

employee needs, and the courts have upheld that they, because they are ERISA exempt, can't follow any, don't have to follow any state law and they're able to drop individuals at, basically at their own call and without much regard for the impact on the individual. The handouts that I've given you before do provide some information about NAIC, National Association of Insurance Commissioners, that has proposed changes to again protect the public from failure of these entities. There is no oversight in terms of solvency and the way that we do other insurance companies and if they should fall, there is no guarantee plan there to back them up. Discrimination is clearly possible under these. There is no protection on portability or any sort of data reporting.

PRESIDENT ROBAK: One minute.

SENATOR WESELY: There are multiple problems, in my view, by having this exemption. The insurance commissioners have recognized it, the National Conference of State Legislatures has taken a position on this, as well as most other state organizations, again, calling for a state's right on this for a state to be able to step forward and deal with the problems that they find in their state with the ERISA exempt plans. And when we talk about how important this is, private insurance is a big part of health care, health insurance in our state. Forty-two percent of health care expenditures payment come from private insurance in Nebraska, only 33 percent from the country, so we have more private insurance in this state. We also have, as I said, approximately 40 percent or more self-insured. That's 445,000 Nebraskans covered by health insurance through ERISA plans that we can't do anything about to help in one way or another. So again, we're talking about almost half a million Nebraskans. I think at some point we need to address this issue. This isn't that point and I think I'll...

PRESIDENT ROBAK: Time.

SENATOR WESELY: ...I'll be withdrawing this the next chance I get.

PRESIDENT ROBAK: Thank you, Senator Wesely. Senator Will.

SENATOR WILL: Thank you, Madam President, members of the body, I rise just to briefly address this issue. I certainly share Senator Wesely's frustration with what has occurred under ERISA