



UNICAMERAL UPDATE

March 20, 2017

Bob Hoppe, Legislative Committee Chairman * **Vincent Christensen**, InsurPac/IIANPAC Chairman
Carol McClelland, CEO * **Jim Cavanaugh**, Legislative Representative

FROM: James P. Cavanaugh
RE: Nebraska 2017 Legislative Session, Week ending March 17, 2017

WEEK IN REVIEW

Monday is the 50th day of the 90-day 2017 Legislative Session. As of March 17, of the 667 bills introduced in 2017, 20 have been indefinitely postponed/killed and 14 have been approved by the Governor. Committee hearings are drawing to a close, with public committee hearings scheduled to finish on March 23. On March 28, the legislature will switch to full day floor debate for the remainder of the session. Senators will focus on priority bills and the upcoming two-year budget.

Last week, Speaker Jim Scheer announced his 25 priority bills – mostly non-controversial measures that have been added to the 83 committee and senator priority bills -- including **LB 137** (Lindstrom), to adopt the Unclaimed Life Insurance benefits Act, introduced on behalf of the Nebraska Insurance Department.

The other bill on IIAN's watch list named a priority by Senator Dan Quick is **LB 181**, to allow an employee who disputes medical findings in a workers' compensation claim to choose a physician and obtain an additional medical exam. LB 181 has been "bracketed" (delayed) for consideration by the legislature in January, 2018. **Bills not named as priorities have less chance of being passed this year.**

IIAN's major initiative this session is **LB 553**, introduced by Senator John Lowe, to address the problem of independent contractors who do not insure themselves for workers' compensation. Working with Senator Lowe, we have drafted an amendment that addresses concerns raised by insurance industry association representatives. LB 553 is still being reviewed by the Business & Labor Committee, and is not a priority bill.

IIAN supports [LB 486](#), which was advanced for first-round floor consideration (General File) by the Banking, Commerce & Insurance Committee on March 8. LB 486 would allow up to 6 CEUs (out of 24 every 2 years in Nebraska) for "active participation in a professional insurance association" - by attending a formal meeting of the association; active service on a board or committee; or participation in industry, regulatory, or legislative meetings. LB 486 is not a priority bill

See below for list of 2017 IIAN Bills of Interest.

The following IIAN Bill of Interest has been scheduled for hearing:

- **Wed. Mar. 22, 1:30 PM:** LB362 (Revenue – Room 1524) - Adopt the Health Savings Account Act and provide an income tax deduction

To see schedule of committee hearings for the coming week, click here: [Committee Hearings](#)

Here are some of the remaining key dates in the 2017 legislative session:

- March 23 – Deadline to complete bill hearings.
- March 28 – Full-day floor debate begins.
- April 24 – Budget bills must be on General File.
- May 10 – Budget bills must be passed.
- June 2 – Sine die adjournment.

The latest issue of the Unicameral Update can be found at: <http://update.legislature.ne.gov/>.

To review the full text of bills, please look on the Unicameral website at:

<http://www.nebraskalegislature.gov>.

Please call or e-mail me at any time if you have any questions. My contact information is:
James P. Cavanaugh - Cavanaughlawfirm@aol.com - O: (402) 341-2020 C: (402) 301-9675

2017 BILLS OF SPECIAL INTEREST

LB553 Lowe Provide for a nonelection of coverage under the Nebraska **Workers' Compensation Act**

IIAN Position: Pro-Active Support

1/18/17 Introduced
1/19/17 Kolterman name added
1/20/17 Referred to Business and Labor Committee
1/23/17 Lindstrom name added
1/27/17 Krist name added
1/31/17 Harr name added
1/31/17 McCollister name added
2/2/17 Hearing scheduled for February 27, 2017
2/24/17 Brewer name added

[LB553](#) was heard by the Business and Labor Committee on **February 27, 2017**. IIAN members **Andy Bassett** and **Tom Champoux** testified in **support**.

Insurance industry associations PCI and AIA testified in opposition, along with the Nebraska Trial Attorneys.

LB643 Krist Change automobile liability insurance and financial responsibility requirements

IIAN Position: Pro-Active Support

1/18/17 Introduced
1/20/17 Referred to Banking, Commerce and Insurance Committee
2/2/17 Hearing scheduled for February 28, 2017

[LB643](#) was heard by the Banking, Commerce and Insurance Committee on **February 28, 2017**.

IIAN member **Steve Mason** testified in **support**. Several insurance industry associations testified in opposition.

