

Virginia

Regulatory Hot Tip 2017 – One

Professional Insurance Agents Association of Virginia and DC, Inc.

2017 Virginia General Assembly and You—a few basics

It is that time again. Santa has come delivered whatever gifts you deserved, and returned to the North Pole to prepare for next year. The New Year's celebrations are over. We are now ready to face the dreary, cold winter weather of January and February, 2017. Oh my, it all sounds dismal! Adding to the stress of these dark days of winter is the fact that your representatives at the General Assembly are back in the saddle tinkering with the laws of the Commonwealth of Virginia.

So, what is the time line for the 2017 General Assembly session? Well though Santa's elves may have been assisting the people of Virginia to craft proposed pieces of legislation starting as early as the end of the 2016 General Assembly Session, things for the 2017 Session really start rolling in December 2016. Specifically, legislative requests for drafts of any bill or joint resolution intended to be pre-filed must have been in the hands of the Staff at the Division of Legislative Services no later than 5:00 p.m. on December 5, 2016. The Division

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NolteLaw's practice focuses on general business matters (such as business formation, acquisitions, dissolutions and employment questions) and administrative law issues (such as rulemaking and compliance) affecting regulated entities. Our diverse client base includes restaurants, healthcare providers, contractors, fiber-optic and conduit installers, business entrepreneurs, telecommunications companies, insurance entities, financial institutions, mortgage loan originators, water & sewer providers, and insurance receiverships. Jo has served as attorney for the Virginia State Corporation Commission and as in-house counsel to a privately owned national corporation. She also owned and operated an insurance surplus lines brokerage agency and an insurance consulting business.

Staff then works like little dervishes to get the drafts available back to the legislators no later than midnight on Friday, December 30, 2016. So, this very important work will be occurring while you are celebrating the holidays.

Requests for drafting, redrafting, or correction of any bill or joint resolution correction requests creating or continuing a study must arrive at the Division of Legislative Services no later than 5:00 p.m. on Friday, January 6, 2017.

After the legislators have reviewed the draft bills prepared by the Division of Legislative Services, legislative requests for redrafts and corrections of any draft prepared for pre-filing must be submitted and received by the Division of Legislative Services no later than 5:00 p.m. on Friday, January 6, 2017 and the Division is to make the drafts available no later than noon, Tuesday, January 10, 2017.

That leads us to the part of the House Joint Resolution No. 38 that says that Bills and joint resolutions offered for pre-filing shall be pre-filed in either house no later than 10:00 a.m. on Wednesday January 11, 2017. So you can see from the above schedule that a very large part of the legwork of the General Assembly will be completed before the actual Session of the Assembly even is called to order.

The 2017 General Assembly session will actually convene on Wednesday, January 11, 2017, and is scheduled to conclude on February 25, 2017. In even numbered years the General Assembly meets for sixty days, but in odd number years, like 2017, the General Assembly is a short – session. The 2017 session is for thirty days.

Keep in mind that there is always an option for the General Assembly to extend annual sessions for a maximum of thirty additional days, but this is optional and not frequently done so we can not anticipate whether the Session will be extended in 2017.

The 2017 schedule, of course, only applies to the regular Sessions of the General Assembly. In unusual situations, there can also be Special Assembly Sessions. So, what is a Special Session? The Governor may call a Special Session when he deems it necessary or advisable and must do so when petitioned by 2/3rds of the members of both houses. But, again, Special Sessions are not a normal event.

Finally, we often hear that the General Assembly members are coming back to Richmond for a reconvened session. What does that mean? The reconvened session is held on the sixth Wednesday after adjournment of each regular or special session solely for the purpose of considering the governor's recommendations and vetoed legislation. Therefore, reconvened sessions are often referred to as 'Veto Sessions.'

Now that you have the schedule in place, you should try to keep up with any legislation that is working its way through the General Assembly in which you have an interest. This is when you can have input on the legislative process, either by appearing yourself or having your registered lobbyist make your positions known during committee meetings. As a member of the PIA, feel free to discuss your questions, concerns, etc. with Kevin P. Kowar, Association Executive for PIA, who is also a registered lobbyist for the PIA. He works with the PIA's other lobbyist to attempt to keep up with the progress of legislation identified by your PIA legislative committee as relevant to the majority of members, make the PIA's positions as to individual pieces of legislation known to the legislators, and interface with the Bureau of Insurance on its package of legislative initiatives.

In fact, the Bureau generally provides its proposed legislative package to interested parties, including the PIA, in the early fall and requests feedback as soon as possible after its distribution. The legislative committee generally holds an impromptu session by telephone to discuss the proposed legislation and offer its comments to Kevin to be forwarded to the Bureau.

Obviously, the nuts and bolts of how legislation is passed is important, but it is oftentimes explained in many publications, including local newspapers, around the time that the General Assembly starts its session. But please direct particular questions or concerns to Kevin that you may have.

Though I am sure that the members of the General Assembly wish sometimes that Santa would make a reappearance and bring cookies and hot chocolate to them, particularly on long evenings when they are in session, they somehow manage to persevere, without the aid of the jolly old fellow.

The making of laws is an amazing process when you consider the hustle and bustle that transpires during the entire General Assembly session. But, somehow between reaching compromises, sending some legislative proposals into study committees, and killing other pieces of legislation, new laws are made. It is a

miraculous process, sometimes, like Christmas, with lots of work, long nights, and the cooperation of everyone, workable laws do emerge.

Happy 2017 to all, and to all a good Session.