



## **UNICAMERAL UPDATE**

**April 17, 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 April 13, 2017**

### **WEEK IN REVIEW**

Monday is the 66th day of the 90-day 2017 Legislative Session. As of April 13, of the 667 bills introduced in 2017, 35 have been passed and approved by the Governor. Last week the legislature conducted full day floor debate on priority bills, and consent calendar bills.

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. Despite our offer of an amendment (AM620 to LB553) drafted to address concerns expressed by the lobbyists for the Property Casualty Insurance (PCI) and the American Insurance Association (AIA) these groups have refused to drop their opposition to LB553. Our amendment was drafted after talks with both groups and addresses the concerns they expressed to us and to Senator Lowe about LB553. They have refused to offer any alternative amendment language that would be acceptable to them.

We have met personally with Business & Labor Committee Chairman Joni Albrecht about advancing the bill for first-round debate (General File). Chairman Albrecht has indicated that the committee will not hold an executive session this year on the 16 bills still being considered by that committee, including LB 553, to decide whether or not advance any of them for debate by the full legislature.

Of the 42 bills referred to the Banking, Commerce and Insurance Committee 19 remain in committee and committee staff have indicated that the committee will probably not take action on these bills this year. Included in this group is **LB643** (Krist – Change automobile liability insurance and financial responsibility requirements), which would double the current minimum requirements. Representing IIAN, Steve Mason testified in support of LB 643 on February 28, 2017.

**LB 137** (Lindstrom), to adopt the Unclaimed Life Insurance benefits Act, introduced on behalf of the Nebraska Insurance Department, passed second round of debate, and was advanced to the Final Reasing stage on April 11. It was designated a priority bill earlier in the session Speaker Jim Scheer.

On April 4, **LB220** (Harr – Adopt the Insured Homeowners Protection Act) was advanced to General File with [AM567](#) (see attached). LB220 is not prioritized.

**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, but proponents are working to place it on the consent calendar.

**See below for list of 2017 IIAN Bills of Interest.**

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

- 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](mailto: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 17, 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**  
4/3/17                    Placed on **Select File**  
**4/11/17                  Placed on Final Reading**
- 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 23<sup>rd</sup>, 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**

**4/4/17 Placed on General File with AM567**

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**  
**4/13/17**      Hilkemann name added  
 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**