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**BRIESE:** OK. Thank you. Good afternoon and welcome to the Executive Board. My name is Tom Briese. I represent the 41st District and I serve as Chair of the Executive Board. We'll start off having members of the committee and committee staff do self-introductions, starting on my far right with Senator Clements.

**CLEMENTS:** Rob Clements from Elmwood. I represent District 2, Cass County and eastern Lancaster.

**SLAMA:** Julie Slama, District 1: Otoe, Nemaha, Johnson, Pawnee, and Richardson Counties.

**ARCH:** John Arch, District 14, Papillion-La Vista, Sarpy County.

**TREVOR FITZGERALD:** Trevor Fitzgerald, committee legal counsel.

**AGUILAR:** Ray Aguilar, District 35.

**LOWE:** John Lowe, District 37: Kearney, Gibbon, and Shelton.

**VARGAS:** Tony Vargas, District 7, downtown and south Omaha.

**RIEPE:** Merv Riepe, Legislative District 12, which is a big part of south-- part of Millard in Omaha and Ralston.

**BRIESE:** OK. Thank you. Also assisting the committee is our committee clerk, Sally Schultz, and our committee pages. We have Frances Heeren from Omaha, who is a political science sociology major at UNL. And we have Maggie Massey from Omaha, a political science major at UNL. You, you folks like to stand up for us? Thank you. Thank you. This afternoon, we'll be hearing two bills and we'll be taking them in the order listed outside the room. On the tables near the entrance, you will find green testifier sheets. If you're planning to testify today, please fill one out and hand it to Sally when you come up. This will help us keep an accurate record of the hearing. Please note that if you wish to have your position listed on the committee statement for a particular bill, you must testify in that position during that bill's hearing. If you do not wish to testify, but would like to record your position on a bill, please fill out the white sheet near the entrance. Also, I would note that the Legislature's policy that all letters for the record must be received via the online comments portal by the committee by noon the weekday prior to the hearing. Any handouts

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submitted by testifiers will also be included as part of the record as exhibits. We would ask if you do have any handouts, that you please bring 12 copies and give them to the page. If you need additional copies, the page can help you make more. Testimony for each bill will begin with the introducer's opening statement. After the opening, we will hear from supporters of the bill then from those in opposition, followed by those speaking in a neutral capacity. The introducer will then be given an opportunity to close. We ask that you begin your testimony by giving us your first and last name. Please also spell them for the record. Because the Executive Board meets over the noon hour and members have other hearings beginning at 1:30, we will be using a three-minute light system today. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning and when the red light comes on, we'll ask you to wrap up your final thoughts. I would remind everyone, including senators, to please turn off your cell phones or put them on vibrate. And Senator Bostar, would you like to introduce yourself?

**BOSTAR:** Eliot Bostar, District 29.

**BRIESE:** Thank you. With that, we'll begin today's hearing on LB39. Welcome, Senator Blood.

**BLOOD:** Well, thank you, Chair Briese, and good afternoon to you and all the members of the Executive Committee. My name is Senator Carol Blood. That is spelled C-a-r-o-l B-l-o-o-d and I represent District 3, which is the western half of Bellevue and eastern Papillion, Nebraska. And I appreciate the opportunity to speak to you today about LB39. So LB39 asks that whenever the Executive Board requests a disability impact statement on a bill, the Legislative Research Office will provide a research statement. The goal of that statement is to review any legislation requested by the board to ensure that it is equitable and creates no additional burden to Nebraskans with disabilities. I believe that this is a necessary-- is necessary for the betterment of Nebraskans with disabilities and to help policymakers be more aware of the unintended consequences new policy may create or additional hurdles for our residents with disabilities. In practice, policymakers are given fiscal notes or reports on legislation that can give us an estimated fiscal impact on proposed legislation, as it is obviously important to weigh any potential impact on the budget and therefore the average Nebraska taxpayer. But Nebraska has a long, overlooked and ignored legislation-- legislation's impact on Nebraskans with

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disabilities, as proposed bills can often-- somebody changed some words in my intro, so I apologize--

**BRIESE:** It's all right.

**BLOOD:** --for stumbling-- can often ex-- can often change and create new disparities for disabled persons. So it's important to have this data available for constituents and senators before legislation is debated and what impacts it might have on this community. The bill also creates a policy for this process. Now, despite the passage of the ADA, Americans with Disabilities Act, persons with disabilities still face discrimination in finding employment, quality healthcare, transportation and education. This can be accompanied with a lower socioeconomic status, making it all the more challenging for persons with disabilities to access these services. As an example, the CDC has found women within this demographic were less likely to seek a mammogram or basic reproductive health services. The study found that it is-- wasn't financial barriers alone, but basic mobility issues and lack of transportation access. In the justice system, those incarcerated, incarcerated with disabilities, especially developmental ones, are overrepresented within the body. Those with intellectual disabilities imprisoned are especially vulnerable to victimization and serving longer sentences due to not fully comprehending the laws they violate-- violated. Often, these inmates aren't properly evaluated by a psychologist or hide their disabilities to prevent further victimization from others who may be incarcerated. Veterans with disabilities are also another demographic that face barriers to services. Psychological problems and PTSD make it difficult to transition into civilian life, especially for employment. Veterans with PTSD or mental disabilities that were employed were more likely to have lower wages compared to veterans not diagnosed with PTSD or mental injury. Not to mention barriers in regards to transportation and general negative attitudes or biases some still hold, unfortunately, for veterans with disabilities. So it is imperative that we have a disability impact statement, as we have a moral responsibility to use our shared resources in ways that protect, empower all of Nebraskans equality-- equally. The size of the, the size of the proverbial pie-- there, I got it out-- we all share is not finite. It keeps growing. I appreciate your time today and the consideration of LB39. We have several testifiers today and I ask that you save any questions for my closing in case they may be answered during these testimonies in respect to your time today. But I will

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ask, Chair, that since we do have people who are Nebraskans with disabilities, I know why the three-minute rule is important, but I also know it's important to accommodate anybody with a disability that that three minutes may not work. And I ask that you please consider that.

**BRIESE:** Yes. Very good. We'll try to stick to the three minutes, but we'll try to accommodate concerns if they arise.

**BLOOD:** I appreciate that. Thank you, Chair.

**BRIESE:** Thank you for your opening. First proponent testifier, please.

**KATHY HOELL:** Good afternoon--

**BRIESE:** Yes, good after--

**KATHY HOELL:** --Senator Briese and members of the committee.

**BRIESE:** Good afternoon and welcome.

**KATHY HOELL:** My name is Kathy Hoell, K-a-t-h-y H-o-e-l-l, and I live up in Papillion. As you can tell, I am a person with a disability and I am here to testify in support of LB39. First of all, I would like to thank Senator Blood for introducing this legislation for the disability community. For years, the state of Nebraska has introduced bad legislation with little or no consideration of what effect it will have on people with disabilities. This year, there's about 100 bills that would impact people with disability. Those range from the restraint and seclusion bill, education bills, voting and housing, just to name a few. Most of them will pass and be signed by the Governor and will have a very negative impact on the disability community, which most of them don't even know or consider. Our community is very frustrated with able-bodied people making decisions for-- with no consideration of the repercussions we have to deal with. LB39 would require legislators to have an impact statement outlining the disparities or it might be a positive thing that this legislation may have on our community. The Legislative Research Office will pull all this together. However, the main concern I have is that I am not comfortable with state agencies being a contact to del-- the statement. Over the years, we have seen that state agencies have a difficult time just making their own programs accessible. In addition, it refers to subject-matter experts. Most qualified and knowledgeable

