEREAS, a recent study published in the Journal of the American Medical Association found that the implementation of Medicare Part D enhanced access and adherence to medication and reduced hospital, nursing home, and other costs for seniors who had previously lacked comprehensive prescription drug coverage;

WHEREAS, it is critical to consider how across-the-board spending cuts, while protecting patient benefits, could result in changes for providers and how these changes will impact patient care; and

WHEREAS, spending cuts to Medicare have the potential to limit patients' access to care, cause health care providers to leave the Medicare program, and result in care rationing for millions of Americans, particularly seniors, low-income individuals, and people with disabilities.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes that although the national budget deficit is a threat to U.S. viability, efforts to reduce our debt should avoid the changing or dismantling of highly effective health care programs and must not come at the expense of patient access to care, and the United States Congress should work to ensure cuts do not affect the access and quality of healthcare for seniors; and

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

SPONSOR: Senator Donne Trotter (IL)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Usie Richards (USVI)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

HEALTH AND HUMAN SERVICES

Resolution HHS-13-23

EXPANDING PATIENT ACCESS TO AFFORDABLE SPECIALTY DRUGS FOR CHRONIC DISEASES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) passed resolution HHS-12-24 “Supporting Affordable Prescription Medication,” which calls for limitation of out-of-pocket expenses;

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 and urges 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, the NBCSL supports and encourages addressing out-of-pocket costs for specialty medication by state legislative or regulatory action as passed in Resolution HHS-12-24;

WHEREAS, specialty drugs are, in general, high-cost, require close medical supervision and monitoring, and are usually prescribed for patients with serious chronic diseases like 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 different 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, costing some patients hundreds of dollars every month;

WHEREAS, populations disproportionately impacted by cancer and other chronic diseases can be disproportionately impacted by high co-pays for specialty medications;

WHEREAS, subjecting patients to onerous and discriminatory costs on prescriptions for chronic and life-threatening diseases can restrict a patient’s access to care and may result in serious harm and unjustified discrimination based on disease or disability;

WHEREAS, with the passage of the Patient Protection and Affordable Care Act (PPACA), concerns about excessive out-of-pocket costs have been partially allayed, but patients in need of specialty drugs may not receive the full benefit of this protection since neither the PPACA nor subsequent federal guidelines, clearly address whether, or in what way specialty drugs are to be included in the calculation of an individual’s out-of-pocket expense limit; and

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

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

HEALTH AND HUMAN SERVICES

Resolution HHS-13-23

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

BE IT FURTHER RESOLVED, that the NBCSL further supports the development of generic drugs where possible and safe to reduce the cost of health care to the patient;

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

BE IT FURTHER RESOLVED, that the NBCSL encourages states to consider the amount of patient cost-sharing should be limited and overall out-of-pocket expenses for enrollees should be capped, and additional legislative provisions may be needed to safeguard patient access to specialty medications; and

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

SPONSOR: Senator Donne Trotter (IL)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Usie Richards (USVI)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

INCREASING CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD) AWARENESS AND EDUCATION

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD) is a term used to describe airflow obstruction that is associated mainly with emphysema and chronic bronchitis;

WHEREAS, in COPD, less air flows in and out of the airways because of one or more of the following occurs:

- ▶ The airways and air sacs lose their elastic quality;
- ▶ The walls between many of the air sacs are destroyed;
- ▶ The walls of the airways become thick and inflamed; and
- ▶ The airways yield more mucus than usual, which can clog them;

WHEREAS, in the United States, 80 to 90 percent of all people diagnosed with COPD acquired the disease from smoking, and the remainder developed the disease from other causes;

WHEREAS, COPD affects an estimated 24 million people and kills more than 120,000 Americans every year; on average, one person dies from COPD every 4 minutes, an alarming statistic for a disease many have not learned about;

WHEREAS, in 2010, the National Center for Health Statistics released a report stating that in 2008, COPD became the third leading cause of death in the United States;

WHEREAS, pulmonary experts predict that, by the year 2020, COPD will become the third leading cause of death worldwide;

WHEREAS, COPD currently accounts for 1.5 million emergency room visits, 726,000 hospitalizations, and 8 million physician office and hospital outpatient visits, all of which are a detriment to the U.S. economy;

WHEREAS, COPD costs the nation an estimated \$42.6 billion in direct and indirect medical costs annually;

WHEREAS, research has identified a hereditary protein deficiency called Alpha-1 Antitrypsin; people with this deficiency tend to develop COPD, even without exposure to smoking or environmental triggers;

WHEREAS, recently, the death rate for women with COPD has surpassed the death rate of men with COPD; women over the age of 40 are the fastest-growing segment of the population developing this irreversible disease, due in large part to the equalization of opportunities for men and women to smoke over the past several generations;

WHEREAS, there is currently no cure for COPD; spirometry testing and medical treatments exist to address symptom relief and possibly slow the progression of the disease; and

WHEREAS, until there is a cure, the best approaches to preventing COPD and its considerable health, societal, and mortality impacts lie within education, awareness, and expanded delivery of detection and management protocols.

