



UNICAMERAL UPDATE

April 9, 2018

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

FROM: James P. Cavanaugh
RE: Nebraska 2018 Legislative Session, Week ending April 6, 2018

WEEK IN REVIEW

Friday, April 6th was the 56th day of the 60 day 2018 Legislative session. Last week the Legislature conducted full day (and 3 “late-nights”) floor debate on the budget and priority bills. The budget bills (LB944, LB945, LB946) **passed** and the Governor signed them on Wednesday April 4th. There is a vast backlog of bills awaiting consideration. April 11th is Day 59 and will be followed by recess days April 12th, 13th, 16th, and 17th. The session is scheduled to conclude Wednesday, April 18th.

On Tuesday April 3rd LB1015 Briese “Allow withholding from public of reports of injury under the Nebraska Workers’ Compensation Act that reveal an employee’s identity” - failed to advance from General File, after Sen. Chambers’ motion to bracket to April 18th failed. The Speaker will schedule LB1015 for further discussion only if Sen. Briese has 34 signatures, which is quite unlikely given the four days remaining in this session. **LB1015 is likely dead for 2018**, and there is no Interim Study Legislative Resolution scheduled for this topic.

On Wednesday April 4th LB953 Albrecht “Change provisions relating to lump-sum settlements under the Nebraska Workers’ Compensation Act” was advanced to Select File with the addition of **LB784** “Change the Employee Classification Act to prohibit contractors with unpaid fines from contracting with the state or political subdivisions”. Read more from the Unicameral news office: <http://update.legislature.ne.gov/?p=23900>

On April 6th the following bills advanced to Final Reading:

LB799 Kolterman “Modify deadlines and sanctions in the Surplus Lines Insurance Act (Insurance Department Bill);

LB815 Schumacher “Provide regulatory authority regarding reinsurance” (Insurance Department Bill);

LB1012 Harr “Authorize self-service storage facility operator insurance producer licenses” (IIAN worked with the Department of Insurance and Sen. Harr to amend the bill to include more stringent education requirements for licensees, and consumer protections.)

A total of 224 ISRs were introduced in the current session. Some ISRs that may be of interest to IIAN are:

LR376	Kolterman	Banking, Commerce and Insurance	Interim study to examine whether the Property and Casualty Insurance Rate and Form Act should be amended to modernize and reduce regulatory requirements for commercial lines of property and casualty insurance
LR383	Albrecht	Business and Labor	Interim study to examine the feasibility of adopting a workers' compensation drug formulary
LR401	Ebke	Executive Board	Interim study to identify the lawful occupations and the occupational regulations which are subject to the Occupational Board Reform Act and to prepare for implementation of the act
LR427	Friesen	Transportation and Telecommunications	Interim study to investigate transferring the recreational vehicles franchise statutes into a distinct and separate section of law
LR428	Pansing Brooks	Education	Interim study to examine the potential of micro-credentialing in Nebraska
LR436	Crawford	Health and Human Services	Interim study to evaluate the effectiveness of occupational licensing processes in accommodating military spouses and transitioning service members
LR448	Crawford	Health and Human Services	Interim study to conduct a comprehensive review of Nebraska's Medicaid Insurance for Workers with Disabilities eligibility under the Medical Assistance Act

RECAP:

On March 21st, the Governor signed **LB 743 (IIAN Supports)** – which includes **provisions from LB 220** (the Insured Homeowners Protection Act), regarding assignment of rights to a contractor following a loss. See Select File report from the Unicameral news office:

<http://update.legislature.ne.gov/?p=23379>

As approved, LB 743 would adopt the Public Adjusters Licensing Act, eliminate the pre-licensing education requirement for insurance producers, and require course providers to file for re-approval of approved continuing education courses every four years.

LB 486 (IIAN Supports) was signed by the Governor on February 28th. LB 486 will 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.

