

UNICAMERAL UPDATE

March 29, 2020

Bob Hoppe, **Legislative Committee Co-Chair** * Ritch Nelson, **Legislative Committee Co-Chair**
Vincent Christensen, **InsurPac/IIANPAC Chairman** * Carol McClelland, **CEO**

FROM: Cavanaugh & Associates – Michael J. O'Hara
RE: Nebraska 2020 Legislative Session, Week ending March 27, 2020

WEEK IN REVIEW

Thursday, March 12th was the 40th day of this short, 60-day session. The Legislature was expected to return for its 41st day on Tuesday, March 17th; however, on Monday, March 16th the Speaker suspended the session until further notice. Then on March 20th the Speaker reconvened the Unicameral for March 23rd to authorize emergency spending to address the coronavirus pandemic. By Wednesday, March 25th (43rd legislative day), LB1198e was passed by 45 affirmative votes, and signed by the Governor. Four Senators were excused because they are at high risk for the COVID-19 virus. [Click here](#) for Unicameral report on final bill provisions.

While the Senators waited for the Governor to return the signed LB1198e, the only other major business conducted during these three legislative days was that the Revenue Committee **advanced to General File LB1106** to "Eliminate obsolete sales tax provisions" with Committee amendment [AM2870](#) which fundamentally **transformed LB1106 into the property tax relief effort of 2020**. Importantly, LB1106 was advanced with two of the eight committee members still dissenting. The [Committee Statement](#) explains how the Committee's amendment AM2870 transforms LB1106 into the property tax relief bill. **LB 1106 is Speaker Scheer's personal priority bill.**

Since half of the body is up for the primary election on May 12th, Speaker Scheer announced before adjournment on March 23rd, that the earliest likely call back date is Monday, May 18th. When called back, Senators will complete the remaining budget bills before any others, and the role of prioritized bills will be increased in the remaining 17 legislative days. **We should expect an effort to fashion a forest of "Christmas tree" bills, since only bills that are prioritized and out of committee have any chance of making it to the Governor's desk.**

For a quick summary of where the session was upon starting its long recess, here is a listing of the bills of special interest to IIAN that clearly still are in play, their position, and priority.

LB 944 by Senator Geist is on Final Reading and given a new one liner. LB 944 is now a Christmas tree with AM2307 adding the provisions of LB 768, LB 785, LB 831, LB 983, and LB 1067, none of which was being specifically followed by IIAN. The NEW ONE LINER is to "Change and provide provisions for REAL ID, motor vehicle fees, federal references, handicapped parking permits, junked vehicles, odometers, destroyed vehicles, the International Registration Plan, license plates,

electronic delivery of operator's licenses and ID cards, CDL's, point system, vehicle length and weight limits; ATV's and UTV's, the International Tax Agreement Act, the unified carrier registration plan and agreement, and civil penalties". The OLD ONE LINER was to "Change provisions relating to motor vehicles". Transportation & Telecommunications Committee priority.

LB 963 is on Final Reading - introduced by Senator Brewer to "Change provisions relating to workers' compensation for injuries to first responders and frontline state employees." On Select File LB963 had amended into it (AM2734) provisions/portions of LB448 to "Change provisions relating to compensation for burial expenses under the Nebraska Workers' Compensation Act". Senator McDonnell priority.

LB774 is on Select File - started as the Insurance Department's bill, was given a new one liner: "Change provisions relating to reinsurance, motor vehicle service contract reimbursement insurance, and fees for dental services and prohibit certain activities by health care facilities"; the OLD ONE LINER was to "Change requirements regarding credit for reinsurance". **With the committee amendment AM2558 , LB774 became a Christmas tree that contains provisions of three other bills (none of which was being specifically followed by IIAN) : LB886** by Senator Arch to "Prohibit certain acts by health insurers and network providers and list a deceptive trade practice"; **LB954** by Senator Lindstrom to "Change insurance provisions relating to fees for dental services"; and **LB1199** by Senator Lindstrom to "Change provisions relating to motor vehicle service contract reimbursement insurance". Banking, Commerce & Insurance Committee priority.

