



Kate Bradshaw

Director of Government Affairs
801.799.5711
Salt Lake City
kabrashaw@hollandhart.com

Utah Legislative Update: July 2016

Insight — 07/12/2016

Primary Election Update:

The Primary Election held on June 28, returned some interesting results. In the Democratic Primary for U.S. Senate, Misty Snow was selected to face incumbent Republican Mike Lee. Ms. Snow is the first transgender candidate nominated by a major party for a Senate seat in Utah, and I expect this will lead to some very interesting debates with the very conservative Sen. Lee.

Going into the Primary Election, polls showed Governor Gary Herbert with a sizable lead over Republican challenger Jonathan Johnson, but the final results beat all the polls with a 72.14% to 27.86% win for the Governor.

Last month I profiled three Republican Primary races that provided an interesting test of the new signature gathering law. Here's how my predictions played out:

- **Senate District 10 (Salt Lake County, South Jordan area):** Lincoln Fillmore v. Rich Cunningham. I predicted Fillmore as the winner in a very close race. Fillmore was the victor with a 54.59% to 45.41% vote.
- **Senate District 14 (Utah County, Highland/American Fork area):** Dan Hemmert v. Morgan Philpot. I predicted Hemmert as the winner and didn't believe it would be a close contest. Hemmert was the victor with a 60.27% to 39.73% vote.
- **House District 6 (Utah County, Lehi area):** Cory Malory v. Mike Brenny. I listed this one as too close to call due to low voter turnout, no mail-in balloting in Utah County, and the impact of an interesting outside influence. It turns out this one wasn't as close as I thought it would be, with Malory handily beating Brenny by a margin of 60.17% to 39.83%.

One final interesting Primary Election outcome is the House District 53 race that fell into the "every vote counts" category. Republican incumbent Mel Brown was challenged by Morgan County Commissioner Logan Wilde. Brown is a former Speaker of the House and has served for 22 years. Wilde carried election night 50.71% to 49.29%, but only 64 votes separated the two candidates on election night. As of the writing of this update, Wilde has a 10 vote lead. The official election canvas won't be completed until July 12, so Brown hasn't conceded as this margin could be overcome.

Legislative Interim:

The Utah Legislature has two seasons: In-session and interim. The In-session season, when the Legislature is actively meeting, taking votes on bills, and making budgets, is very short-- just 45 days. Many might assume that the interim is the off-season because the Legislature is not in-session, but this is not the case. The interim is the prep period for the next designated session. Special interim committees made up of both senators and representatives continue meeting monthly and are often assigned issues to study that might become consensus legislation in the next session.

Below are three issues the Legislature is studying this summer that are likely to result in bills filed for the 2017 Session. I maintain a running list of hot legislative topics and am happy to share it with interested colleagues or clients.

Emerging Legislative Issues & Hot Topics:

- **Drone/UMA Regulation:** As drones have become increasingly available to the general public, how to regulate them has become an important policy area. Business applications that save time, money, and manpower abound. However, privacy concerns and nuisance usage are significant concerns. One recent example that highlights the need for regulation involved a private drone flying near firefighting operations for the Saddle Fire in southern Utah. Because the drone interfered in the flight path, the aircraft carrying flame retardant spray was forced to be grounded and slowed efforts to control the fire's spread toward Pine Valley. The Legislature has put in place some regulations on drones, but it is likely given the impacts to firefighters in particular, additional state level regulations will be proposed.
- **Medical Marijuana:** Last year Utah came very close to passing a limited medical Marijuana bill, but it failed a few days before the session ended. I predict this will be a perennial issue until some form of medical marijuana is legalized. Rep. Gage Froerer has indicated he will sponsor an effort during the 2017 session that will combine the proposals from the 2016 Session.
- **Auto Insurance State Minimum Liability Limits:** Health organizations and trial attorney groups have petitioned the Business & Labor Interim Committee to study whether the current state minimum auto liability insurance limits of: \$25,000 per individual injured, \$65,000 for all persons injured, and \$15,000 Personal Injury Projection. The limits have remained unchanged for many years while health care costs have risen significantly over the same time period. Only a handful of states have liability limits higher than Utah.

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