Refer to the Nebraska Legislature home page <http://www.nebraskalegislature.gov> for links to particular bills. You'll also find current committee assignment listings, and an updated list of senators and their contact information. The latest issue of the legislature's weekly Update can be found at: <http://update.legislature.ne.gov/>.

Please call or e-mail me at any time if you have any questions. My contact information is:
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IIAN 2018 BILLS OF INTEREST

IIAN Position Key: Pro=Support, M=Monitor (Neutral)

**Committee Assignment: BCI=Banking, Commerce & Insurance
Bus&Lab=Business & Labor, T&T= Transportation and Telecommunications**

LB726	Wayne	M	BCI	Require insurance coverage for in vitro fertilization procedures
			1/3/2018	Bill introduced
			1/8/2018	Referred to Banking, Commerce and Insurance Cmte
			1/23/2018	NOTICE OF HEARING FOR 2/5/2018

LB743	Lindstrom	Pro	BCI	Adopt the Public Adjusters Licensing Act and change continuing education and pre-licensing education provisions (<i>Insurance Dept. Bill</i>).
	1/3/2018			Bill introduced
	1/8/2018			Referred to BCI
	1/9/2018			Notice of Hearing for 1/16/2018
	1/18/2018			Placed on General File
	1/30/2018			BCI Priority Bill
	2/1/2018			Kolterman AM1702 Adopted
	2/5/2018			Placed on Select File with ER107
	2/22/2018			Lindstrom AM1875 Adopted
	2/22/2018			Harr AM2066 Filed and Adopted
	2/22/2018			Advanced to E&R for Engrossment
	2/27/2018			Placed on Final Reading
	3/15/18			Passed on Final Reading Vote 48-0-1
	3/21/18			Approved by Governor

IIAN leaders met with Insurance Department officials in November to provide input on the provisions of LB 743, which would eliminate the pre-licensing education requirement for insurance producers, and require course providers to file for re-approval of approved continuing education courses every four years. IIAN testified in favor at the bill's hearing, along with PIA, NAIFA, NIIS (Nebraska insurance companies), and the Platte Institute. Testifying opposed was the American Association of Public Insurance Adjusters. Harr amendment 2066 added provisions from LB 220, regarding assignment of rights to a contractor following a loss.

LB799	Kolterman	M	BCI	Modify deadlines and sanctions in the Surplus Lines Insurance Act (<i>Insurance Dept. Bill</i>)
	1/4/2018			Bill introduced
	1/8/2018			Referred to Banking, Commerce and Insurance Cmte
	1/9/2018			Notice of Hearing for 1/16/2018
	1/18/2018			Placed on General File
	3/27/18			Placed on Select File
	4/6/18			Placed on Final Reading

LB815	Schumacher	M	BCI	Provide regulatory authority regarding reinsurance (<i>Insurance Dept. Bill</i>)
	1/4/2018			Bill introduced
	1/8/2018			Referred to BCI Committee
	1/9/2018			Notice of Hearing for 1/16/2018
	1/18/2018			Placed on General File
	3/27/18			Placed on Select File with ER150
	4/6/18			Placed on Final Reading

LB858	Hansen	M	Bus&Labor	Provide annual adjustments for total disability income benefits under the Nebraska Workers' Compensation Act
	1/5/2018			Bill introduced
	1/8/2018			Referred to Business and Labor Committee
	1/9/2018			Notice of Hearing for 1/22/2018