Interesting note regarding LB 746 and the California Consumer Privacy Act:

LB746 (Monitor) was introduced this year by Senator Blood, to Adopt the Nebraska Consumer Data Privacy Act (a version of the California Consumer Privacy Act (CCPA)). LB746 is stalled in the Transportation and Telecommunications Committee and is not prioritized. **But note, the first case involving CCPA has reached the California courts** as reported by LexBlog (3/24, Poston). On March 9, plaintiffs in a putative data-breach class action "filed an amended complaint against Hanna Andersson and Salesforce, its e-commerce platform, alleging a claim for violation of the CCPA." The amended complaint "alleges hackers scraped personally identifiable information (PII) from Andersson's and Salesforce's platform from September 16, 2019, to November 11, 2019, and used that information to steal the customers' identities and make fraudulent purchases." The complaint "presents a host of novel issues that courts will grapple with as the CCPA makes it way through the judiciary." **Exclusions in LB 746 as introduced, would likely apply to IIAN member agencies.**

Legislature Home Page: [Unicameral Home Page](#)

[Includes Bill Search, day-by-day list of Bills Introduced, 2020 Senator & Committee Lists, and more!](#)

Committee Hearing Schedules: [Committee Hearing Schedules](#)

NET Live Session Broadcast Schedule: [NET Live Coverage](#)

The latest issue of the Legislature's Unicameral Update can be found at:

<http://update.legislature.ne.gov/>

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Bills of Interest to IIAN

BoSI= Bill of Special Interest

MON=Monitor PRO=Support ANTI=Oppose

New Bills Introduced In 2020:

LB746-MON Blood Adopt the Nebraska Consumer Data Privacy Act

1/27/2020 Notice of hearing for February 4, 2020

1/14/2020 Referred to Transportation and Telecommunications Committee

1/8/2020 Date of introduction

LB774-MON Williams **OLD: Change requirements regarding credit for reinsurance**
NEW: Change provisions relating to reinsurance, motor vehicle service contract reimbursement insurance, and fees for dental services and prohibit certain activities by health care facilities

3/9/2020 Advanced with AM2558 adding provisions of LB886, LB954, and LB1199

2/26/2020 Placed on **General File** with AM2558

2/19/2020 **Banking, Commerce & Insurance Priority Bill**

1/14/2020 Notice of hearing for January 21, 2020 **(Insurance Dept. Bill)**

1/10/2020 Referred to Banking, Commerce & Insurance Committee

1/8/2020 Date of introduction

1/9/2020 Date of introduction

LB 757-Review Blood Prohibit certain fraudulent acts under the Nebraska Criminal Code and the Insurance Fraud Act

1/27/2020 Notice of hearing for February 04, 2020

1/10/2020 Referred to Banking, Commerce and Insurance Committee

1/8/2020 Date of introduction

LB 765-Review Lindstrom Eliminate a duty of the Attorney General with respect to prosecution of certain **workers' compensation** report violations

1/16/2020 Lindstrom MO116 prevailed

1/16/2020 **Bill withdrawn**

1/15/2020 Lindstrom MO116 Withdraw bill filed

1/10/2020 Referred to Business and Labor Committee

1/8/2020 Date of introduction

LB787-MON Lathrop Construe applicability of certain uninsured and underinsured motor vehicle insurance coverages

2/4/2020 Notice of hearing for February 11, 2020 (cancel)

1/30/2020 Bill withdrawn

1/30/2020 Lathrop MO136 prevailed

1/29/2020 Lathrop MO136 Withdraw bill filed

1/10/2020 Referred to Transportation and Telecommunications Committee

1/8/2020 Date of introduction

LB846 MON BOSI Quick Change provisions relating to compensation under the Nebraska **Workers' Compensation Act**

1/15/2020 Notice of hearing for January 27, 2020

1/10/2020 Referred to Business and Labor Committee

1/8/2020 Date of introduction

LB871-MON Crawford Change unconscionability provisions under the Uniform Deceptive Trade Practices Act

1/15/2020 Notice of hearing for January 22, 2020

1/13/2020 Referred to Judiciary Committee

1/9/2020 Date of introduction

LB878--MON Walz Redefine immediate family and change conflict of interest provisions under the Nebraska Political Accountability and Disclosure Act

