



UNICAMERAL UPDATE

May 15, 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 May 12, 2017

WEEK IN REVIEW

Monday is the 82nd day of the 90-day 2017 Legislative Session. The Legislature passed the mainline budget on May 9th. The Governor has five calendar days excluding Sundays to line-item veto appropriations within the budget bill.

Speaker Scheer announced last week that he expects to adjourn sine die early on May 23rd (Day 86), instead of June 2.

Bills without “priority” status, and bills which have not already advanced to second or final rounds of consideration have no chance for passage this year – but may be carried over to the 2018 session.

Three Insurance Department bills have been passed:

LB 137 to adopt the Unclaimed Life Insurance Benefits Act;

LB 231 to authorize disciplinary action under the Insurance Producers Licensing Act for failing to maintain a license in good standing (**IIAN supports**);

LB 241 to provide an exception to the annual privacy notice requirement under the Privacy of Insurance Consumer Information Act (**IIAN supports**).

Also passed: **LB 406**, which would allow notice of cancellation of policies by first class mail, in addition to certified or registered mail, also advanced for second round consideration.

IIAN's two major issues have not been advanced for first-round debate by their respective committees of jurisdiction:

LB 553, to address the continuing problem of independent contractors who do not insure themselves for workers' compensation (Business & Labor Committee) - IIAN developed a compromise amendment to address specific concerns expressed by insurance company groups; however, they have indicated they will not drop their opposition and will not offer alternative amendment language that would be acceptable to them; and

LB 643, which would double the current minimum auto financial responsibility limits (Banking, Commerce & Insurance Committee). The chairmen of both committees have indicated that they will not advance any of the 35 total bills still not advanced to the floor.

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.

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

- May 15, 16, 17—Scheduled Late Night
- May 23—Scheduled Late Night, Anticipated Adjournment Sine Die (Day 86)
- May 24—Scheduled Late Night
- June 2 — Scheduled Day 90

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:
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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**
5/2/17 Approved by Governor April 27, 2017
- 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 28, 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**

4/20/17 Advanced to Enrollment and Review Initial

4/24/17 Placed on **Select File**

5/2/17 Placed on **Final Reading**

5/10/17 Approved by Governor on May 10, 2017

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**

4/20/17 Banking, Commerce and Insurance AM100 adopted

4/20/17 Advanced to Enrollment and Review Initial

4/24/17 Placed on **Select File**

5/4/17 Passed on **Final Reading 48-0-1**

5/10/17 Approved by Governor May 10, 2017

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

4/19/17 Watermeier 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**
 4/20/17 Advanced to Enrollment and Review Initial
 4/24/17 Placed on **Select File**
 5/4/17 Passed on **Final Reading** 48-0-1
5/10/17 Approved by Governor
- 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**
 4/24/17 Placed on **Select File**
5/8/17 Passed on Final Reading 47-0-2
 5/9/17 Presented to Governor on May 8, 2017
- 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
 5/2/17 Pansing Brooks AM1221 adopted
5/8/17 Passed on Final Reading 47-0-2
 5/9/17 Presented to Governor May 8, 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