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people I know in this area are people with disability. However, if you must go to an organization to talk to somebody, I would suggest the ADA Task Force, Centers for Independent Living or any of the other disability organizations that are specific to a certain topic. Every county in the state of Nebraska has people with disabilities living in it, according to the disability, disability compendium and one of the speakers after me will give you a copy of that. We are the largest minority group in the United States with approximately 54 million people, but we are the least-considered group when the legislation is passed. In 1990, the American with Disabilities Act was passed. It was described as the landmark civil rights legislation for people with disabilities. In 1999, the U.S. Supreme Court released a decision, saying people with disabilities needed to live in the least-restrictive environment and states had to develop a plan. Fast forward today, Nebraska and the Legislature did finally require the departments to develop an Olmstead Plan. However, DHHS is dragging their feet in getting it done. We still are seeing many instances where people with disabilities, you can't even cross the county line if you're a person with a disability. Our Governor, our previous Governor, when they implemented TestNebraska and we pointed out it's inaccessible, he said, well, it's for real people. In my mind that means I'm not a real person. I find that kind of offensive. Also, the Governor has never supported the Olmstead Plan. And because I was-- from a previous Governor, I was told we do not need an Olmstead Plan because it would admit we're doing something wrong. I have some problems with that type of mind and I hope you will move this bill out of committee.--

**BRIESE:** OK, very--

**KATHY HOELL:** --and it will get passed. And does anybody have any questions?

**BRIESE:** Yes, very good. Any questions for the testifier? Seeing none, thank you very much for your testimony here today.

**KATHY HOELL:** Thank you.

**BRIESE:** You bet. Next proponent testifier. And how many testifiers do we have on LB39 today? Thank you. Good afternoon and welcome.

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**DEANNA HENKE:** Thank you. Good afternoon, members of the Executive Board. I would first like to thank Carol for bringing this important issue forward. My name is Deanna Henke, D-e-a-n-n-a H-e-n-k-e. I'm a person who lives in Lincoln with a disability and I'm here today to testify in favor of LB39. When bills are voted on in our Unicameral, historically, people with disabilities are completely ignored. The few times that we have had senators who have looked into what impact it would have on us, they have asked able-bodied people. The people that know the impact this will have on us are those of us who live the experience, those of us who have a disability, that live with it every day that know the impact it would have. The impact it would have on our lives is never considered. People with disabilities make up 25 percent of the population. By not considering us, you are alienating one-fourth of your constituents. Some bills, such as those in voting, education, transportation and housing, can have a very negative impact on us. For instance, I have been actively searching for wheelchair-accessible affordable housing for over five years. The only accessible, affordable places in Lincoln have long-- years-long waiting lists or cost more than an entire disability check per month. Because of this, I cannot use my wheelchair at home and have had several bad falls, some of which ended me up in the emergency room. Yet accessibility and affordability were not discussed when housing bills were considered. When people from the disabled community testified concerning the seclusion and restraint bill, we were told that this bill affected normal children, not children with disabilities. I wrote to the senator that called the children with-- without disabilities as the only normal children and told him that this was offensive and told them what language would be acceptable and asked him to please contact me back. And of course, I never heard from him. We're not asking for special rights. We're only asking to be seen, heard and treated as valued members of Nebraska. Our motto is nothing about us without us. To find out what impact bills would have on the disabled community, any members can be contacted at the ADA Task Force, the League of Human Dignity, Independence Rising, the Statewide Independent Living Council and many other places that have disabled people. Please correct this problem and show that our representatives consider all Nebraskans, not just the able-bodied ones. And I welcome any questions you have.

**BRIESE:** Thank you. Any questions for the testifier? Seeing none, thank you very much for your testimony.

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**DEANNA HENKE:** Thank you.

**BRIESE:** Next proponent testifier, please. Welcome.

**BRAD MEURRENS:** Welcome. Good afternoon, Senator Briese and members of the committee-- or the board. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s, and I am the public policy director at Disability Rights Nebraska. We are the designated protection and advocacy organization for persons with disabilities in Nebraska and I'm here in strong support of LB39. People with disabilities in Nebraska comprise around 11.2 percent of our state's population and there are Nebraskans, like Kathy said, in every single county with disabilities. These are our family, our friends, our neighbors and our community. And the state's major policymaking body must do its best to adequately and accurately evaluate how its choices will impact Nebraskans with disabilities and their families. Nebraskans with disabilities do face major disparities across a spectrum of measures, as the 2019 American Community Survey data indicated. They have a 22 percent poverty rate compared to 8 percent of those without disabilities. They're employed 30 percent points-- percentage points lower than those without disabilities. And transportation options are severely limited for a variety of reasons. Housing stock is not accessible or affordable or safe. There is a broad-- or is simply unavailable. A conversation that I had many years ago with a legislative candidate encapsulates our support for this bill. Quote, I'm glad you called, Brad. We have a person with a disability on our staff and so does our opponent, but we have never thought about disability policy. So even when in plain sight and I assume frequent interaction, the impact of policy decisions on Nebraskans with disabilities can be overlooked or ignored. Disability impact statements would provide the Legislature a concrete reminder of the effect of policies it passes on this community and of its responsibility, both morally and legally, to best serve this community, especially considering that many Nebraskans with disabilities, through their disability, are more directly involved with and tied to public programs, resources and services. The Legislature has access to and authority to command resources, data and information that is not available to the public or is difficult to obtain. These impact statements would provide the Legislature with more data, which produces better policy. Plus, this data would help clarify or corroborate claims by people with disabilities, their families and advocates. Furthermore, there are several examples in my

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testimony of these unintended consequences: the Medicaid buy-in program, and especially the TestNebraska program. It was-- it had several unintended consequences that made the program inaccessible for persons with disabilities. Finally, we would suggest that people with disabilities, their families, advocates and other pertinent organizations be involved in developing the selection criteria for legislation, as well as be consulted for input assessing the impact. The legislation calls for consultation with subject-matter experts. And as Kathy had said and I agree, people with disabilities are subject-matter experts about living with their disability and the effects of public policy on their community. And as a result, we recommend advancing the bill. I'd be happy to answer any questions you have.

**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony.

**BRAD MEURENS:** Yep.

**BRIESE:** Next proponent testifier. Welcome.

**PEGGY REISHER:** Thank you. Good afternoon. My name is Peggy Reisher. It's spelled P-e-g-g-y, Reisher, R-e-i-s-h-e-r, and I'm the executive director for the Brain Injury Alliance of Nebraska. I'm here before you to testify in support of LB39. I want to thank Senator Blood for introducing this. In the work that I do, I have the opportunity and time to spend advocating for individuals with disabilities that are often invisible to the general public. Those are disabilities that are caused by brain injury. Requiring an individual to-- excuse me. The best way I could think to illustrate the idea to this committee today, I'd like to provide you with an example that you'll be considering later on in the session. Requiring individuals to have a driver's license or state identification card in order to vote is an example of a policy that would have a disproportionately negative impact on individuals with disabilities. A significant portion of individuals with disabilities do not drive, so they do not need to maintain a driver's license. The process of going to the DMV to obtain license or a state ID may create physical and financial obstacles with that individual with disabilities that cannot be reasonably overcome. This is an example of a policy that may have unintended consequences, reducing the number of persons with disability to vote simply because they cannot obtain a driver's license. A disability impact statement



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would assist the Legislature in making decisions about proposed policies, potentially eliminating any unintentional disparities before they occur. I'm certainly not naive enough to think we'd be able to eliminate all disparities with-- for individuals with disabilities, but with diligence and intention, the Nebraska Legislature can be an effective stewards of the basic principles of the public policy, do no harm. I appreciate your service and ask for a favorable consideration of LB39. Thank you for your attention.