HEALTH AND HUMAN SERVICES

Resolution HHS-13-30

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) urges our legislators to raise awareness for Chronic Obstructive Pulmonary Disease (COPD) and to proclaim November to be COPD Awareness Month in recognition of this deadly disease and its effects on Americans;

BE IT FURTHER RESOLVED, that the NBCSL further supports efforts to increase research funding at the National Institutes of Health to improve treatment and to find a cure for this terrible disease that affects millions of Americans; and

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

SPONSOR: Representative Karen Yarbrough (IL)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Usie Richards (USVI)

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

HEALTH AND HUMAN SERVICES

Resolution HHS-13-32

SUPPORTING COMPREHENSIVE MEDICATION MANAGEMENT IN COORDINATED CARE

WHEREAS, after prevention and lifestyle changes, 80 percent of the way disease is prevented and controlled is with medications;

WHEREAS, the New England Healthcare Institute (NEHI) estimates that the cost of all drug-related problems in the ambulatory setting including medication non-adherence, along with suboptimal prescribing, drug administration and diagnosis, could result in as much as \$290 billion per year in avoidable medical spending or 13 percent of total health care expenditures (2009 estimate);

WHEREAS, the Institute of Medicine has stated that since “pharmaceuticals are the most common medical intervention, and their potential for both help and harm is enormous, ensuring that the American people get the most benefit from advances in pharmacology is a critical component of improving the national health care system”;

WHEREAS, as part of the “triple aim” to achieve better health for patients, improve the quality of care, and reduce overall costs, the appropriate use and “coordination” of medications is a critical component of health care delivery system reform;

WHEREAS, for coordinated care efforts to be successful, along with medications that are affordable and accessible, patients must be informed and actively engaged in decisions concerning the medications that represent the most appropriate and best choices for them in preventing and controlling their disease;

WHEREAS, Comprehensive Medication Management (CMM) is defined as the standard of care that ensures each patient’s medications (prescription, nonprescription, alternative, traditional, vitamins, and nutritional supplements) are individually assessed to determine the medication is appropriate, effective for the medical condition, safe given the comorbidities and other medications being taken, and the patient is able and willing to take the medicine as intended; and

WHEREAS, health systems that have implemented CMM have been able to vastly improve clinical outcomes while reducing overall healthcare costs.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports the examination and development of Comprehensive Medication Management (CMM) to actively engage patients in the most appropriate medications to improve clinical outcomes, reduce disparities in care, and reduce overall healthcare costs, with primary goals of maintaining a high level of quality of care, improving patient safety, and engaging patients in their own care; and

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

HEALTH AND HUMAN SERVICES

Resolution HHS-13-32

SPONSOR: Representative Karen Yarbrough (IL)
Committee of Jurisdiction: Health and Human Services Policy Committee
Certified by Committee Chair: Senator Usie Richards (USVI)
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Ratification is certified by: Representative Barbara W. Ballard (KS), President

HEALTH AND HUMAN SERVICES

Resolution HHS-13-33

PROMOTING OUTREACH TO INCREASE AWARENESS OF ALZHEIMER'S DISEASE

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes the urgent need to increase awareness regarding the prevalence of Alzheimer's disease within the African-American community;

WHEREAS, the NBCSL is committed to the eradication of Alzheimer's disease and other forms of dementia through the advancement of research, committed to providing and enhancing care and support of all affected, and committed to reducing the risk of dementia through the promotion of "brain health";

WHEREAS, according to the Alzheimer's Association, African Americans aged 71 and older are almost two times more likely than Caucasians in the same age group to have Alzheimer's disease or other forms of dementia at 21.3 percent of African Americans compared to 11.2 percent of Caucasians;

WHEREAS, this degenerative brain disorder destroys cells and nerves, disrupting the transmitters, which carry messages in the brain;

WHEREAS, disruption of the transmitters affects a person's ability to remember, speak, think, and make decisions;

WHEREAS, every 68 seconds in the United States, another person is diagnosed with Alzheimer's disease;

WHEREAS, it is estimated that 5.4 million Americans now have the disease, including 200,000 under the age of 65;

WHEREAS, 80 percent of Alzheimer's disease or other forms of dementia caregivers are friends or family members;

WHEREAS, nearly 800,000 Americans with Alzheimer's disease live alone;

WHEREAS, Medicare and Medicaid spending will account for an estimated \$140 billion in 2012 on people with Alzheimer's and other forms of dementia;

WHEREAS, many African Americans have co-existing conditions such as hypertension, diabetes, high cholesterol, and obesity, which are considered risk factors for Alzheimer's disease;

WHEREAS, Alzheimer's disease was the sixth leading cause of death across all ages in the United States in 2012, and it is the fifth leading cause of death for those aged 65 and older;

WHEREAS, despite the painstaking efforts of researchers, medical science has not found a treatment or cure for Alzheimer's disease; and

WHEREAS, continued Alzheimer's disease awareness and caregiver support are critical as the medical community continues to search for a treatment and cure for the disease.