2017 BILLS OF INTEREST

- LB21 Riepe Change provisions relating to **motor vehicle insurance** coverage for loaned vehicles
IIAN Position: Monitor
1/5/17 Introduced
1/9/17 Referred to Banking, Commerce and Insurance Committee
1/10/17 Hearing Scheduled for January 17th, 2017
- LB66 Hansen Change provisions relating to stacking of coverage under the **Uninsured and Underinsured Motorist Insurance** Coverage Act
IIAN Position: Monitor
1/5/17 Introduced
1/9/17 Referred to Banking, Commerce and Insurance Committee
2/2/17 Hearing scheduled for February 28, 2017
- LB67 Brasch Adopt the **Fair Repair Act**
IIAN Position: Monitor
1/5/17 Introduced
1/9/17 Referred to Judiciary Committee
1/30/17 Hearing scheduled for March 8, 2017
2/1/17 March 8, 2017 hearing cancelled
2/1/17 Hearing rescheduled for March 9, 2017
- LB116 Harr Redefine **automobile liability policy** and change coverage provisions
IIAN Position: Monitor
1/6/17 Introduced
1/10/17 Referred to Banking, Commerce and Insurance Committee
2/2/17 Hearing scheduled for February 28, 2017
- LB137 Lindstrom Adopt the Unclaimed Life Insurance Benefits Act (**Insurance Dept. Bill**)
IIAN Position: Monitor
1/9/17 Introduced
1/10/17 Referred to Banking, Commerce and Insurance Committee
1/10/17 Watermeier name added
1/23/17 Hearing scheduled for January 30, 2017
2/2/17 Placed on **General File**
3/13/17 **Speaker priority bill**
- LB147 Hansen Change **workers' compensation** provisions relating to waiting time, termination of compensation, and attorney's fees
1/9/17 Introduced
1/10/17 Referred to Business and Labor Committee
2/2/17 Hearing scheduled for March 6, 2017
Would change workers' compensation provisions relating to waiting time, termination of compensation, and attorney's fees.
- LB168 Ebke Change provisions relating to rights of subrogation of medical payments with respect to **automobile liability policies**
IIAN Position: To Be Determined
1/10/17 Introduced
1/12/17 Referred to Banking, Commerce and Insurance Committee

- 1/24/17 Rereferred to Judiciary Committee
1/30/17 Hearing scheduled for February 15, 2017
- LB 181 Quick Provide for reimbursement to employees for certain medical examinations under the Nebraska **Workers' Compensation Act**
IIAN Position: Monitor
1/10/17 Introduced
1/12/17 Referred to Business and Labor Committee
1/13/17 Hearing Scheduled for January 23rd, 2017
2/9/17 Placed on General File
2/23/17 Quick priority bill
3/6/17 Quick MO50 Unanimous consent to **bracket until January 10, 2018** filed
Would provide for reimbursement to employees for certain medical examinations under the Nebraska Workers' Compensation Act. If a doctor selected by the employer or its workers' compensation insurer renders medical findings on the medical condition of the employee or related issues – and the employee disputes the medical findings – the employee would be able to be reimbursed by the employer for a subsequent report and examination by a physician chosen by the employee, plus other expenses.
- LB213 Hansen Add an unfair claims settlement practice under the **Unfair Insurance Claims Settlement Practices Act**
IIAN Position: To Be Determined
1/10/17 Introduced
1/12/17 Referred to Banking, Commerce and Insurance Committee
1/30/17 Hearing scheduled for February 15, 2017
- LB 220 Harr Adopt the Insured Homeowners Protection Act
IIAN Position: Monitor
1/10/17 Introduced
1/12/17 Referred to Banking, Commerce and Insurance Committee
1/30/17 Hearing scheduled for February 6, 2017
- LB226 Wishart Provide for purchase of **motor vehicles and insurance** by certain juveniles, change foster care transition proposal provisions, and provide immunity from liability for caregivers
IIAN Position: To Be Determined
1/10/17 Introduced
1/12/17 Referred to Judiciary Committee
2/7/17 Hearing scheduled for March 9, 2017
- LB231 Kolterman Authorize disciplinary action under the Insurance Producers Licensing Act for failing to maintain a license in good standing (**Insurance Dept. Bill**)
IIAN Position: Support
1/11/17 Introduced
1/13/17 Referred to Banking, Commerce and Insurance Committee
1/23/17 Hearing scheduled for January 30, 2017
2/2/17 Placed on General File
Would clarify that the Insurance Director can take action against non-resident agents who do not maintain a resident license in good standing in their home state.

LB 241 Craighead Provide an exception to the annual privacy notice requirement under the Privacy of Insurance Consumer Information Act (**Insurance Dept. Bill**)

IIAN Position: Support

1/11/17 Introduced

1/13/17 Referred to Banking, Commerce and Insurance Committee

1/23/17 Hearing scheduled for January 30, 2017

2/2/17 Placed on **General File with AM100**

Would enact an amendment to the privacy provisions of the Gramm-Leach-Bliley Act (GLBA) that alleviates some of the burden and redundancy associated with the annual privacy notice requirement, by not requiring that licensees (ie, insurance agents and agencies) provide notice every year as long as they (1) has not changed the privacy policies and practices described in its most recent privacy notice and (2) only provides nonpublic personal information to nonaffiliated third parties in accordance with certain provisions of the GLBA.