**BRIESE:** Thank you for that. Any questions for the testifier? Seeing none, thank you very much for your testimony. Next proponent testifier. Any proponents are welcome to come up near the front rows here so you're ready. Welcome.

**RASNA SETHI:** Hello. Good afternoon, Chairman Briese and members of the Executive Committee. My name is Rasna Sethi. That's R-a-s-n-a S-e-t-h-i and I am a policy analyst with OpenSky Policy Institute here to support LB39 because we believe it's important to consider the disparate impact general legislation has on the disability community. The disability community in Nebraska is made up of adults who are 75 years and older, about 50 percent. Based on data, the percentage of those with disability increases with age. Increasingly, while Native Hawaiians and Pacific Islanders only make up 0.1 percent of Nebraska's population, they have the highest rate of disability at 20 percent of their population. There is also a case for American Indians and Native Alaskans at 16.1 percent and Black African American Nebraskans at 13.1 percent. There are thus clear impacts on the popul-- on these populations, not only because of their disabilities, their-- the disabilities they experience, but also their race and ethnicity. The manner in which state and local governments raise and spend revenue has major implications for all Nebraskans, including those experiencing disabilities and those who identify as nonwhite. Historically, fiscal policy has too often increased disparities in power, income and wealth, and working to ensure fiscal policies provide equal opportunity for all people will help to promote economic prosperity across the state. We have identified several policy areas where the introduced legis-- of impact statements for proposed legislation could be especially insightful. Changes in tax code, particularly those disproportionately impacting one end of the socio-economic spectrum, can serve to exacerbate and temper disparities in both the ability and race and ethnicity. It is also important to examine how in certain budget areas-- that certain budget

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areas could exacerbate inequalities within the state. Health, education and transportation funding in particular areas are vital for shared prosperity and health spending is critical for those Nebraskans experiencing disabilities, as our Medicaid and Medicare spending has direct impact on their-- the care they receive. There are several resources that examine a number of different disparities, which OpenSky believes could aid in the development of impact statements for proposed legislation. The U.S. Census Bureau's American Community Survey tracks SNAP and school enrollment by race and ethnicity, as well as income and poverty status of families. The KIDS COUNT Data Center disaggregates children at Title I Schools by race and ethnicity at the state level. There is a growing trend in incorporating racial disparities in data collection, as demonstrated by the Centers for Disease Control and Prevention's Health Interview Survey. The data are certainly available to conduct through-- a thorough analysis of the racial impact for proposed legislation. With an increasing availability of all kinds of data, we strongly support and believe in doing everything possible to evaluate the impact of proposed legislations on our neighbors experiencing disability and urge the committee to advance LB39. With that, I'm happy to answer questions. Thank you.

**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier. Welcome. Welcome.

**MARRIANNE WILLIAMS:** My name is Marriane Williams, M-a-r-r-i-a-n-n-e W-i-l-l-i-a-m-s, and I want to thank Senator Blood for bringing this. I wasn't sure if I could make it today so I don't have anything prepared, but I just wanted to give you a few world-- real-world examples of how this bill would affect me. I'm a low-vision person due to an eye disease. On any given day, I may or may not be able to make you out your facial features, for example. I mean, today you look like a bunch of blobs, but sometimes I can see things and sometimes I can't. So legislate-- any legislation that, say, requires a notice to be given, for example, I may or may not be able to read that notice if it's not sent to me digitally. A digital copy allows me to blow it up and in many, many ways. The-- for example, the, the legislative site is, is difficult for me to maneuver. I've gotten really good at it just because I, I do it so much, but it is difficult. A PDF file for the, for the actual bills, that makes it difficult for me to take that and to put it into a program to blow up the text, for example. Also, even just these forms are-- was a challenge for me today. I mean, I

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got it done, but I don't know if you'll be able to read it, but thank you. That's, that's all I have today.

**BRIESE:** Well, thank you. Any questions for Ms. Williams? Seeing none, thank you very much for your testimony.

**MARRIANNE WILLIAMS:** Thank you.

**BRIESE:** Welcome.

**ROSE GODINEZ:** Thank you. Good afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am testifying on behalf of the ACLU of Nebraska in favor of LB39. First, we'd like to thank Senator Blood for introducing this legislation and cosponsors, which requires that disability impact statements be created for legislation which specifically impacts Nebraskans with disabilities. The ACLU strives for a Nebraska free of discrimination against people with disabilities, where they are valued, integrated members of our society with full access to education, healthcare, homes and voting and beyond. Nebraska is home to over 218,000 Nebraskans with disabilities, yet nationally and in many cases in Nebraska, they're disproportionately overrepresented in students who are physically restrained in jails and in prison. For those reasons, the Legislature should make informed decisions regarding the legislation potentially impacting Nebraskans with disabilities and advance LB39 to General File. Thank you.

**BRIESE:** Very good. Thank you. Any questions? Seeing none, thank you very much for being here. Next proponent testifier, please. Welcome.

**ARLO HETTLE:** Good afternoon. My name is Arlo Hettle, spelled A-r-l-o H-e-t-t-l-e, and I'm the grass roots advocacy coordinator at the Nebraska Civic Engagement Table. We're a member organization serving around 70 other nonpartisan, nonprofit organizations across the state. And our mission is to ensure every community across the state has the opportunity to have a seat at the table and be involved in the policy decisions that affect their lives. We would like to offer our support for LB39 and thank Senator Blood for working to make the legislative process more inclusive and highlight the disparate effects that legislation can have on those with disabilities. This bill provides an opportunity for legislators to mitigate the unintended consequences that can occur when legislation is passed without considerations of

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its effects on people with disabilities. For example, much of the policy work the Nebraska Table does relates to bills on voting and other forms of civic participation. People with disabilities often face greater barriers in casting their votes and it is important for policymakers to consider such barriers when writing legislation about electoral processes. If a voting bill were to require physical steps like going to a DMV or an election commissioner's office in person at some point in the process, someone with impaired mobility would be negatively, negatively affected by that policy choice. One hurdle to civic participation as a whole is people feeling that their government does not fully represent them. This can include being at the receiving end of negative unintended consequences of policy decisions. If we want to increase the civic health of our state and ensure participation from voices that have historically been left out of the conversation, we need to start by showing a commitment to undoing some of the damage that has been done from previous legislation. A great way to do that is devoting more of our resources to researching the potential disparate impacts that bills could have. The Table would support including people with disabilities in those discussions and decision-making processes whenever possible. As Nebraskans, we believe deeply in fairness for all people. By making the effort to study the impact of proposed legislation on the thousands of Nebraskans with some form of disability, policymakers have an opportunity to advance fairness and reduce harm. For those reasons, we ask you to support LB39. Thank you.

**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier, please. Go ahead.

**ARCH:** Step on up.

**BRIESE:** You bet. Welcome.

**CARRIN MEADOWS:** Good afternoon. I'm Carrin Meadows, the executive director for NAMI Nebraska. It's Carrin, C-a-r-r-i-n. My last name is Meadows, M-e-a-d-o-w-s.