HEALTH AND HUMAN SERVICES

Resolution HHS-13-33

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports efforts throughout the country to disseminate information, and increase outreach and educational programs that raise awareness and understanding of Alzheimer’s disease and related disorders;

BE IT FURTHER RESOLVED, that the NBCSL supports legislation at the federal level that will amend the Public Health Service Act to require a federal commitment to Alzheimer’s disease research to advance breakthrough treatments for people living with Alzheimer’s disease;

BE IT FURTHER RESOLVED, that the NBCSL also supports federal legislation that provides Medicare and Medicaid coverage for clinical diagnosis as well as care planning for treatment and support; and

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

SPONSOR: Representative Karen Yarbrough (IL) and Representative Ronald G. Waters (PA)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Usie Richards (USVI)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

HEALTH AND HUMAN SERVICES

Resolution HHS-13-40

SUPPORTING EARLY CHILDHOOD HOME VISITING PROGRAMS

WHEREAS, some of our nation's costliest social problems—such as child abuse and neglect, school failure, poverty, unemployment, and crime—are rooted in early childhood;

WHEREAS, research shows that the most rapid brain development occurs before age five, when children's brains develop 700 synapses—neural connections that transmit information—every second;

WHEREAS, early traumatic experiences and poor maternal and child health can damage brain development during childhood;

WHEREAS, data illustrates that healthy development from prenatal to three years of age is linked to language proficiency—a strong indicator of school readiness—and healthy social-emotional development is strongly linked to success in elementary school;

WHEREAS, evidence shows that stimulating and supportive interactions between babies and caring adults results in healthier brain development, better learning abilities, and more successful interpersonal relationships into adulthood and beyond;

WHEREAS, cognitive and non-cognitive abilities are important for a productive workforce, and gaps that emerge early are difficult to change;

WHEREAS, high-quality early childhood home visiting matches parents on a voluntary basis with trained professionals to provide information and support during pregnancy and through their child's earliest years, encouraging positive parenting, healthy child development, and family economic self-sufficiency;

WHEREAS, evidence-based home visiting programs serving high-risk populations—including low-income, single, and teen parents—generate nearly twice the returns of programs serving all families, according to a cost-benefit analysis conducted by the Pew Center on the States;

WHEREAS, scientifically rigorous studies demonstrate that high quality home visiting programs have been linked to meaningful, positive outcome measures, including the following:

- ▶ reductions in incidences of low birth weight;
- ▶ reductions in child abuse and neglect;
- ▶ reductions in childhood injuries and hospitalizations;
- ▶ increases in school readiness and achievement; and
- ▶ improvements in family economic self-sufficiency;

WHEREAS, economists have studied and strongly support home visiting as a sound public investment;

WHEREAS, home visiting can help reduce low birth weights, which can cost states upwards of \$40,000 each in medical care and other costs;

WHEREAS, studies have found that mothers who participated in home visits were more sensitive and supportive in interactions with their children, reported less stress, and had improved parenting behaviors and parenting attitudes;

HEALTH AND HUMAN SERVICES

Resolution HHS-13-40

WHEREAS, by helping parents understand their children’s development, set realistic expectations for behavior and improve the safety of their homes, home visiting programs have been shown to reduce incidences of child abuse and neglect nearly in half; and

WHEREAS, nearly every state and the District of Columbia offered voluntary home visiting in FY2010, taking advantage of \$1.5 billion in grants made available through the Maternal, Infant, and Early Childhood Home Visiting Program under the Patient Protection and Affordable Care Act (PPACA).

THEREFORE BE IT RESOLVED, that members of the National Black Caucus of State Legislators (NBCSL) recognize the value of evidence-based home visiting to families and taxpayers;

BE IT FURTHER RESOLVED, that the NBCSL urges legislators to support policies improving the quality of and expanding access to voluntary state home visiting programs; and

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

SPONSOR: Representative Gilda Cobb-Hunter (SC)

Committee of Jurisdiction: Health and Human Services Policy Committee

Certified by Committee Chair: Senator Usie Richards (USVI)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

HOUSING COMMITTEE (HSE)

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Ratification Date: December 7, 2012

NBCSL 36th Annual Legislative Conference
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HOUSING

Resolution HSE-13-13

IN SUPPORT OF HELPING FAMILIES RETAIN HOMEOWNERSHIP

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has an unwavering commitment to ensuring all Americans have an equal opportunity to achieve and maintain homeownership;

WHEREAS, according to Realty Trac Inc., foreclosure filings rose in almost 60 percent of large U.S. cities in the first half of 2012, which will undoubtedly increase the number of homes for sale in an already vulnerable housing market;

WHEREAS, in Illinois, 17,781 properties received a filing of default, auction, or repossession in August of 2012, up 42 percent from a year earlier and the eighth straight monthly increase, with the rate of foreclosure filings per household at one in every 298, giving Illinois the highest foreclosure rate in the country;

WHEREAS, foreclosures in the Commonwealth of Massachusetts have increased by 50 percent in recent months, and the percentage of homeowners whose mortgages cost more than their homes are currently worth, has returned to the highest levels in recent years;

WHEREAS, mandatory mediation is a proven process which has shown significant success in 23 jurisdictions across the nation;

WHEREAS, mediation provides transparency to homeowners, which allows them to understand their rights and responsibilities in these new procedures and obligations, while providing consistency with proven federal standards to help homeowners and lenders reach more affordable alternatives to foreclosure;

WHEREAS, mediation has shown success in both judicial and non-judicial foreclosure states, and it has been shown to provide 80 percent of homeowners who participate with alternatives to foreclosure, reducing costs for them and the banks involved;

WHEREAS, the values of properties surrounding the ones foreclosed upon lose their market value, increasing the amount of homeowners with underwater mortgages while decreasing the desirability of living in those areas, hurting neighborhoods as a whole; and