- LB881** Schumacher **M** Revenue Change inheritance tax provisions relating to life insurance proceeds
- 1/8/2018 Bill introduced
 1/9/2018 Referred to Revenue Committee
 1/10/2018 Notice of Hearing for 1/18/2018
 1/24/2018 Placed on **General File**
- LB895** Geist **M** T&T Change lien and flood-damaged brand provisions relating to motor vehicle certificates of title and change duties and requirements of the Department of Motor Vehicles as prescribed
- 1/8/2018 Bill introduced
 1/9/2018 Referred to Transportation and Telecommunications Cmte
 1/10/2018 Notice of Hearing for 1/22/2018
 1/25/2018 Placed on **General File**
- LB896** Geist **M** T&T Change provisions relating to electronic certificates of title, salvage vehicles, and the electronic dealer services system and Vehicle Title and Registration System maintained by the Department of Motor Vehicles
- 1/8/2018 Bill introduced
 1/9/2018 Referred to Transportation&Telecommunications Cmte
 1/10/2018 Notice of Hearing for 1/22/2018
 1/25/2018 Placed on **General File**
- LB899** Erdman **M** Revenue Provide for an adjustment to the assessed value of destroyed real property
- 1/8/2018 Bill introduced
 1/9/2018 Referred to Revenue Committee
 1/18/2018 Notice of Hearing for 1/25/2018
- LB909** Bostelman **M** T&T Change motor vehicle titling and registration provisions, assembled and kit vehicle provisions, and the branding of certificates of title as reconstructed or replica
- 1/8/2018 Bill introduced
 1/9/2018 Referred to Trans & Telecom
 1/19/2018 **NOTICE OF HEARING FOR 1/30/2018**
 2/20/2018 **Transportation and Telecommunications Priority Bill**
 3/13/18 Placed on **General File** with AM2284
 3/27/18 Placed on **Select File** with ER145
 3/28/18 ER145 Adopted
 3/28/18 Friesen AM2647 Adopted
 3/28/18 Harr AM2687 Adopted
 4/3/18 Placed on Final Reading with ST54
 4/6/18 **Passed on Final Reading** with Emergency Clause 46-0-3
- LB928** McDonnell **M Closely** Bus&Labor Change provisions relating to compensation paid upon the death of an employee under the Nebraska **Workers' Compensation** Act

1/9/2018 Bill introduced
 1/10/2018 Referred to Business and Labor Committee
 1/26/2018 **NOTICE OF HEARING FOR 2/5/2018**

The burial expense would increase from the current maximum amount of \$10,000, to an amount not exceeding fourteen times the state average weekly wage. (As of January 1, 2018, the state average weekly wage was \$831, so the maximum burial expense under LB928 would be increased to \$11,634.) The bill also provides that if there is no spouse, child, or other dependent entitled to benefits, the personal representative of the estate of the deceased would receive \$25,000.

LB952 Albrecht M Bus&Lab Change provisions relating to dismissals of actions under the Nebraska **Workers' Compensation Act**

1/10/2018 Bill introduced
 1/11/2018 Referred to Business&Labor Cmte
 1/26/2018 **NOTICE OF HEARING FOR 2/5/2018**

The bill seeks to help prevent duplicate filings by plaintiffs whose cases were previously dismissed. While opposed by the trial attorneys, the bill received support from business groups.

LB953 Albrecht M Bus&Lab Change provisions relating to lump-sum settlements under the Nebraska **Workers' Compensation Act**

1/10/2018 bill introduced
 1/11/2018 Referred to Business&Labor Committee
 1/26/2018 **NOTICE OF HEARING FOR 2/5/2018**
2/20/2018 Business and labor Priority Bill
 2/22/2018 B&L AM1779 Filed
 2/22/2018 Placed on **General File** with AM1779
 4/4/18 Bus&Lab AM1779 Adopted
 4/4/18 Albrecht AM2742 Adopted
 4/4/18 Vargas AM2762 Filed and Adopted (provisions of LB784)
 4/6/18 Placed on **Select File** with ER176

The bill would require the Workers' Compensation Court to approve a lump-sum settlement in cases in which the employee at the time of settlement was eligible for Medicare, was a Medicare beneficiary, or had a reasonable expectation of becoming eligible for Medicare within 30 months; or if medical, surgical, or hospital expenses incurred for treatment of the injury would not be fully paid as part of the settlement, if the employee's attorney affirms that the settlement is in conformity with the compensation schedule and for the best interests of the employee or his or her dependents, under all the circumstances. LB953 would also address a recent court decision regarding the enforceability of late payment penalties – making the entry of an order of dismissal a prerequisite to the discharge of a defendant from liability.