**BRIESE:** Thank you.

**CARRIN MEADOWS:** First of all, I'd like to thank Senator Blood for bringing this to our attention. Dear Senator Briese and the members of the Executive Committee, on behalf of the National Alliance of Mental

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Illness Nebraska, I want to thank you for this opportunity to provide testimony to you today and add our support of LB39 as part of the public record. The Americans with Disabilities Act, passed in 1990, includes psychiatric disabilities in its coverage and its definition of disabilities. The purpose of the American Dis- Americans with Disabilities Act is to make sure that all people with disabilities have the same rights and opportunities as everyone else. The Americans with Disabilities Act guarantees equal opportunity for individuals and disabilities in public accommodations, employment, transportation, state and local government services and telecommunications. Mental illness is a dis-- mental illness and disability go hand in hand. The reality is that you cannot see mental illness so many times, we are swept-- mental illness is swept under the rug, as it did not even exist. Mental illness can have significant negative effects on an individual's ability to function in society. A key statistic to this negative effect is the unemployment rate is higher among U.S. adults with mental illness. Depression is the leading cause of disability worldwide. There are many more statistics to justify how psychiatric disabilities pose a significant negative effect on individuals' ability to function. First, mental illness causes \$193.2 billion in lost earnings each year in the U.S. Second, 20.8 percent of people experiencing homelessness in the U.S. have a serious mental health condition. Third, 37 percent of incarcerated adults in the prison system have a diagnosed mental illness. And in an alarming statistic in high school students with significant symptoms of depression are more than twice as likely to drop out. Our state and our country are in a mental health crisis which affects not only just healthcare, but people's livelihoods and overall quality of life. We cannot afford to allow this crisis, crisis to get even worse. LB39 would help to ensure that legislation does not have unintended, harmful impacts on people suffering from psychiatric disability. NAMI Nebraska supports LB39 to provide disability impact statements for legislation and to provide powers of duties for the Office of Legislative Research. I urge the committee to vote for LB-- in favor of LB39 by providing this opportunity, as we are Nebraskans are hoping those with psychiatric disabilities to be heard and to begin to eliminate the stigma surrounding mental illness. LB39 is an important step forward for the citizens of Nebraska. We respectfully ask that you support LB39 and all legislation that helps those whose lives are impacted by mental illness. Thank you for the service to the state of Nebraska.

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**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier. Welcome.

**JOSEPHINE LITWINOWICZ:** Thank you, Chairman Briese, members of the committee. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And basically what I wanted to say and I don't know if somebody has already said it, but part of this-- I believe there's a, there's a, there's a committee of some sort where there's people that decide, you know-- about the impact statement, the, the financial aspect. Well, I noticed there, there wasn't-- it didn't explicitly state someone or some people with disabilities. And I say that because different, different, different disabilities may have different impact statements. And I know that the different kinds of disabilities, we're all unique. And I really-- in a physical space and maybe in a mental space, it makes a difference. And so without getting that input as far as-- well, I was kind of annoyed not just to see it-- just to not see it, but it's actually essential. And, and so also disability is probably-- I don't know, but definitely disability can be associated with forms of mental illness. And, you know, I suffer from mental illness and-- which is part of the reason why I became homeless once. And then it was a miracle through Lutheran Family Services that I found a place. And so with that, I think my disability suffers from [INAUDIBLE]. I think I'm, I think I'm a little bigger. Anyway, that's it. Thank you, thank you.

**BRIESE:** Thank you for your testimony. Any questions? Seeing none, thank you very much for your testimony.

**JOSEPHINE LITWINOWICZ:** Thank you.

**BRIESE:** Next proponent testifier.

**SPIKE EICKHOLT:** Good afternoon, Chair Briese and members of the Executive Board.

**BRIESE:** Welcome.

**SPIKE EICKHOLT:** I'll be brief. You've got to copy my statement so I'm not going to read it to you. I'm having that distributed. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t. I'm appearing on behalf of Voices for Children in Nebraska. You've got a copy of my statement so I won't read it. I'm also having distributed a summary, a

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report from Health and Human Services on the demographics of disability and the disabled in Nebraska to kind of give you an idea. We are here in support of this bill. To kind of summarize, Voices for Children works with and on behalf of children who are on the child welfare system and juvenile justice system. And a significant number of children who are in both of those child welfare system and juvenile justice system are disabled, whether it's a learning disability, a sensory disability, or some similar recognized disability. This bill is a very good bill and we want to thank Senator Blood for introducing it. I would just ask the committee to consider that this does not require a disability statement to be done or prepared in every bill. It's as directed by the Executive Board on pages-- on page 2, lines 22 to 23, as designated by the Executive Board, a disability impact statement may be prepared. So that's a good, nuanced approach, and I would respectfully suggest that this committee and this body could adopt that. And I can give an example because, as Speaker Arch and Senator Bostar can attest, the Rules Committee already did a similar, perhaps smaller version of what a disability impact statement envisions. We had a number of rule proposals this year. There was a series of rule requests that allowed for remote testimony to be reflected on the committee statement. That rule was not fully amended, but an accommodation was made to allow for ADA accommodation of written testimony that could be submitted online for people who simply could not be here very easily. And that could still be noted on the committee statement that they submitted testimony in the official record. So I just want to point that out that this can be done. And we want to thank Senator Blood for doing-- introducing this bill and I'll answer any questions if you have any.

**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier, please. Good afternoon.

**DUNIXI GUEREC:** Good afternoon. Thank you, Chairman Briese. My name is Dunixi Guereca. That's D-u-n-i-x-i, last name, G-u-e-r-e-c-a. I am the executive director of Stand For Schools, an organization that advances public education here in Nebraska. I had a scoutmaster that once told me brevity is a virtue. As such, I will not be reading my, my testimony. However, we are here in support of this bill. Our great public schools serve a lot of kids with disabilities so bills-- we should know what that impact is on them. Thank you so much.

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**BRIESE:** Very, very good. Thank you. Any questions? Seeing none, thank you very much for your testimony. Any other proponent testifiers? Welcome.

**EDISON McDONALD:** Hello. Hi. My name is Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d, representing the Arc of Nebraska. We advocate for people with intellectual and developmental disabilities. You've already heard about the ethics and the importance of accessibility. I want to talk about a couple of other pieces. I think one of the things that I've really realized in this work is how many things we don't realize, we don't think about impact the accessibility of a building. We don't think about doors and not being able to grab, grab them because we don't have full mobility in our hands and being able to twist and open a door. We don't think about what happens if we were to get a raise and, say, we've got a couple of dollars an hour raise and then we'd lose \$60,000 a year in Medicaid coverage that helps to keep us alive. We don't think about what it looks like if we have to go and say, are we going to send our kid to foster care? Are we going to get divorced or is our kid going to die because they can't get access to the medical coverage that they need? These are the conversations that I have to have with our members all the time. And it, it, it's a whole different reality than many of us are used to dealing with. I think the second thing to really think about is really making sure that we are trying to prevent potential litigation. Earlier, they talked about the Nebraska State Olmstead Plan that was in reaction to a Supreme Court case that requires every state to have a plan to ensure that people have access within the state. Well, right now, we have the Department of Justice in the state investigating Nebraska, looking at housing, looking at HHS, looking at transportation, looking across the spectrum. And frankly, I think that I-- like states like Washington, the likelihood that we may end up in a consent decree where we're forced to go and take a lot of actions that are going to have significant costs is pretty high. So we need to go and proceed with these disability impact statements to make sure that we're thinking through what that means and how that could impact us in terms of litigation and financial responsibility. And lastly, I just want to say Nebraska has been a leader in the disability arena since the start of the deinstitutionalization movement. We had amazing folks who really led the charge. This is an opportunity for Nebraska to be a leader in the disability world again. So I hope that you'll support this bill. Thank you. Any questions?



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**BRIESE:** Any questions? Seeing none, thank you very much for your testimony. Any other proponent testifiers? I see none. We do have ADA written accommodation testimony from Don Drew [SIC] and Mary Angus.