2/11/2020 Notice of hearing for February 20, 2020

1/13/2020 Referred to Government, Military and Veterans Affairs Committee

1/9/2020 Date of introduction

LB884-MON Lindstrom Provide for legal effect of a publication concerning liability insurance

1/15/2020 Notice of hearing for January 22, 2020

1/13/2020 Referred to Judiciary Committee

1/9/2020 Date of introduction

LB 944 - Review Geist **OLD: Change provisions relating to motor vehicles**

NEW: Change and provide provisions for REAL ID, motor vehicle fees, federal references, handicapped parking permits, junked vehicles, odometers, destroyed vehicles, the International Registration Plan, license plates, electronic delivery of operator's licenses and ID cards, CDL's, point system, vehicle length and weight limits; ATV's and UTV's, the International Tax Agreement Act, the unified carrier registration plan and agreement, and civil penalties

3/11/2020 **Placed on Final Reading**

3/6/2020 Bolz AM 2761 adopted

3/6/2020 Friesen AM 2612 adopted
 3/6/2020 Bostelman AM2414 adopted
 3/6/2020 Friesen AM2396 withdrawn
 2/20/2020 Friesen AM2396 filed
 2/18/2020 Bostelman AM2414 filed
 2/13/2020 Placed on **Select File** with ER168
 2/11/2020 Transportation and Telecommunications AM2307 adopted - **added provisions of LB768, LB785, LB831, LB983, and LB1067**
 2/11/2020 Advanced to Enrollment and Review Initial
 2/10/2020 Transportation and Telecommunications AM2307 filed
 2/10/2020 Placed on **General File** with AM2307
 2/5/2020 **Transportation and Telecommunications priority bill**
 1/15/2020 Notice of hearing for January 27, 2020
 1/14/2020 Referred to Transportation and Telecommunications Committee
 1/13/2020 Date of introduction

LB946-ANTI BOSI Briese **Change the sales tax rate and impose sales tax on additional services**

2/18/2020 Notice of hearing for February 26, 2020
 1/15/2020 Gragert name added
 1/14/2020 McCollister name added
 1/14/2020 Referred to Revenue Committee
 1/13/2020 Date of introduction

LB961-MON Friesen Adopt the Peer-to-Peer Vehicle Sharing Program Act
 2/13/2020 Placed on **General File** with AM2324
 1/16/2020 Notice of hearing for January 28, 2020
 1/14/2020 Referred to Transportation and Telecommunications Committee
 1/13/2020 Date of introduction

LB963-MON Brewer Change provisions relating to **workers' compensation** for injuries to first responders and frontline state employees

3/06/2020 AM2734 & AM 2776 adopted, **Portions of LB 448 amended into LB 963** by [AM2734](#), Advanced to **Final Reading**
 3/03/2020 Placed on **Select File**, Hansen M. name added
 2/21/2020 **McDonnell Priority Bill**
 2/20/2020 Placed on **General File** with AM2523 adopted
 2/10/2020 Blood name added
 1/15/2020 Notice of hearing for January 27, 2020
 1/14/2020 Referred to Business and Labor Committee
 1/13/2020 Date of introduction

LB 988	Hilgers	Provide restrictions on business entity ownership with respect to certain professional services
1/28/2020	Notice of hearing for February 10, 2020	
1/15/2020	Referred to Banking, Commerce and Insurance Committee	
1/14/2020	Date of introduction	
1024-MON	Clements	Change provisions of the Intergovernmental Risk Management Act
1/28/2020	Notice of hearing for February 24, 2020	
1/16/2020	Date of introduction	
1126-MON	Vargas	Change attorney's fees, penalties, and interest provisions under the Nebraska Workers' Compensation Act
1/30/2020	Notice of hearing for February 24, 2020	
1/24/2020	Referred to Business and Labor Committee	
1/22/2020	Date of introduction	
1127-MON	Vargas	Change and provide contempt powers for the Nebraska Workers' Compensation Court
1/30/2020	Notice of hearing for February 24, 2020	
1/24/2020	Referred to Business and Labor Committee	
1/22/2020	Date of introduction	
1128-MON/Research	Vargas	Provide an exception for a claim based on bad faith and a limitation of action under the Nebraska Workers' Compensation Act
1/30/2020	Notice of hearing for February 24, 2020	
1/24/2020	Referred to Business and Labor Committee	
1/22/2020	Date of introduction	
1129-MON/Research	Vargas	Change evasion of law provisions and ensure certain coverage under the Nebraska Workers' Compensation Act
1/30/2020	Notice of hearing for February 24, 2020	
1/24/2020	Referred to Business and Labor Committee	
1/22/2020	Date of introduction	
1133-MON	Wayne	Increase caps on medical malpractice liability
1/28/2020	Notice of hearing for February 19, 2020	
1/24/2020	Referred to Judiciary Committee	
1/22/2020	Date of introduction	
1199-MON	Lindstrom	Change provisions relating to motor vehicle service contract reimbursement insurance
2/13/2020	Placed on General File	
1/28/2020	Notice of hearing for February 11, 2020	
1/23/2020	Date of introduction	