WHEREAS, African-American and Latino homeowners are disproportionately targeted for predatory loans and discriminatory trends have continued to thwart attempts by African- American and Latino homeowners to avoid foreclosure with loan modifications at significantly higher rates than Caucasian borrowers, according to the 2010 report by the National Community Reinvestment Coalition.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes the importance of foreclosure mediation;

BE IT FURTHER RESOLVED, that the NBCSL urges states and municipalities to develop and implement state- and community-based intervention programs to disseminate information about effective strategies as well as promote foreclosure mediation;

BE IT FURTHER RESOLVED, that the NBCSL applauds the U.S. Department of Justice and 49 State Attorneys General in their record foreclosure settlement with some of the nation's largest lenders and mortgage servicers, and that the NBCSL further applauds efforts under the settlement to improve foreclosure counseling;

HOUSING

Resolution HSE-13-13

BE IT FURTHER RESOLVED, that the NBCSL urges the United States Congress to support homeowners who have been targeted by predatory lenders by offering support to states that implement foreclosure mediation;

BE IT FURTHER RESOLVED, that the NBCSL also supports and applauds the mediation programs that have been created in at least 14 states, with some boasting 70-75 percent settlement rates and approximately 60 percent of homeowners reaching settlements that allow them to remain in their homes; and

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

SPONSOR: Representative Gloria L. Fox (MA)
Committee of Jurisdiction: Housing Policy Committee
Certified by Committee Chair: Representative Laura Hall (AL)
Ratified in Plenary Session: Ratification Date is December 7, 2012
Ratification is certified by: Representative Barbara W. Ballard (KS), President

LAW, JUSTICE, AND ETHICS COMMITTEE (LJE)

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OPPOSING STAND YOUR GROUND/SHOOT FIRST LAWS

WHEREAS, as the tragic shooting of Trayvon Martin, an unarmed 17 year-old teenager, in Sanford, Florida and the prosecution of Florida mother Marissa Alexander, has brought significant national attention to the proliferation of so-called “Stand Your Ground” or “Shoot First” laws across the nation, with 26 states having some variation of “Shoot First” laws that allow the use of deadly force in self-defense outside the home with no duty to retreat from danger;

WHEREAS, continuous efforts are being made by various organizations and policymakers around the country to adopt model legislation based on Florida’s “Stand Your Ground” law;

WHEREAS, Florida’s law, enacted in 2005, allows a person to use deadly force as a first resort when he/she is in “reasonable fear” of imminent great bodily harm or fear that one’s own or someone else’s life is under imminent threat, rather than having to first attempt to retreat or escape if safe to do so, as long as the shooter is in a place “he or she has a right to be”;

WHEREAS, such “Shoot First” laws, are an unnecessary expansion of Castle Doctrine laws, which allow the use of force, including deadly force, for self-defense in one’s home against intruders, with the burden generally falling on the defendant to prove that his or her use of deadly force was reasonable;

WHEREAS, “Shoot First” or “Stand Your Ground” laws expand the Castle Doctrine by presuming the use of deadly force was reasonable; placing the burden on a prosecutor to prove otherwise; expanding the use of deadly force for self-defense beyond the home, including vehicles and in many states’ public places; permitting the use of deadly force in more circumstances; eliminating the duty to retreat before using deadly force, even if retreat can be accomplished safely; and immunizing the shooter from criminal prosecution and civil liability;

WHEREAS, this expansion violates the principles of the Castle Doctrine, which dates back to English Common Law, that guided the American colonies and the Founding Fathers and stands for the principle for the inviolate place of refuge that is the home, and should be reversed;

WHEREAS, according to Federal Bureau of Investigation data, justifiable homicide cases have increased in several states in the years after they passed “Shoot First” laws;

WHEREAS, on April 11, 2012, New York City Mayor Michael R. Bloomberg, joined by leaders of national African-American and other civil rights organizations, announced the launch of a grassroots campaign, “Second Chance on Shoot First,” to repeal or reform the Florida-style “Shoot First” laws that have passed in 26 states by focusing on convincing state legislators who have supported “Shoot First” laws to join the growing movement to reform or repeal these dangerous laws; and

WHEREAS, the Second Chance on Shoot First is a coalition of more than 250,000 supporters, including the National Association for the Advancement of Colored People (NAACP), the National Urban League, the National Action Network, Lawyers’ Committee for Civil Rights, Color of Change, Vote Vets, elected officials, law enforcement professionals, and private citizens—all calling for reasonable gun policies that will make our country safer.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) strongly opposes “Stand Your Ground” or “Shoot First” laws;

LAW, JUSTICE, AND ETHICS

Resolution LJE-13-06

BE IT FURTHER RESOLVED, that the NBCSL urges state legislatures that have adopted “Stand Your Ground” or “Shoot First” laws to reform or repeal them;

BE IT FURTHER RESOLVED, that the NBCSL opposes any federal legislation that would override local public safety and licensing decisions and force states to allow non-residents to carry concealed, loaded weapons in their communities, especially if they would not qualify for a permit under local law; and

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

SPONSOR: Representative Alan Williams (FL)

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

Certified by Committee Chair: Representative Gilda Cobb-Hunter (SC)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