**\*DON DEW:** Good afternoon, Chairman Briese and members of the Executive Board. My name is Don Dew. I am the Executive Director of the Nebraska Statewide Independent Living Council. I am writing this testimony in support of LB39. I want to first thank Senator Blood for introducing this bill. She listened to concerns of people with disabilities whose voices were not being heard in legislation. Last year, after a session that including many housing bills, none that included accessible housing, I brought up an idea that legislators needed to hear how people with disabilities, from across the state, would be impacted. Positively or negatively. This was an impetus for a bill to begin. LB39, by offering a "Disability Impact Statement" can help legislators know the disparity, or negative impact, that a bill has for people with disabilities. This can help bring about a better change on how bills are written going forward. As I stated earlier, last year none of the housing bills mentioned accessibility, a key part of the Olmstead Plan given to Legislators. If bills that are being introduced do not meet key parts of the Olmstead Plan for people with disabilities, housing, transportation, education, and employment I would have thought that would have been a red flag. That again is a reason for LB39 and a Disability Impact Statement. LB39 allows for the office of Legislative Research to find bills relating to disability and prepare the Disability Impact Statement. It also allows for any "subject matter expert" to help them in this culling and writing of the statement. I propose using the Nebraska ADA Taskforce, which has cross disability representation, and is headed by the Nebraska ADA Coordinator (See Exhibit). As stated in LB39, the Legislature has an obligation to reduce disparities for people with disabilities. We have been a silent minority for far too long, and there has been no outreach to us, except in rare occasions. Every county of the state has a person with a disability (see exhibit), yet testimony on bills that negatively impact our community have not been an easy task at all. Transportation has been a large factor. So the legislators have heard from the same people, basically, over and over, because expanding to a wider use of testimony such as virtual testimony (widely used in other states) has been fought against. That is a major negative impact and until that is corrected, the second chamber will

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never be "the people's house." I appreciate your service and ask for your favorable consideration of LB39. Thank you for your attention.

**\*MARY ANGUS:** I support LB39. Senators cannot know everything. They cannot know about how what they write in a bill could impact people with disabilities. Those of us with disabilities are the only ones who can speak to that. Senator Blood has a history of working with disabilities through her affiliation with VR and other endeavors. She recognizes the fact that it requires lived experience. I appreciate her bringing this forward. I would suggest that the Executive Board be provided with a clear means of determining what constitutes a bill that would be appropriate for an impact statement. Without that, the Executive Board is determining what bills should be given an impact statement, we have no control over that. It should not only be those that include the word disability. Please move LB39 to the floor. Thank you for this opportunity to testify. If you have any questions, feel free to contact me.

**BRIESE:** With that, do we have any opposition testifiers? Seeing none, any neutral testifiers? Welcome.

**BENJAMIN THOMPSON:** Good afternoon, Chairman Briese, members of the Executive Board. My name is Benjamin Thompson. That's B-e-n-j-a-m-i-n T-h-o-m-p-s-o-n. I am your Director of Research. I lead the Legislative Research Office, which would be tasked with preparing the impact statements under LB39. Our office is charged with providing nonpartisan public policy and legal research to all of the senators and the staff in the building, or in the Legislature rather, and we would be happy to provide any additional assistance as requested of us, any additional data that would help you provide meaningful-- or have meaningful debate, appropriate legislation, and ensure that there's no unintended or at least unanticipated consequences. And I'd be happy to answer any questions.

**BRIESE:** Thank you. Any questions? Do you have any idea what any-- would this impose any sort of a burden on your office or what the cost would be to facilitate this?

**BENJAMIN THOMPSON:** Well, it's hard to predict without knowing how many bills are going to be included. But I would say that-- well, we-- first of all, we do have a line item for contracting with outside subject-matter experts as that-- as appropriate. The current staffing

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may or may not be adequate depending on the volume of them. I will say, though, that our office, all of our research analysts are at the Research Analyst I classification. And I anticipate that-- moving some or all of them to Research Analyst II would probably be appropriate.

**BRIESE:** OK, OK. Thank you. Thank you for your testimony.

**BENJAMIN THOMPSON:** Thank you.

**BRIESE:** Any other neutral testimony? Seeing none, with that, Senator Blood, you're welcome to close. We do have a handful of written position comments, eight proponents and five opponents. Welcome back, Senator Blood.

**BLOOD:** Thank you, Chair Briese. I'll be as brief as I possibly can because I know you have one more bill. I want to first address the opposition because I did read those prior to the hearing. And the theme is always government overreach, don't put money into bigger government. We're actually doing the opposite of that. I think it's really important you see your fiscal notes. You've heard Ben from LRO. We're not creating bigger government. We're not expanding the government. We're not pumping millions of dollars into something. What we're doing is utilizing an existing source whose daily task is research. So the other thing I want to point out is that continually throughout today's hearing, I heard the same words over and over again: invisible, we want consideration and disparities. And when I hear those three words, only one word comes to mind and that is disenfranchised. I've been working off and on with the disability community for at least two decades. Kathy and I go way back when she was, like, 16. And, and what I know is that our efforts are just when we, when we move forward bills that we try to do no harm, but that doesn't always happen. And none of us are subject-matter experts in this room, as far as senators go. We have to depend on others when we, we come upon a hurdle to make sure that we do no harm. You do not have to send every bill to LRO. It's your discretion. There will be a process put into place by LRO to make sure that it is a streamlined process. But it does need to be done. If you watched people coming in and out of this room and testify, you saw just the few hurdles they had to have or that they came upon when they came to testify, moving things out of the way, people literally having to physically get out of the way so people could come in and out and do what-- that they're allowed to do as our second house. Now, think about statewide,

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broader. Think of all the legislation we have passed. Again, you've heard it today, affordable housing. When we talked about affordable housing, how many times did we talk about people with disabilities, right? When we talk about students, unless it's a topic that's specific to children with disabilities, we don't always think about all of our students and those with disabilities. So we have an opportunity to be a leader with really a very small process to get us to that place and then we can start addressing all Nebraskans. And that's one thing that I also want to leave you with today. Have you noticed how I used first-person language, where I put the person before the disability? That's something that's lacking in our own state statute. We say disabled veterans, not veterans with disabilities. We say the word "blind" before the word-- before who the person is. It's always the person first, disability second. So if I leave you with anything today, I ask that you participate in that language because it's out of respect to Nebraskans with disabilities that we have to do that. And so with that, I think that you've heard a comprehensive idea of what this is about. We have a lot of positive facts behind moving forward on this. And I hope that you do make us a leader, because, friends, once we start this, it's going to be more of a movement. And we're always last to the table. Come on, let's be-- we won't be very first, but we'll be the top ten.

**BRIESE:** OK. Thank you, Senator Blood. Any questions? Seeing none, thank you for being with us today.

**BLOOD:** Thank you for your patience today.

**BRIESE:** And that will close the hearing on LB39 and we will open the hearing on LB54. And we may have some senators that will have to leave as we get closer to 1:30, but my staff and I will remain as long as we need to. So with that, welcome, Senator McKinney.