LB 244 Bolz Change provisions relating to mental injury and mental illness **for workers' compensation**

IIAN Position: To Be Determined

1/11/17 Introduced

1/13/17 Referred to Business and Labor Committee

2/2/17 Hearing scheduled for February 27, 2017

3/3/17 Placed on **General File with AM460**

Would change provisions of the Workers' Compensation Act relating to mental injury and mental illness compensation. The bill would expand coverage to Frontline state employees – defined to mean an employee of the Department of Correctional Services or the Department of Health and Human Services whose duties involve regular and direct interaction with high-risk individuals.

LB 305 Crawford Adopt the Paid Family Medical Leave Insurance Act

1/12/17 Introduced

1/17/17 Referred to Business and Labor Committee

1/27/17 Hearing scheduled for February 6, 2017

LB 306 Lindstrom Change provisions relating to the scope of coverage of and notice required under the Portable Electronics Insurance Act

IIAN Position: To Be Determined

1/12/17 Introduced

1/17/17 Referred to Banking, Commerce and Insurance Committee

1/23/17 Hearing scheduled for January 31, 2017

2/2/17 Placed on **General File**

LB 319 Halloran Provide for confidentiality of and access to certain injury reports under the Nebraska **Workers' Compensation Act**

IIAN Position: To Be Determined

1/12/17 Introduced

1/17/17 Referred to Business and Labor Committee

2/2/17 Hearing scheduled for March 6, 2017

Would provide for confidentiality of and access to certain injury reports under the Nebraska Workers' Compensation Act.

LB 353 Baker	Change claim, award, and judgment payment provisions under the Political Subdivisions Tort Claims Act
1/12/17	Introduced
1/17/17	Referred to Judiciary Committee
1/17/17	Chambers MO11 Rerefer to Government, Military and Veterans Affairs Committee filed
1/18/17	Chambers MO11 failed
1/24/17	Hearing scheduled for February 1, 2017
LB 362 Riepe	Adopt the Health Savings Account Act and provide an income tax deduction
1/13/17	Introduced
3/1/17	Hearing scheduled for March 22, 2017
LB 388 Lindstrom	Authorize remote electronic notarial acts
1/13/17	Introduced
1/17/17	Referred to Government, Military and Veterans Affairs Committee
1/18/17	Hearing scheduled for January 25, 2017
LB 406 Kolterman	Change provisions relating to notice of cancellation, nonrenewal, or nonpayment of a premium for automobile liability policies
	IIAN Position: Monitor
1/13/17	Introduced
1/17/17	Referred to Banking, Commerce and Insurance Committee
1/30/17	Hearing scheduled for February 6, 2017
2/9/17	Placed on General File with AM204
LB 408 Lowe	Provide for a drug formulary under the Nebraska Workers' Compensation Act
	IIAN Position: Monitor
1/13/17	Introduced
1/17/17	Referred to Business and Labor Committee
2/2/17	Hearing scheduled for March 6, 2017
LB486 Kolterman	Change continuing education requirements for insurance licensees
	IIAN Position: Support
1/17/17	Introduced
1/19/17	Referred to Banking, Commerce and Insurance Committee
1/23/17	Hearing scheduled for January 31, 2017
3/8/17	Placed on General File with AM208

On Tuesday, January 31, IIAN testified in support of [LB 486](#), which is also supported by the Nebraska Insurance Department. LB 486 would allow up to 6 CEUs (out of 24 every 2 years in Nebraska) for "active participation in a professional insurance association" - by attending a formal meeting of the association; active service on a board or committee; or participation in industry, regulatory, or legislative meetings.

- LB517 Pansing-Brooks Change provisions regarding transfer of property upon death
1/18/17 Introduced
1/20/17 Referred to Judiciary Committee
1/24/17 Hearing scheduled for February 10, 2017
- LB550 Lindstrom Change provisions relating to the Comprehensive Health Insurance Pool
IIAN Position: Monitor
1/18/17 Introduced
1/20/17 Referred to Banking, Commerce and Insurance Committee
2/2/17 Hearing scheduled for March 7, 2017
- LB609 Linehan Provide fee schedules under the Nebraska **Workers' Compensation Act**
IIAN Position: To be determined
1/18/17 Introduced
1/20/17 Referred to Business and Labor Committee
2/2/17 Hearing scheduled for March 7, 2017