A CALL FOR JUSTICE FOR THE SCOTTSBORO BOYS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has demonstrated its steadfast commitment to social and economic justice, and recognizes that our nation can neither heal from nor prevent the repeat of past wrongs without acknowledging when those miscarriages of justice occurred;

WHEREAS, on March 25, 1931, nine African-American teenagers traveled by train through northeast Alabama on a ride that would change their lives and the course of American history;

WHEREAS, on that train ride, several young Caucasian men accused the African-American teenagers of attacking them, two Caucasian girls accused the boys of rape, and within days, eight of the nine boys were sentenced to death;

WHEREAS, the young men who were falsely accused and unjustly convicted became known as the Scottsboro Boys: Clarence Norris, Haywood Patterson, Olen Montgomery, Ozie Powell, Willie Roberson, Charlie Weems, Eugene Williams, and Andy and Roy Wright;

WHEREAS, the Scottsboro Boys fell victim to a legal system fraught with institutional racism and ruled by Jim Crow laws, during which they endured three rushed trials, poor legal representation, all-white juries, aggressive mobs, attempted lynchings, and an absolute absence of equality under the law;

WHEREAS, the wrongful conviction of the Scottsboro Boys was not an isolated incident, but rather represented a national epidemic in which African Americans were denied the right to an impartial jury, effective counsel, a fair trial, and fair sentencing, all of which are the fundamental components of a just legal system and of our American democracy;

WHEREAS, while there is no salve for the pain and grief endured by the Scottsboro Boys and their families, this devastating injustice caught the attention of the nation, awoke its conscience, and led to the beginning of the civil rights movement;

WHEREAS, in 1976, evidence from the trial was reexamined by the Alabama Office of the Attorney General, and the Alabama Board of Pardons and Paroles found conclusively that the Scottsboro Boys were innocent and should never have been convicted of crimes;

WHEREAS, later that year, Clarence Norris was pardoned by the State of Alabama; he died 13 years later and was the last surviving defendant;

WHEREAS, the Alabama Board of Pardons and Paroles has authored internal rules preventing it from posthumously pardoning, given its significant backlog of pardon applications from those still living;

WHEREAS, Governor Robert Bentley of Alabama has stated he would like to see a posthumous pardon of the Scottsboro Boys but is unable to do so because of current state law, which does not authorize the governor to pardon (Ala. Const. §124 (1901));

WHEREAS, this same law also grants the Alabama State Legislature with the “power to provide for and to regulate the administration of pardons”, meaning the legislature has the ability to intervene (Ala. Const. §124 (1901));

LAW, JUSTICE, AND ETHICS

Resolution LJE-13-08

WHEREAS, there are some who continue the fight for justice on behalf of the remaining Scottsboro Boys and ensuring their names are cleared; and

WHEREAS, justice will not prevail until the remaining eight defendants are posthumously declared innocent of any wrongdoing.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) is deeply troubled by the decades of injustice endured by the Scottsboro Boys and echoes the thunderous words of Dr. Martin Luther King, Jr., when he said: "Injustice anywhere is a threat to justice everywhere";

BE IT FURTHER RESOLVED, that the NBCSL supports the tireless efforts of those who are fighting for justice for the Scottsboro Boys;

BE IT FURTHER RESOLVED, that the NBCSL calls on the Alabama State Legislature and the Governor of Alabama to do everything in their power to right this wrong by posthumously declaring innocent the remaining eight defendants to finally bring this case to a close; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the Governor of Alabama, the Lieutenant Governor, the Speaker of the House, and the Alabama Board of Pardons and Paroles, as well as to the members of the Congressional Black Caucus, Congressional Hispanic Caucus, the National Caucus of Native American State Legislators, the National Conference of Black Mayors, and other federal and state government officials as appropriate.

SPONSOR(S): Representative Reginald Meeks (KY) and Representative Barbara Boyd (AL)

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

Certified by Committee Chair: Representative Gilda Cobb-Hunter (SC)

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

LAW, JUSTICE, AND ETHICS

Resolution LJE-13-16

PRESERVING AND EXPANDING ACCESS TO THE BALLOT BOX FOR ALL

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that casting a ballot is a fundamental right in the United States, and that our political, economic, and legal systems are strengthened by the existence of a vibrant democracy;

WHEREAS, access to the ballot has been a long, sometimes violent, struggle against those opposed to universal suffrage, especially for African Americans and other minorities, and the right to vote has been defended by service member and civilian alike;

WHEREAS, voting is a fundamental right and an important civic duty that should not be infringed upon;

WHEREAS, a number of states have passed voter identification (Voter ID) measures that will disenfranchise millions of Americans under the guise of election protection, but there are millions of poor and minority voters—legitimately registered—without the means to acquire photo identification;

WHEREAS, those who would be disenfranchised by this measure are predominantly poor, elderly, and minority voters;

WHEREAS, the Voting Rights Act of 1965 specifically prohibits states from imposing any voting qualification or prerequisite to voting, or standard, practice, or procedure to deny or abridge the right of any citizen of the United States to vote on account of race or color;

WHEREAS, the federal courts have struck down a number of Voter ID laws for violating the Section 5 provisions of the Voting Rights Act of 1965;

WHEREAS, 32 states and the District of Columbia allow voters to cast a ballot in person during a designated period before Election Day without need for justification;