**McKINNEY:** Thank you. Good afternoon, Chairman Briese and fellow members of the Executive Board. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y, and I represent the led-- the 11th Legislative District up in Omaha. I am honored to bring LB54, a bill to require the Office of Legislative Research to prepare racial impact statements for legislative bills before you today. This bill acknowledges that racial impact statements are a tool for lawmakers to evaluate potential disparities of proposed legislation prior to adoption and implementation. They are similar to fiscal impact

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statements in that they assist legislators in detecting unforeseen policy ramifications as they pertain to racial, racial disparities within our state. This gives legislatures-- legislators the opportunity to amend their proposed bills to alleviate or even eliminate potential harm. The Nebraska State, State Seal states, equality before the law. What better way to ensure that-- to ensure this than the implementation of racial impact statements? An integral tool that ensures that systematic racism in the justice and policymaking process remains subdued. It is paramount that we keep all Nebraskans in mind while implementing legislation that would apply to people of the state, especially some of its most vulnerable, who are most susceptible to negative outcomes of legislation that isn't equitable nor written with the intent of lessening the disparities between people of different races or ethnicities. Under this bill, every legislative bill that relates to the criminal justice system, the juvenile justice system, prisons, jails, probation or parole, and that, if passed, may have a disparate impact on racial minority populations, must be accompanied by a statement pursuant to that impact. Every bill that passes through our legislative process should have racial impact statements attached. However, the decision to limit the focus to criminal justice came from my realization that in a state with an overcrowding crisis, a more centralized application would improve, hopefully, the conditions of Nebraska's criminal justice system. It is not breaking news relative to the greater Nebraska state population that Black, Hispanic and Native American individuals are overrepresented in our child welfare system, juvenile justice system, and the Nebraska Department of Corrections admissions. In a report released by The Sentencing Project, it's stated that in Nebraska, black residents are incarcerated at a rate nearly nine times of that, of that-- of white residents. And Hispanic and Latino residents are in prison at double the rate of white residents. Racial impact statements are a tool for us to alleviate-- to evaluate potential impacts on these disparities prior to the adoption and allows us to rectify them before they cause any additional harm. This bill will also have additional benefits to taxpayers. The Omaha World-Herald released an article titled, "Paying the Price," explaining that laws passed in Nebraska that heightened penalties on certain offenses and steered hundreds of incarcerated individuals from federal prisons into the state system. Adding a tab for Nebraska taxpayers while also increasing the disproportionate representation of Black, Hispanic and Native American individuals, especially those that are from zip codes

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in my district. My thinking is that implementing a system in which these types of impacts can be evaluated before bills are passed can help us alleviate even the most, most minuscule of, of consequences. In, in passing this bill, the state of Nebraska would also be in good company. Nine states, Colorado, Connecticut, Florida, Maine, Maryland, New Jersey, Oregon, Virginia, and our neighboring state of Iowa, have already implemented mechanisms for the preparation and consideration of racial impact statements. We cannot shy away from the conversation because it's deemed uncomfortable. What should be uncomfortable is that we champion our state as "the Good Life" state. But we have in the past and currently continue to push forward legislation that will have negative effects on minority populations in our state. We must ensure that we pass legislation with all Nebraskans in mind. It is clear that without racial impact statements, we will continue, as a state, to introduce and potentially pass legislation that continues to perpetuate systematic harm. I encourage you all, I encourage you all to move this bill forward and onto the floor to move our state in a better place. And I'm open to any questions. Thank you.

**BRIESE:** Thank you, Senator McKinney. Any questions for Senator McKinney? Seeing none, thank you very much. First proponent testifier. Welcome.

**JASMINE HARRIS:** Thank you. Good afternoon, Senator Briese and members of the Executive Board. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I am the director of public policy and advocacy at RISE and I request that you all put this in testimony that RISE supports LB54. RISE is the largest nonprofit organization in Nebraska focused solely on habilitative programming in prisons and reentry support. Our overall mission is to break generational cycles of incarceration. We want to thank Senator McKinney for introducing this legislation and Senator Vargas for introducing it in previous sessions. The idea of racial impact statements may make some feel uncomfortable and bring about thoughts of divisiveness, but this type of analysis tool is one that can actually help with increasing equity across our state in regards to the legislation and policies that are introduced, but specifically those that deal with the criminal and juvenile justice systems. At RISE, we see the racial disparities in Nebraska's criminal justice system on a daily basis. With over 600 individuals that have graduated from our program that we offer in the state's correctional facilities, we are able to see the trends that data specialists have presented on paper. Last year, the Legislature was presented

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information in regards to the data about Nebraska's criminal justice system from the Crime and Justice Institute. And one thing that was made very clear is that there is a disproportionate representation of people in color in our state facilities: African-Americans at 22 percent; Hispanic, 13 percent; and Native-American, 6 percent, respectively. Those numbers may seem low, but when you look at the amount of individuals that those populations are in our state, which is 4 percent, 9 percent and 1 percent, respectively, that shows a very disproportionate amount of people that are in our systems. These racial impact statements were first introduced and passed by our neighboring state of Iowa, as Senator McKinney said, back in 2008. Colorado and Minnesota also use these type of statements. And I talk about these three states because we always talk about the states on the coast. Nebraska is not like the states on the coasts. So I think if we can be like our neighboring states, we can find a way to use these kind of tools. Since using the racial impact statements in Iowa, the rate of incarceration of Black Iowans has dropped from 13.6 times more likely to be incarcerated than white Iowans down to 9 to 1. And this was due to the statements informing legislators how the drug sentencing proposals would impact black Iowans. What I've handed out to you is a fiscal note from the legislative services agency that serves Iowa Legislature. And if you turn to page 3, it talks about the correctional impact and the minority impact at the bottom. And one of the things that I want to pull to note is the last sentence where it says, "to the extent the bill shifts serious misdemeanor convictions to aggravated misdemeanor convictions, there will be an increase in the length of stay of minority offenders in the corrections system." And this bill that they had this is attached to was broadening a definition of the looting or attempting to loot a marked law enforcement vehicle. So just showing what kind of impact that can be presented in this statement. So knowing that we have an overrepresentation of people of color in our criminal justice system, seeing the devastating outcomes that incarceration has had on many families because of generational cycles of incarceration. The unintended consequences that follow a person after incarceration and the impact this has on communities across our state, it is imperative that we begin to look at how people of color are impacted by the legislation in Nebraska, specifically around the criminal and juvenile justice systems. I do want to point out, contrary to belief, people of color do not commit more crimes than other groups. It is a result of overpolicing in communities that create more contact. So therefore, it

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seems like there are more people who commit more crimes. For these reasons, RISE supports LB54 and asks that committee members vote this bill out of committee to General File. And with that, I'll take any questions. Thank you.

**BRIESE:** Very good. Thank you. Any questions? Seeing none, thank you--

**JASMINE HARRIS:** Thank you.

**BRIESE:** --very much for your testimony. Next proponent testifier. Welcome.

**CHE ORDUNA:** Good afternoon. My name is Che Orduna, spelled C-h-e O-r-d-u-n-a, and I am here speaking on behalf of Heartland Family Service in support of Senator McKinney's LB54 for racial impact statements. Racial impact statements are an important tool for our state to evaluate potential disparities of potential-- of proposed legislation prior to adopting and implementation. While Senator McKinney highlighted that people of color are disproportionately overrepresented in, overrepresented in every stage of the criminal justice system, racial impact station-- statements would also be helpful in considering bills related to education, housing, changes in a tax policy and more. Similar to fiscal impact statements, they assist in detecting unforeseen policy ramifications so that we may be able to modify legislation that would worsen existing racial disparities. Practically speaking, it is important to address a policy's unwarned effects before it is adopted. As senators, we, the people of Nebraska, extend trust by way of giving our votes. Through our votes, we also extend faith in the promise to maintain high ethical standards, which include denouncing any bill that supports the perpetuation of racism. By passing LB54, you would make a monumental impact on healing racial wounds throughout our state. Voting for LB54 offers each lawmaker, present and future, the full capacity of being champions supporting racial equity for citizens of Nebraska. Please vote yes for LB54.

