

Virginia Legislative Report at the Conclusion of the 2012 Session

03.28.2012

03.28.2012

2012 General Assembly Overview

The 2012 General Assembly was preceded by both a lengthy redistricting process and a contentious election cycle. As a result, Republicans gained eight seats in the House of Delegates, increasing their control of that chamber (68-32). Republicans gained two seats in the formerly-Democratic Senate, creating a 20-20 tie in that chamber. In the opening days of the Session, Republicans claimed the majority of the Senate, citing Republican Lieutenant Governor Bill Bolling's tie-breaking ability for most legislative issues. Importantly, both Republicans and Democrats agreed that the Lieutenant Governor was not authorized to vote on the state budget. Besides claiming the majority of the Senate, Republicans also reorganized the membership of most Senate committees in their favor.

The legislature considered a variety of issues this Session, from business and economic development measures to a range of social issues. The social issues, including womens' rights and gun laws, predominated in the Session, both in the confines of the chambers and in the press.

Anger over the reorganization of the Senate, the advancement of these social issues, and differing state budget priorities led to a Democratic stalemate at the end of year Session. Because a majority of Senate members' votes are needed to pass the budget, Democrats were able effectively to halt the legislative process by refusing to vote for either the House or Senate version of the budget. This stalemate continued through March 10th, the scheduled date of adjournment, causing both chambers to recess until March 21st. It is expected that both parties will use the recess to agree to a compromise and that they will return later this month to pass a state budget.

The Reconvened Session is scheduled to begin on April 25th. At this time, legislators will consider the Governor's recommendations and vetoes on any legislation that passed during the 2012 Session.

Summary of Approved Health Care Legislation

There were 2,876 bills and resolutions introduced during the 2012 General Assembly Session. Most of the measures have completed the legislative process; however, some are still awaiting final action from the Governor's office. Generally, the Governor has thirty days to review legislation approved by the General Assembly, although some legislation can be expedited.

Overview of Defeated Health Exchange Legislation

While several bills were introduced in the House and the Senate to set up the framework for the creation of Virginia's Health Benefit Exchange, neither chamber approved any of the bills introduced in its respective body. Legislators contended that Virginia should not invest any time or resources in the development of the state exchange before the Supreme Court ruled on the constitutionality of provisions of the federal law. Despite the conduct of hearings to review the bills introduced in that body, the Senate, like the House of Delegates, delayed any action on the bills with the assertion that, if the federal law was found to be constitutional, a special session could be convened to consider Health Benefit Exchange legislation. Virginia's Secretary of Health and Human Resources believes that legislation passed in the 2011 Session that stated that Virginia should create its own exchange gives the executive branch the authority to develop an exchange. The legislative branch however is not amenable to allowing the executive branch to make all decisions related to the creation of the Exchange. We, of course, will be monitoring and will continue to discuss the creation of Virginia's exchange with legislators before and, if the federal law is upheld, after the Supreme Court case is decided.

Click here to find a description of various bills approved by the General Assembly that will affect the health care industry. You can access the complete text of the bills as well as the votes on each bill by clicking on the blue hyperlinks throughout the attached document.

Related People

- Hon. R. Brian Ball ? 804.420.6426 ? bball@williamsmullen.com
- Patrick A. Cushing ? 804.420.6541 ? pcushing@williamsmullen.com
- Nicole Lawter ? 703.760.5241 ? nlawter@williamsmullen.com

Related Services

- Government Relations
- Health Care Reform