WHEREAS, early voting has seen a consistent rise in participation, comprising 20 percent of all votes cast in the 2004 presidential election and 30 percent of all votes cast in the 2008 presidential election;

WHEREAS, states across the country have passed measures making it harder for Americans, particularly African Americans, the elderly, students, people with disabilities, and the poor, to participate in the election process;

WHEREAS, seven states have specifically passed measures to shorten the early vote period;

WHEREAS, a federal court has found that the State of Florida's attempt to shorten the early voting period was a violation of the Voting Rights Act of 1965, because it would directly impact the ability of minorities to vote;

WHEREAS, low voter participation diminishes the responsiveness of our government and undermines the perceived legitimacy of our laws;

WHEREAS, recent surveys suggest that registered non-voters cite being "too busy" as the number one reason for not voting;

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Resolution LJE-13-16

WHEREAS, failure to provide ample time for democratic participation on Election Day effectively precludes those who are constrained by work or school from voting, thereby creating a large disparity in voter representation between those who have the luxury of time and access and those who do not;

WHEREAS, the holding of Election Day on a Tuesday places a greater burden on middle and low-income workers for whom it is the most difficult to take time off from work to vote; and

WHEREAS, Election Day is already a holiday in thirteen states for state employees: Delaware, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Michigan, Montana, New Jersey, New York, Rhode Island, West Virginia, and Wisconsin.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) hereby urges the rejection of any Voter ID legislation that would lead to the disenfranchisement of even a single legally registered voter;

BE IT FURTHER RESOLVED, that the NBCSL, in coordination with other civil rights-focused organizations, should seek to create a Voting Rights Legal Defense Fund to challenge these measures whenever and wherever they are introduced;

BE IT FURTHER RESOLVED, that the NBCSL supports the expansion of a “no excuse” early voting period to all 50 states;

BE IT FURTHER RESOLVED, that the NBCSL opposes any efforts to diminish or eliminate early voting periods in those states where it is already available;

BE IT FURTHER RESOLVED, that the NBCSL calls for state legislatures in conjunction with appropriate state agencies to increase the ease and accuracy of initial registration; establish automatic voter registration using state tax forms, United States Post Office change of address forms, drivers licenses, and other statewide databases; make voter registration portable; and maintain accuracy of voter rolls through proactive use of address updates;

BE IT FURTHER RESOLVED, that the NBCSL urges all state legislatures to enact laws facilitating access to the ballot on election day, such as declaring an Election Day holiday or instituting requirements for employers to allow unpaid leave for a certain number of hours; and

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

SPONSOR: Representative Eric Johnson (TX)

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

Certified by Committee Chair: Representative Gilda Cobb-Hunter (SC)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

LAW, JUSTICE, AND ETHICS

Resolution LJE-13-19

SUPPORTING THE RESTORATION OF VOTING RIGHTS

WHEREAS, the National Black Caucus of State Legislators (NBCSL) recognizes that casting a ballot is a fundamental right in the United States, and that our political, economic, and legal systems are strengthened by the existence of a vibrant democracy;

WHEREAS, access to the ballot has been a long, sometimes violent, struggle against those opposed to universal suffrage, especially for African Americans and other minorities, and the right to vote has been defended by service member and civilian alike;

WHEREAS, voting is a fundamental right and an important civic duty that should not be infringed upon;

WHEREAS, the United States has more than five million Americans who are unable to participate in this most basic, fundamental right of citizenship because of past criminal convictions;

WHEREAS, the origins of felony disenfranchisement can be tied to large-scale efforts to disenfranchise African Americans during the post-Reconstruction era;

WHEREAS, felony disenfranchisement disproportionately impacts people and communities of color by reducing their political power and their say in a political process that impacts their families, communities, and themselves;

WHEREAS, felony disenfranchisement creates another barrier to re-entry for ex-offenders, and research has shown that formerly incarcerated people who vote are less likely to be re-arrested;

WHEREAS, individuals who vote are more likely to be positive contributors to society by volunteering, attending community meetings, and involving themselves in the political process; and

WHEREAS, a number of justice and legal associations support restoration of voting rights upon completion of sentences, including the American Probation and Parole Association and the American Bar Association.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) and its members hereby urge the passage of legislation that will automatically restore voting rights to ex-offenders who have completed their sentences, as the restoration of voting rights poses no threat to the integrity or legitimacy of the election process but the denial of those rights does; and

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

SPONSOR: Representative Eric Johnson (TX)

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

Certified by Committee Chair: Representative Gilda Cobb-Hunter (SC)

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

LAW, JUSTICE, AND ETHICS

Resolution LJE-13-39

URGING FAIR AND EQUITABLE DISTRIBUTION OF INHERITED PROPERTY

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports real estate ownership as a means of wealth creation;

WHEREAS, property ownership is an important factor in transmitting generational wealth;

WHEREAS, African Americans owned at least 16 million acres of agricultural land in the United States in 1910, yet only retain ownership of 3,826,403 acres of that land out of a total of 922,095,840 as of 2007;

WHEREAS, state property laws mandate that property inherited by multiple persons be held as a tenancy-in-common, an inherently unstable form of ownership subject to partition at the request of any one co-tenant;

WHEREAS, partition sales are a leading cause of African-American land loss;

WHEREAS, the Uniform Partition of Heirs Property Act (UPHPA) drafted by the Uniform Law Commission was approved by that body in 2010 and recommended for enactment by the states;