**BRIESE:** Thank you.

**CHE ORDUNA:** Thank you.

**BRIESE:** Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier. Welcome.



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**MARRIANNE WILLIAMS:** Thank you. Again, I don't have anything prepared. My name is Marrienne Williams, M-a-r-r-i-a-n-n-e W-i-l-l-i-a-m-s. I just want to give another world-- real-world example. In just a little bit, I'll be testifying at a bill for Senator Sanders on the Asian American Commission. And while I fully support that commission, I do have concerns as a Samoan. Pacific Islanders are not included in that bill. We are always lumped together as a group, AAPI, Asian American/Pacific Islanders. So to me, my concern is, is what is my chances of coming to you-- one of you later saying we need representation and you thinking we already have it because there's an Asian American Commission? It's very possible that Senator Sanders doesn't like us all being lumped together either, but I do-- that's just one, one way our-- my people could be disenfranchised by that bill. And that's all I have today.

**BRIESE:** Thank you very much.

**MARRIANNE WILLIAMS:** Thank you.

**BRIESE:** Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier, please. Welcome again.

**RASNA SETHI:** Hi. My name is Rasna Sethi. That's R-a-s-n-a S-e-t-h-i and I'm the policy analyst at OpenSky Policy Institute. And to keep my testimony brief, we support this bill for the same reasons as the disability impact statements in that we believe in disaggregated data and being able to be transparent. One thing I will mention in this bill is that it is important to recognize the economic impacts that criminal justice-- that the criminal justice system has on families. It was reported that at least one member-- I'm sorry, studies show that a family that has at least one in-prison member faces a sharp drop in household income and nearly two in three families who have been incarcerated-- who have an incarcerated member report not being able to meet their family's basic needs. And with that, I'll thank you. If there are any questions, please let me know.

**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier. Anybody that's going to testify, feel free to come up to the front rows. Welcome.

**KIMARA SNIPES:** Good afternoon, Chairman Briese and members of the Executive Board. My name is Kimara Snipes. It's K-i-m-a-r-a

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S-n-i-p-e-s. I am the director of equity and community partnerships for the Nebraska Civic Engagement Table, where we invite and encourage people from every community in Nebraska to have a seat at the table where decisions are made that affect their lives. My-- part of my role is to make sure that we do our work as we are applying-- do our work and apply an "equity lasik" approach to every decision that we make. I want to thank Senator McKinney for introducing LB54 that really gets to the heart of promoting a legislative process that ensures that no community in Nebraska is left behind. I spoke recently at a Rules hearing regarding racial impact statements. As a Black woman who researches and practices intellectual curiosity, I left with a range of emotions, one of them being concern. I encourage you to read the transcripts. My concern is that the thought process displayed that day are the thought processes that feed into policymaking decisions here in Nebraska. That discussion served as a reminder of why legislators need to prioritize centering fairness in their policymaking by having access to important information regarding legislative impacts on underrepresented communities like the one that I come from. Legislation has historically impacted and harmed racial minority communities differently than white communities, especially through the criminal and juvenile justice systems, and any bit of research will show you that. Interaction with the criminal and juvenile justice systems disproportionately harms people of color, including through eligibility and ability to participate in civic life. For example, black people, indigenous people and people of color comprise 22 percent of the state population, yet make up only 8 percent of the voting population. System involvement creates barriers to civic engagement and democratic participation, including through legislation that overtly strips people of their voting rights. As someone who travels across Nebraska, I recognize how we all want to live in the best possible state. At the same time, so many of us are vividly unaware of what disparities are or how they exist and we all have our own biases that we need to challenge with facts and data. In order to adequately address any existing gaps or disparities, it is absolutely necessary to be intentional and "equity lasik" when reviewing policy. As Nebraskans, we believe deeply in fairness for all people by making this effort for policymakers having an opportunity to advance fairness and reduce harm. For these reasons, we seek your support of this bill. Thank you for your service to our state.

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**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony.

**KIMARA SNIPES:** Thank you.

**BRIESE:** Next proponent testifier, please.

**SPIKE EICKHOLT:** Good afternoon. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t. I'm appearing on behalf of Voices for Children of Nebraska, the Nebraska Criminal Defense Attorneys Association, and Nebraskans for Alternatives to the Death Penalty. I hope it's OK if I just do all that at once and save you time.

**BRIESE:** Perfect.

**SPIKE EICKHOLT:** You're receiving a copy of my statement that I, that I'm submitting on behalf of Voices for Children so I won't read that. And I think the committee has an idea, at least conceptually, of what Senator McKinney is proposing. I want to thank Senator McKinney for introducing it and Senator Vargas for introducing this concept a few years ago. I would just like to point out, in addition to my statement, you're also receiving a copy of a Sent-- report from The Sentencing Project, that summarizes the nine states that have this concept already in law. And I think Senator McKinney mentioned it earlier that Iowa has had this, I think, for the longest. And Colorado, one of our other neighboring states, also has this concept when they consider legislation. So I think, respectfully, this Legislature could do it as well. Similar to LB39, LB54, on page 3, lines 3 and 4, provide that a racial impact statement shall only be prepared as designated by the Executive Board. So it's not for every bill. It's not at the request of the introducer or even the committee. The racial impact statement is prepared as designated by the Executive Board of the Legislative Council. So there can be some perhaps small efforts on this front and we can-- to see how it goes, starting next session. I'll answer any questions you have, but I don't want to be repetitive of what other people have said. And I know that many of you have to be at another hearing at 1:30.

**BRIESE:** OK, thank you. Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier. Welcome.

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**KAREN BELL-DANCY:** Thank you. Good afternoon. I am Karen Bell-Dancy, K-a-r-e-n B-e-l-l-D-a-n-c-y, and I serve as the executive director of the YWCA of Lincoln. Our mission with the YWCA of Lincoln is the elimination of racism and the empowerment of women. We have had the pleasure of being in the Lincoln community now almost 140 years. So you can imagine over the decade-- the decades, the work and the impact that we have had working with our community, working toward peace, equality and justice and freedom for all. Like many of my colleagues before me, I will not read my complete formal statement. We have passed that statement out. But I do want to emphasize a couple of points that we see that are essential to the framework of the work that we do. I came in late into this hearing because I just left a training that we are engaged in with the GARE professionals. GARE is the Government Alliance for Racial Equity. And here in our community, it consists of those professionals that work for our government throughout the city and at the county level. We have been involved in training this group since July of last year and we will continue until the end of June this year. Our topic is addressing racial and ethnic disparities. We know that they exist and we're working to help to develop those kinds of conversations and giving the tools and resources to our government professionals here in our community. So as they work with clients, with teams, with each other and interdepartmentally. This bill is very important for the work that we do. We support this bill because we know that these disparities exist and they exist in-- starting with children as they are young as five and it goes on throughout life. These disparities are important for us to recognize and we must address that. As I conclude my comments, I would like to offer up the resources that we have as the YWCA of Lincoln in identifying and working with racial disparities. The stories that we hear and the narrative that is presented to us amounts to how the average citizen, how they view things here in Lincoln, Nebraska. And until we have the legislation in place that addresses these kinds of things, it will continue to hamper those that cannot have that freedom and justice and equality. And that's what motivate our work. Thank you.

