



# Legislative Activity Report

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Regulatory Services

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## LEGISLATIVE ACTIVITY—SPECIAL EDITION—ELECTION 2016

Republican momentum from the presidential and congressional elections—resulting in a Trump presidency and a majority in both houses of Congress—was mirrored down the ticket in many state races this year as well.

### GOVERNORS

There were 12 gubernatorial seats up for election on November 8: 4 held by Republicans and 8 held by Democrats.

As a result of the election in 11 of those states, there are now 6 Republican governors (Eric Holcomb—IN, Eric Greitens—MO, Chris Sununu—NH, Doug Burgum—ND, Gary Herbert—UT, and Phil Scott—VT) and 5 Democrats (John Carney—DE, Steve Bullock—MT, Kate Brown—OR, Jay Inslee—WA, and Jim Justice—WV). This represents a net loss of 3 governor seats for the Democrats. The North Carolina race is still too close to call.

Democrat incumbent Steve Bullock (D-MT) held on to his seat in a very tight race. Kate Brown (D-OR) and Jay Inslee (D-WA) were also reelected, as was Republican incumbent Gary Herbert (R-UT).

In North Carolina, Roy Cooper, a Democrat, leads Republican incumbent Pat McCrory by less than 5,000 votes. There are thousands of ballots yet to be counted, with completion anticipated by November 18. It is expected that the result will be contested. The losing candidate has a one-week deadline to file a recount request if the margin is 10,000 votes or less. A formal protest was filed on November 11 by an attorney from the state Republican Party demanding a manual recount of 94,000 ballots in Durham County.

With the North Carolina governorship still in question, the Republicans now hold 33 governorships, the Democrats have 15, and there is one Independent governor (in Alaska.)

### INSURANCE REGULATORS

Seven states with gubernatorial elections in 2016 have appointed insurance regulators, and three of those states experienced party shifts in the governor's office (Missouri, New Hampshire, and Vermont). Changes in administration can, but do not always, signal new regulator appointments.

There were also 5 insurance regulator positions up for election in 2016, with only one incumbent being elected: Mike Kriedler (D-WA). The newly elected insurance regulators are Trinidad Navarro (D-DE), Matt Rosendale (R-MT), Mike Causey (R-NC), and Jon Godfread (R-ND).

### LEGISLATURES

In 2016 roughly 80% of the country's 7,383 legislative seats were up for election. Six chambers switched party control as a result, with Republicans picking up the Senate in two states (Iowa and Minnesota) and the House in Kentucky (which had been the last remaining Democrat-held chamber in the South), while the Democrats seized control in the New Mexico House and both chambers in Nevada. As a result, there are now 32 states where, by the numbers, both chambers are Republican; 13 states where both are Democrat and 3 states where control is divided. In Connecticut, where the Senate is tied with an equal number of Republican and Democrat senators, the tie-breaking vote (if one is required) goes to the Democrat lieutenant governor. The New York Senate is also tied at this writing, with one currently undecided seat. In Hawaii, the lone Senate Republican was defeated, leaving the chamber entirely in the hands of the Democrats—the only single-party chamber in the country.

Unique circumstances have arisen with respect to party control in two states—Alaska and Washington. In the Republican-dominated House in Alaska, three Republican legislators have joined forces with the Democrats, resulting in a Democratic speaker. And in the Washington Senate, where the numbers now give the Democrats a one-seat edge, one senator is expected to caucus with

the Republicans, keeping that legislature essentially split. That arrangement in Washington keeps the state from achieving a true Democrat “trifecta” in the state, where both legislative chambers and the governor are of the same party.

Five states (CA, DE, HI, OR, and RI) now have Democrat trifectas, and 24 states are under Republican control in both the legislative and executive branches (AL, AR, AZ, FL, GA, IA, ID, IN, KS, KY, MI, MO, MS, NH, ND, OH, OK, SC, SD, TN, TX, UT, WI, and WY). This represents a net gain of two states for Republicans. Should Pat McCrory (R-NC) prevail in his reelection battle, that state will maintain its current Republican trifecta. The rest of the states are divided, having either split legislatures (each chamber a different party) or legislatures and governors of different parties. (**Note:** Nebraska continues to have a nonpartisan, unicameral legislature.)

**BALLOT INITIATIVES**

There were three categories of ballot initiatives of some relevance to workers compensation: universal healthcare, marijuana, and minimum wage.

Colorado’s ColoradoCare initiative failed by a significant (60 point) margin.

Marijuana was on the ballot in nine states with Massachusetts and Nevada passing measures to tax and regulate marijuana (Arizona’s measure failed). Medical marijuana use was approved in Arkansas and Florida and expanded in Montana, and recreational use got the OK in California and Maine. Marijuana use for compassionate care passed in North Dakota.

Ballot initiatives to increase minimum wage were approved in Arizona, Colorado, Maine, and Washington.

**Contact Information**

If you have any questions about the legislation or proposals mentioned, please contact the appropriate NCCI state relations executive (listed below) or a representative of your local insurance trade association.

State	State Relations Executive	Phone Number
CT, ME, NH, RI, VT	Laura Backus Hall	802-454-1800
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