WHEREAS, the UPHPA is also supported by the Council of State Governments, the American College of Real Estate Lawyers, and the American Bar Association, and Georgia and Nevada have both enacted UPHPA; and

WHEREAS, the UPHPA helps to prevent the forced sale of inherited property by ensuring due process while preserving the right of a co-tenant to sell real property for its fair market value.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) encourages state legislatures to provide the owners of inherited property the necessary protections from a forced partition and consequent loss of family wealth;

BE IT FURTHER RESOLVED, that the NBCSL urges states to examine legislation with the following components:

- ▶ The co-tenant requesting the partition must give notice to all of the other co-tenants;
- ▶ The court must order an appraisal to determine the property's fair market value, and if any co-tenant objects to the appraised value, the court must hold a hearing to consider other evidence;
- ▶ Any co-tenant (except the co-tenant who requests partition) may purchase the interest of the selling co-tenant at the court-determined fair market value with ample time to evaluate the offer and obtain financing;
- ▶ Allows more than one co-tenant to elect to purchase the selling co-tenant's share with the court able to pro-rate the seller's share;
- ▶ If no co-tenant elects to purchase the selling co-tenant's share, the court must order a partition-in-kind, unless the court determines that partition-in-kind will result in great prejudice to the co-tenants as a group; and
- ▶ If partition-in-kind is inappropriate and the court orders a partition-by-sale, the property must be offered for sale on the open market at a price no lower than the court-determined value for a reasonable period of time and in a commercially reasonable manner, and if an open market sale is unsuccessful or the court determines that a sale by sealed bids or by auction would be more economically advantageous for the co-tenants as a group, the court may order a sale by one of those methods;

BE IT FURTHER RESOLVED, that the NBCSL further urges legislators to educate their constituents about planning in order to prevent or mitigate probate challenges; and

LAW, JUSTICE, AND ETHICS

Resolution LJE-13-39

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

SPONSOR(S): Representative Ken Dunkin (IL) and Representative Charlie Brown (IN)

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

Certified by Committee Chair: Representative Gilda Cobb-Hunter (SC)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY COMMITTEE (TST)

- ▶ TST-13-03 SUPPORTING TELEHEALTH AS AN INNOVATION TO MEDICINE AND SOCIETY 70

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TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-13-03

SUPPORTING TELEHEALTH AS AN INNOVATION TO MEDICINE AND SOCIETY

WHEREAS, telehealth is the delivery of health-related services and information from a distance via telecommunication, to support long-distance clinical health care, patient and professional health-related education, public health, and health information;

WHEREAS, telehealth has transformed health care with mobile health technologies, telemedicine, and e-health portals, through videoconferencing, the internet, store-and-forward imaging, streaming media, and terrestrial and wireless communications;

WHEREAS, telehealth has the potential to increase access to care for rural residents with limited access to physicians and homebound residents with reduced mobility, decrease cost of care with preventative treatment and travel savings, and improve quality of care by providing immediate access to medical professionals and specialists;

WHEREAS, Internet adoption and use as well as mobile connectivity have steadily increased, allowing for access to telehealth technologies;

WHEREAS, according to the Pew Internet and American Life Project, as of September 2012, 85 percent of U.S. adults own a cell phone, and 45 percent of these cell phone owners use their phone to connect to the Internet;

WHEREAS, 51 percent of African-American cell phone Internet users do most of their online browsing on their phone, double the proportion for Caucasian (24 percent), and in 2000, only 35 percent of African American adults used the Internet, compared to 71 percent of African American adults who used the Internet in 2011;

WHEREAS, the evolution of the healthcare system and telecommunications have converged to allow for the monitoring, diagnosis, and treatment of patients remotely to save lives, improve the quality of life, and reduce costs to citizens and the government;

WHEREAS, structural barriers to the delivery of telehealth services include physician licensing, privacy protection, maintaining the highest quality service, patient safety, coverage of services, and lack of access to technology and high speed broadband; and

WHEREAS, social barriers to telehealth delivery include the hesitancy of many elderly and low-income patients and healthcare providers to adopt broadband and use it proficiently.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) recognizes that in order to facilitate telehealth services, there is a need for state legislative provisions that provide coverage for telemedicine comparable to in-person services, ensure quality care, protect patient safety, maintain patient privacy, and promote technology for telehealth service delivery;

BE IT FURTHER RESOLVED, that the NBCSL encourages its members and all of their legislative colleagues to collaborate with the healthcare community, nonprofit organizations, and the private sector to create and/or support telehealth legislation; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the

TELECOMMUNICATIONS, SCIENCE, AND TECHNOLOGY

Resolution TST-13-03

United States Senate, and other federal and state government officials as appropriate including the Federal Communications Commission, the Center for Medicare and Medicaid Innovation, and the Medicare-Medicaid Coordination Office.