**BRIESE:** Thank you very much. Any questions? Seeing none, thank you very much for your testimony.

**KAREN BELL-DANCY:** Thank you for your time.

**BRIESE:** Next proponent testifier. Welcome.

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**ROSE GODINEZ:** Thank you. Hello again. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am testifying on behalf of the ACLU of Nebraska in favor of LB54. We'd first like to thank Senator McKinney and Senator Conrad for introducing LB54, which requires that racial impact statements be created for legislation related to the criminal justice system. If advanced, LB54 signals a strong commitment from you all at the Nebraska Legislature to racial equity in the legislative process, and in turn, to live up to the state motto of equality before the law. Unfortunately, as much as other advocates and I repeat and repeat that certain groups are disproportionately impacted or overrepresented in hearing testimony, we are unable to ensure that the statement is got-- is received by all senators, is understood, is heard or is considered. Whereas racial impact statements represent a significant tool already attached to a bill, allowing you to determine whether a proposed bill may have an adverse impact on people of color before it becomes law. This is important because while legislative bills may be racially neutral on its face, they can perpetuate racial disparities. And while racial impact statements do not end racism, again, I think this is a firm commitment to racial equity in the legislative process. And for those reasons, we urge you to advance this bill to General File.

**BRIESE:** OK, thank you. Any questions? Seeing none, thank you very much for your testimony. Next proponent testifier, please. Welcome.

**RUBY MENDEZ LOPEZ:** Thank you. Good afternoon, Chairperson Briese and committee members. My name is Ruby Mendez Lopez, spelled R-u-b-y M-e-n-d-e-z L-o-p-e-z, and I work with Nebraska Appleseed, a statewide nonpartisan, nonprofit organization dedicated to justice and opportunity for all Nebraskans. Today we are here to testify in strong support of LB54, which would require racial impact statements for bills designated by the Executive Board and with a focus on bills relating to criminal justice, the criminal justice system, the juvenile justice system, prisons, jails, probation and parole. Good government is responsible government. Every bill considered by the Nebraska Legislature is already required to include a fiscal note. The attached fiscal note allows policymakers and community members alike to evaluate the fiscal impact of a proposed bill before it becomes law. This is viewed as a crucial part of the legislative process that allows consideration of the merits, drawbacks or unintended consequences of a bill's fiscal impact. Like fiscal notes, racial impact statements require an explanation of the expected impact of a

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legislative proposal on a community-- on the communities of color. This is an important tool for the lawmaking process. Many people think of racial discrimination on an individual level rooted in individual beliefs and intent. This is interpersonal racism, but what we're talking about here is racial disparities that come from our shared and inherited history, history that has resulted in inequality and exclusion in our institutions and society. As just one example, the G.I. Bill offered free college and low-cost home loans to veterans after World War II. But redlining practices meant some veterans could buy homes only in poorer parts of town where property was worth less or couldn't access loans at all because of the color of their skin. The effects of past discriminatory policies and the racial residential segregation they created continue into the present and continue impacting communities today. We can see this in racially segregated communities of color experiencing more obstacles to homeownership, starting or expanding businesses, accumulating wealth, financing a college education, and generating property tax revenues to fund schools. This is just one example of structural racism, which does not rely on individual beliefs or intent. And these racial inequalities will continue unless we work together and make intentional choices to change it. Past history is not our fault, but it is our opportunity and responsibility to understand and fix it together to prevent future disparities and harm. For these reasons, we urge the committee to adopt LB54 to require the inclusion of racial impact statements as a part of our legislative process. Thank you.

**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony.

**RUBY MENDEZ LOPEZ:** Thank you.

**BRIESE:** Next proponent testifier. Welcome.

**DUNIXI GUERECAS:** Thank you, Chairman Briese, Senator McKinney, members of the Executive Board. Stand For Schools is a nonprofit dedicated to advancing public education here in Nebraska. I'm Dunixi Guereca. That's D-u-n-i-x-i G-u-e-r-e-c-a, organization's executive director. Stand For Schools supports LB54. As a first-generation Mexican-American, I know the impact the legislation can have on minority communities. And often, these impacts-- well, they're unintended consequences of legislation. It's our firm belief that smart and sound policy solutions have proof that they are just that,

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both smart and sound. Senator McKinney and LB54 is proposing a way to obtain that proof. It is crucial for policymakers, government agencies and NGOs like ours, and for the public to know the implications of our decisions. If we're serious in our efforts to eliminate the opportunity gap in our schools and to address the racial disparities that exist in our criminal justice system, in housing, health and wealth, we must know what works and what doesn't. We urge you to support LB54. We will further urge you to consider expanding the scope to include any legislation, if passed, that may have a disparate impact on Nebraskans of color. It's not only the right thing to do, it's the safe and soundest thing to do. Thank you. And for those reasons, we support LB54. I'm happy to answer any questions.

**BRIESE:** Thank you. Any questions? Seeing none, thank you very much for your testimony.

**DUNIXI GUERCA:** Thank you, Chair.

**BRIESE:** Next proponent testifier. Seeing none, any opponent testimony? Seeing none, any neutral testimony? Welcome.

**BENJAMIN THOMPSON:** Hello again. Benjamin Thompson, B-e-n-j-a-m-i-n T-h-o-m-p-s-o-n, and I'm your Director of Research, head of the Legislative Research Office, which would be tasked with preparing the racial impact statements. I'm here testifying in a neutral capacity on LB54. To follow up on what was just mentioned there, I wanted to point out that in the time that these bills have been considered, Colorado passed a law in 2019 that requires demographic notes. And so as I think about the logistics, the methodology on how to approach this, I just want to read from the memo that the legislative council staff in Colorado put out at the end of 2019. It says a demographic note uses available data to outline the potential effects of proposed legislation on existing disparities within the state. Disparities are defined in state law as a difference in economic, employment, health, education or public safety outcomes between the state population as a whole and subgroups of the population as defined by socioeconomic status, race, ethnicity, sex, gender identity, sexual orientation, disability, geography, or any other relevant characteristic for which data, data are available. So as you consider this, if it's a direction you want to go in, maybe this is a plan C that can kind of merge everything together and approach it a little more comprehensively. But if that is the case or the direction that you want to go, we would

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probably want to hire a demographer to make sure that that gets done well and that we can continue performing all the other functions that we perform. Any questions?

**BRIESE:** Thank you. Any questions?

**GEIST:** I do just have a really--

**BRIESE:** Sure.

**GEIST:** --quick question. So is that a scientific method of how to acquire that information, having-- or is it subjective?

**BENJAMIN THOMPSON:** A demographer is someone who studies the human population and all those characteristics, so I would consider it as science.

**GEIST:** Scientific, OK. Thank you. That's all.

**BRIESE:** Thank you, Senator Geist. Thank you for that. Anyone else? Seeing no other questions, thank you very much for your testimony. Any other neutral testifiers? Seeing none, Senator McKinney, you're welcome to close. We have written position statements from four-- 14 proponents and 8 opponents. Go ahead.

**McKINNEY:** Thank you and thank you, members of the Executive Board for sitting here through this. And thank you to everyone who came to testify today. I would say I hope that through this hearing, you see why it's important that we look at legislation through a holistic perspective, especially bills that deal with criminal justice, juvenile justice, prisons, parole and anything of the sort. I think it's important because we have these disparities and I don't think, unless we hit them head first, we'll ever get beyond those disparities in our state. And, you know, we can say we have a great state, but we also have to identify that we have areas of improvement. And I think a big area of improvement is decreasing the amount of disparities inside of our criminal justice system. Thank you.

**BRIESE:** Thank you. Any questions for Senator McKinney? Seeing none, thank you for being here today and--

**McKINNEY:** All right, no problem.



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**BRIESE:** --bringing this.

**McKINNEY:** Thank you.

**BRIESE:** And that will close the hearing on LB54-- and the hearings for--