LB957 Lowe M Bus&Lab Provide procedures for choosing a method of payment for payments under the Nebraska **Workers' Compensation Act**

1/10/2018 Bill introduced
 1/11/2018 Referred to Business and Labor Cmte
 1/26/2018 **NOTICE OF HEARING FOR 2/5/2018**
2/21/2018 Speaker Priority Bill
 2/22/2018 B&L AM1952 Filed
 2/22/2018 Placed on **General File** with AM1952
 3/26/18 McDonnell AM2673 Filed and Adopted

3/27/18 Placed on **Select File** with ER148

Under the bill – if agreed to by the employer, workers’ compensation insurer or risk management pool and the employee or other person entitled to compensation – a payment could be made by direct deposit, prepaid card, or similar electronic payment system.

LB989	Wishart	M T&T	Authorize testing of autonomous vehicles by a city of the primary class on its roadways
		1/11/2018	Bill introduced
		1/16/2018	Geist and Hansen added
		1/17/2018	Referred to Transportation and Telecommunications Comte
		2/1/2018	Notice of Hearing for 2/13/2018
		2/20/2018	Wishart Priority Bill
		3/27/18	Placed on General File with AM2612
		4/5/18	Larson AM2787 Adopted
LR281CA	Morfeld	M HHS	Amendment to Neb. Constitution. Affordable health care is a right and expand eligibility under medical assistance program.
		1/11/2018	Bill introduced
		1/17/2018	Referred to Health & Human Services Committee
		1/30/2018	NOTICE OF HEARING FOR 2/21/2018
LB1012	Harr	M BCI	Authorize self-service storage facility operator insurance producer licenses
		1/16/2018	Bill introduced
		1/18/2018	Referred to Banking Commerce and Insurance Cmte
		1/23/2018	NOTICE OF HARING FOR 1/30/2018
		2/7/2018	B,C & I AM1691 Filed
		2/7/2018	Placed on General File with AM1691
		3/28/18	Placed on Select file with ER 155
		4/4/18	Harr AM2706 Filed and Adopted
		4/6/18	Placed on Final Reading with ST58
<p>Would exempt owners of self-storage units from having to qualify as a licensed producer in order to sell insurance on their customers' property while it is stored or in transit; instead it provides for a "limited license". IAN worked with the Department of Insurance to amend the bill to include more stringent education requirements and consumer protections - Amendment 1691, offered by Senator Harr. Representatives of the Self Storage Association testified in support at the hearing, and Director of Insurance Bruce Ramge testified neutral.</p>			
LB1015	Briese	M GMVA	Allow withholding from public of reports of injury under the Nebraska Workers' Compensation Act that reveal an employee's identity
		1/16/2018	Bill introduced
		1/18/2018	Referred to Government, Military & Veterans Affairs Cmte
		2/6/2018	Notice of Hearing for 2/14/2018
		2/20/2018	GMVA Priority Bill
		2/28/2018	Placed on General File with AM1927
		3/22/18	Harr AM2590 Filed (regarding public records)
		3/27/18	Quick AM2589 Filed (requiring notification to injured employees that they have a right to hire an attorney)

4/3/18 Chambers MO316 Bracket until 4/18 Filed. Failed

(NOTE: LB319, carried over from the 2017 session, providing exclusion from public records reports to the Workers' Compensation Court, has resurfaced as LB1015.)

Would provide that reports of injury under the Nebraska Workers' Compensation Act that reveal the identity of the employee who is the subject of the report are not public records. Currently, 37 other states currently have laws similar to the concepts contained in the bill

2017 SESSION WRAP-UP

IIAN took positions on or monitored 28 bills affecting the insurance industry last year. Of the five bills IIAN supported, two were passed, and three were held over to the 2018 "short session".