SPONSOR: Representative Mia Jones (FL)

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

Certified by Committee Chair: Senator Arthenia Joyner (FL)

Ratified in Plenary Session: Ratification Date is December 7, 2012

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

YOUTH COMMITTEE (YTH)

- ▶ **YTH-13-38** RECOGNIZING THE NATIONAL FIRST TEE PROGRAM FOR ITS CONTRIBUTIONS TO SUPPORT YOUTH DEVELOPMENT AND INCREASE PHYSICAL ACTIVITY IN UNDERSERVED COMMUNITIES..... 73

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YOUTH

Resolution YTH-13-38

RECOGNIZING THE NATIONAL FIRST TEE PROGRAM FOR ITS CONTRIBUTIONS TO SUPPORT YOUTH DEVELOPMENT AND INCREASE PHYSICAL ACTIVITY IN UNDERSERVED COMMUNITIES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) has passed numerous resolutions during its annual legislative conferences supporting community partnerships to promote mentoring for at-risk youth, support healthy lifestyles and physical activity, and improve educational outcomes for our nation's students, (Resolutions EDU-10-01, EDU-11-09, EDU-12-01, HHS-10-04, and YTH-12-27);

WHEREAS, the NBCSL has a long commitment to youth development programs that provide character education and life skills, and help young people achieve success in school and in life while offering them a safe, nurturing environment;

WHEREAS, sports, combined with positive coaching and mentoring, significantly enhances a child's life and instills the importance of self-worth and self-reliance;

WHEREAS, sports and physical activity contribute to healthier lifestyles and promote wellness for those involved;

WHEREAS, physical education engages students in safe and fun lesson activities that lead to motor skill development and presents students with an introduction to a lifelong recreation and health-enhancing activity;

WHEREAS, since 1997, the National First Tee Program (the First Tee) has introduced the game of golf and its inherent values to the more than six million young people on golf courses, in elementary schools, and on military installations, and the First Tee has helped shape the lives of young people from all walks of life by teaching them values like integrity, respect, and perseverance through the game of golf;

WHEREAS, since its founding, the First Tee has reached 6.5 million participants and actively engaged 10,000 volunteers nationwide;

WHEREAS, approximately half of First Tee participants are children of color, compared to the overall golf participant population at 16 percent;

WHEREAS, in 200 communities across the United States and in six select international locations at over 700 golf programming locations, the First Tee chapters teach the Life Skills Experience curriculum, which imparts life lessons and leadership skills through the sport of golf, was developed by youth development, and is delivered by coaches trained through the First Tee Coach Program;

WHEREAS, the First Tee Life Skills Experience is one of the unique features that differentiates the First Tee from other youth enrichment and junior golf programs, as it helps young people develop character by focusing on Nine Core Values: honesty, integrity, sportsmanship, respect, confidence, responsibility, perseverance, courtesy, and judgment;

WHEREAS, during the 2012-2013 school year, 4,900 elementary schools in 650 school districts are offering the First Tee National School Program, based on national physical education standards, introducing the game of golf and The First Tee Nine Core Values and Nine Healthy Habits to elementary students during physical education classes and creating an environment where young people are introduced to a lifelong sport while learning the

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basic golf motor skills, the inherent values of the game, and providing health and wellness opportunities for students to learn about physical, social, and emotional well-being;

WHEREAS, the youth development programs delivered through the First Tee instill life skills and core values in youth participants;

WHEREAS, one hundred percent of youth participants in the First Tee identified school as a setting in which they applied life skills learned in the program, of which 73 percent reported high confidence in their ability to do well academically, 82 percent felt confident in their social skills with peers, 57 percent credited the First Tee for their meeting and greeting skills, and 52 percent credited the program for their ability to appreciate diversity;

WHEREAS, according to a survey conducted earlier this year among 860 physical educators using the curriculum, 66 percent reported using The First Tee Nine Core Values in other sports and activities taught beyond the National School Program;

WHEREAS, through testimonials, parents, students, and teachers have attested the success of the First Tee National School Program indicating the values learned through the National School Program have become real and meaningful to student participants having affected them in all areas of their lives;

WHEREAS, teaching life-long learning lessons and promoting healthy physical activity helps youth of all ages develop the knowledge, skills, and abilities to become better students in the classroom, kinder to their peers, more active in their communities, and more likely to become responsible and successful adults; and

WHEREAS, involvement in the First Tee National School Program provides a safe and healthy environment for at-risk youth who could otherwise engage in delinquent behaviors.

THEREFORE BE IT RESOLVED, that the members of the National Black Caucus of State Legislators (NBCSL) applaud the works of the National First Tee Program (the First Tee) for providing life-long skills and promoting positive youth development;

BE IT FURTHER RESOLVED, that the NBCSL respectfully encourages state departments of education to consider the First Tee Life Skills Experience as a core component of physical education;

BE IT FURTHER RESOLVED, that the NBCSL respectfully encourages school districts across the nation to consider incorporating the First Tee National School Program into their curriculae;

BE IT FURTHER RESOLVED, that the NBCSL encourages its members to collaborate with the First Tee National School Program to help foster public-private partnerships to start First Tee chapters within underserved 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; the President's Council on Fitness, Sports, and Nutrition; the United States Golf Association; the United States Junior Golf Association; the United States African American Golf Association; and the National First Tee Program.

YOUTH

Resolution YTH-13-38

SPONSOR: Representative Joe Towns Jr. (TN)
Committee of Jurisdiction: Youth Policy Committee
Certified by Committee Chair: Representative Gilda Cobb-Hunter (SC)
Ratified in Plenary Session: Ratification Date is December 7, 2012
Ratification is certified by: Representative Barbara W. Ballard (KS), President

NBCSL

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