Carry-Over Bills of Interest to IIAN
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Bill # Position	Sen.	
LB 19 MON BOSI	Briese	Allow withholding from public of reports of injury under the Nebraska Workers' Compensation Act as prescribed and provide duties for the Nebraska Workers' Compensation Court
1/8/2020	Title printed. Carryover bill	
3/1/2019	Notice of hearing for March 25, 2019	
3/1/2019	Notice of hearing for March 18, 2019 (cancel)	
2/8/2019	Notice of hearing for March 18, 2019	
1/14/2019	Referred to Business and Labor Committee	
1/10/2019	Date of introduction	
LB 99	Wayne	Change requirements of the Prompt Payment Act
1/8/2020	Title printed. Carryover bill	
2/11/2019	Notice of hearing for February 20, 2019	
1/14/2019	Referred to Government, Military and Veterans Affairs Committee	
1/10/2019	Date of introduction	
LB142	Geist	Change provisions relating to driving automation systems and liability
1/8/2020	Title printed. Carryover bill	
2/26/2019	Geist AM49 filed	
2/22/2019	Placed on General File	
1/18/2019	Notice of hearing for January 29, 2019	
1/15/2019	Referred to Transportation and Telecommunications Committee	
1/11/2019	Date of introduction	
LB178	Hilgers	Change provisions relating to workers' compensation claims, tort claims against the state, and state vehicles
5/31/2019	Motion to suspend rules to indefinitely postpone prevailed	
5/31/2019	Indefinitely postponed	
5/31/2019	Provisions/portions of LB178 amended into LB418 by AM1266	
5/24/2019	Motion to suspend rules to indefinitely postpone filed	
3/28/2019	Placed on General File	

3/1/2019 Notice of hearing for March 25, 2019 (cancel)
 3/1/2019 Notice of hearing for March 25, 2019
 2/8/2019 Notice of hearing for March 25, 2019
 1/15/2019 Referred to Business and Labor Committee
 1/11/2019 Date of introduction

LB257 MON BoSI Kolterman Change provisions relating to loss payouts by insurers
 1/8/2020 Title printed. Carryover bill
 1/28/2019 Notice of hearing for February 12, 2019
 1/17/2019 Referred to Banking, Commerce and Insurance Committee
 1/15/2019 Date of introduction

LB274 BoSI Hansen, M. Change provisions relating to stacking of coverage under the Uninsured and Underinsured Motorist Insurance Coverage Act
 1/8/2020 Title printed. Carryover bill
 1/28/2019 Notice of hearing for February 19, 2019
 1/17/2019 Referred to Banking, Commerce and Insurance Committee
 1/15/2019 Date of introduction

LB306 Crawford Change provisions relating to good cause for voluntarily leaving employment under the Employment Security Law
 1/8/2020 Title printed. Carryover bill
 3/1/2019 Failed on Final Reading 20-15-14
 3/1/2019 Crawford MO19 Reconsider the vote on final passage filed
 2/22/2019 Placed on Final Reading
 2/13/2019 Advanced to Enrollment and Review for Engrossment
 2/8/2019 McCollister name added
 2/8/2019 Placed on Select File
 2/7/2019 Advanced to Enrollment and Review Initial
 2/7/2019 Business and Labor AM71 adopted
 2/6/2019 Business and Labor AM71 pending
 1/31/2019 Business and Labor AM71 filed
 1/31/2019 Placed on General File with AM71
 1/18/2019 Notice of hearing for January 28, 2019
 1/17/2019 Referred to Business and Labor Committee
 1/15/2019 Date of introduction