Three Insurance Department bills 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 supported**);

LB 241 to provide an exception to the annual privacy notice requirement under the Privacy of Insurance Consumer Information Act (**IIAN supported**). Provides an exception to the requirement that licensees of the Department are to provide an annual privacy statement. Current Nebraska law requires licensees to provide annual privacy notices and closely follows the federal Gramm-Leach-Bliley Act. However, in late 2015 Congress amended Gramm-Leach-Bliley to provide an exception to the annual notice requirement if a company provides personal information with non-affiliated third parties only as outlined in law and has not changed its policies disclosed in the most recent disclosure to the consumer. LB241 amends Nebraska law to relax the annual disclosure requirement if the licensee meets the criteria outlined in the Gramm-Leach-Bliley Act.

Also passed: **LB 406**, which amends certain statutes to provide that certain notices (for automobile liability policies) of cancellation or nonrenewal may be mailed by first-class mail using intelligent mail barcode or similar tracking method, in addition to registered or certified mail.

2017 BILLS OF INTEREST – HELD OVER TO 2018 SESSION

The following bills have been held over for the 2018 "short session."

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.

Would require an individual employer, partner, limited liability company member, or self-employed person who is actually engaged in his/her business and does not elect to bring himself or herself under the Workers' Compensation Act, including an individual independent contractor, who does not insure him/herself for workers' compensation, to acknowledge to the Workers' Compensation Court that he/she is not electing to be covered under the Nebraska Workers' Compensation Act. The individual would not be entitled to any benefits under a workers' compensation policy. The individual could elect to be covered under the Act at any time by submitting a request to the Workers' Compensation Court to remove their non-election of coverage, or purchasing a valid workers' compensation policy that includes her/him for coverage. LB553 would bring more clarity to the workers' compensation insurance market. It will create a more certain legal status for these individual employers and independent contractors in relation to workers' compensation benefits. In addition, it will allow them to decide whether or not to secure workers' compensation coverage in the future.

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.

Would double the current financial responsibility limits for auto insurance. Current minimum limits are \$25,000 per person and \$50,000 per occurrence for bodily injury and \$25,000 for property damage. LB643 would increase minimum limits to \$50,000 per person and \$100,000 per occurrence for bodily injury and \$50,000 for property damage. These financial responsibility limits have not been raised since 1988.

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

NOTE: Provisions of LB 220 have been amended onto LB 743, which has passed and was signed by the Governor on 3/21/18.

LB299 Ebke Adopt the Occupational Board Reform Act and change procedures for rules and regulations
IIAN Position: Opposed
 1/12/2017 Date of Introduction
 1/17/2017 Referred to Government, Military and Veterans Affairs committee
 2/8/2017 Notice of Hearing for 2/24/2017
 2/24/2017 Brewer name added
 1/3/2018 Title printed. Carryover Bill
 1/4/2018 McCollister name added
 1/26/2018 Wayne name added

1/26/2018 Watermeier name added
 1/30/2018 Kolterman name added
 1/30/2018 Govt, Military, Veterans Affairs AM1665 Filed
 1/30/2018 **Placed on General File with AM1665**
 1/31/2018 Ebke Priority Bill
 2/5/2018 Stinner name added
 2/6/2018 Lindstrom name added
 2/15/2018 Briese name added
 2/15/2018 Lowe name added
 2/20/2018 **GMVA AM1665 Pending**
 2/20/2018 Crawford AM1993 Withdrawn
 2/20/2018 Crawford AM2013 Lost
 2/21/2018 Hilgers FA102 Filed
 2/21/2018 Ebke AM2028 Filed
 3/12/18 **Ebke AM2349 Filed**
 3/14/18 Hilgers FA102 Withdrawn
 3/14/18 Ebke AM2028 Withdrawn
 3/14/18 **Advanced** to Enrollment and Review (for Select 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. **NOTE:** Reintroduced in 2018 – LB 1015.

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**
1/24/18 Placed on **Select File**
 2/20/2018 Placed on Final Reading
2/23/2018 Passed on Final Reading
2/28/2108 Signed by Governor

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 formal meetings of the association; active service on a board or committee; or participation in industry, regulatory, or legislative meetings.