LB 288 MON Linehan Change Income Tax Rates

1/8/2020	Title printed. Carryover bill
5/23/2019	Revenue AM1594 pending
5/23/2019	Crawford AM1959 withdrawn
5/22/2019	Friesen AM1958 lost
5/22/2019	Crawford AM1959 filed
5/22/2019	Crawford AM1959 pending
5/22/2019	Linehan AM1929 adopted
5/22/2019	Linehan AM268 withdrawn
5/22/2019	Friesen AM1958 filed
5/22/2019	Revenue AM1594 pending
5/22/2019	Linehan AM974 withdrawn
5/21/2019	Linehan AM1929 filed
5/16/2019	Revenue AM1594 filed
5/16/2019	Placed on General File with AM1594
3/26/2019	Notice of hearing for April 03, 2019, on AM974
3/26/2019	Linehan AM974 filed
3/19/2019	Revenue priority bill
2/13/2019	Notice of hearing for February 20, 2019, on AM268
2/13/2019	Linehan AM268 filed
1/24/2019	Notice of hearing for February 01, 2019
1/17/2019	Referred to Revenue Committee
1/15/2019	Date of introduction

LB364	Quick	Change provisions relating to a limit on fees under the Nebraska Workers' Compensation Act
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1/8/2020	Title printed. Carryover bill
2/28/2019	Quick AM475 filed
2/8/2019	Notice of hearing for March 04, 2019
1/18/2019	Referred to Business and Labor Committee
1/16/2019	Date of introduction

LB370 P BoSI PRO	McCollister	Change motor vehicle liability insurance and financial responsibility requirements
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1/8/2020	Title printed. Carryover bill
1/28/2019	Notice of hearing for February 19, 2019
1/18/2019	Referred to Banking, Commerce and Insurance Committee
1/16/2019	Date of introduction

LB378	Hansen, B.	Change helmet provisions for autocycles, motorcycles, and mopeds
1/8/2020	Title printed. Carryover bill	
5/10/2019	Hilkemann AM1659 filed	
5/10/2019	Hilkemann AM1664 filed	
5/10/2019	Hilkemann AM1665 filed	
5/10/2019	Hilkemann AM1663 filed	
5/10/2019	Hilkemann AM1662 filed	
5/1/2019	Placed on General File	
1/30/2019	Notice of hearing for February 12, 2019	
1/30/2019	Morfeld name added	
1/29/2019	Linehan name added	
1/22/2019	Referred to Transportation and Telecommunications Committee	
1/17/2019	Date of introduction	
LB408	Quick	Change provisions relating to compensation paid upon the death of an employee under the Nebraska Workers' Compensation Act
1/8/2020	Title printed. Carryover bill	
2/8/2019	Notice of hearing for March 04, 2019	
1/23/2019	Referred to Business and Labor Committee	
1/18/2019	Date of introduction	
LB487	La Grone	Require the Nebraska Workers' Compensation Court to adopt an evidence-based drug formulary
1/8/2020	Title printed. Carryover bill	
2/8/2019	Notice of hearing for March 04, 2019	
1/24/2019	Referred to Business and Labor Committee	
1/22/2019	Date of introduction	
LB501	Hunt	Require insurance coverage for in vitro fertilization procedures
1/8/2020	Title printed. Carryover bill	
1/28/2019	Notice of hearing for March 04, 2019	
1/24/2019	Referred to Banking, Commerce and Insurance Committee	
1/22/2019	Date of introduction	
LB521 MON	McDonnell	Change and eliminate provisions relating to automated vehicles
1/8/2020	Title printed. Carryover bill	
1/30/2019	Notice of hearing for March 05, 2019	

1/22/2019 Date of introduction

1/22/2019 Date of introduction

1/22/2019 Date of introduction

1/22/2019 Date of introduction

1/23/2019 Date of introduction