

Virginia Legislative Record

Volume 22, Issue 3

August 2012



Virginia Division of Legislative Services

Virginia Disability Commission

July 17, 2012

The second meeting of the Virginia Disability Commission for the 2012 interim was held July 17, 2012, in Richmond.

Opening Remarks and Introductions

Vice chair Brenda Pogge opened the meeting by relating the recent news concerning the death of Senator and Disability Commission Chair Yvonne Miller. Delegate Pogge noted that out of respect for Senator Miller, the Commission would wait until the August meeting to elect a new chair. She then asked for a moment of silence in honor of the senator.

Following the moment of silence, Delegate Pogge asked the newest members of the Disability Commission to introduce themselves. Frank Lombardi serves on the Loudoun County Disability Services Board and the national task force for the Muscular Dystrophy Association. Gayle Brunk works as an executive for Valley Associates for Independent Living. Bill Fuller works for the Virginia Housing Development Authority.

MedCottage: Long-Term Care Portable Housing Options

Chris Cummins, Executive Vice President, MedCare Systems

Mr. Cummins gave a presentation on MedCare's long-term care option, the MedCottage. The MedCottage is a

mobile, modular medical home designed to be temporarily placed on a caregiver's property for rehabilitation and extended care. It is designed to give a senior or disabled family member autonomy in a family-managed health care setting. The cottages are temporary family health care structures and can be reused after restoration.

In 2010 Virginia passed legislation requiring zoning ordinances to consider temporary family health care structures as a permitted accessory use in any single-family residential zoning district. The act defines a temporary family health care structure as having only one mentally or physically impaired occupant. MedCare Systems would like this to be increased to two occupants in order to accommodate mentally or physically impaired couples. A mentally or physically impaired person is defined as a person who requires assistance with two or more daily life activities. MedCare Systems would like that definition to include persons who require assistance with one or more daily life activities, to comply with the Americans with Disabilities Act (ADA). In addition, the act requires the temporary structure to be removed within 30 days after the structure is no longer needed. MedCare Systems would like to extend the time requirement to 90 days in order to allow an adequate bereavement period.

In response to several followup questions, Mr. Cummins informed the Commission that one demo unit is located at Virginia Tech and one unit is in use in Fairfax County. The company has plans to install another unit in the San Francisco area in the near future. Mr. Cummins also noted that financing is not currently available, but the

Inside this issue:

Disability Commission	1
Meeting Calendar	4
MLK Commission	6
Other Legislative Commissions	6
Did You Know?	7
Regulatory Alert	10

For more information, visit study and commission websites. DLS staff members maintain comprehensive study and commission websites that contain complete summaries of meetings and links to additional information, handouts, and resources.

*The Virginia
Disability
Commission heard
information about
MedCottage, a
mobile, modular
medical home.*

company is working to provide financing options. Mr. Cummins responded that depreciation depends on the condition of the MedCottage after its use. A member noted that local governments may have concerns over interference with their zoning laws. Mr. Cummins replied that Fairfax County initially had concerns, but those had been alleviated. In addition, Mr. Cummins pointed out that the company wanted to work with local governments rather than having to make a reasonable accommodation request under the ADA. Mr. Cummins also explained that the cottages are accessory buildings, so they fall under the existing title to the property, and that the cost of removal varies by location.

- Other options for direct rental assistance and bridge loans.
- Options for establishing the portability of auxiliary grants.
- Options for promoting awareness and use of the Livable Home Tax Credit.
- Budget cuts affecting the U.S. Department of Housing and Urban Development's Housing Choice Voucher Program.
- Options for decoupling housing and services for individuals with disabilities.

Work Group #1 met again on August 22, 2012, at the General Assembly Building in Richmond to receive information and discuss options for legislative and budgetary actions for recommendation to the Virginia Disability Commission.

Work Group Reports

Work Group #1: Housing and Transportation

Work Group #1 held its first meeting of the 2012 interim on July 17, 2012, in Richmond. At that meeting, the work group identified the following topics for further study and consideration during the 2012 interim:

- Type and impact of projects in the Commonwealth funded through the U.S. Department of Housing and Urban Development's Section 811 Supportive Housing for Persons with Disabilities program.
- Implementation of the settlement agreement between the Commonwealth and the U.S. Department of Justice, particularly the housing plan component of the settlement agreement and the relationship between the housing plan component of the settlement agreement and the Governor's Housing Policy Framework established pursuant to Executive Order No. 10 (2010).
- Type and impact of projects funded by grants to applicants for funds through the Virginia Housing Development Authority's Low-Income Housing Tax Credit program's Non-Competitive Credit Pool.
- Implementation and impact of the Virginia Housing Trust Fund and opportunities for using funds from the Housing Trust Fund to assist individuals with disabilities in the Commonwealth access housing.
- Options for using HOME funding to provide rent subsidies.

Work Group #2: Education and Employment

Work Group #2 held its first meeting of the 2012 interim on July 17, 2012, in Richmond. At that meeting, the work group heard three presentations from the Virginia Department of Education (VDOE).

JOHN EISENBERG, ASSISTANT SUPERINTENDENT, DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES, VIRGINIA DEPARTMENT OF EDUCATION

Mr. Eisenberg gave an overview of Special Education Services and highlighted a sample of the services, training, technical assistance, and support programs that funding provides.

- 162,649 students with disabilities reported by school divisions and state-operated programs in 2011.
- Total expenditure on students with disabilities in the Commonwealth: \$2,029,343,712.36.
- Federal: \$360,339,369.30 (17.7%).
- State: \$467,750,206.11 (23.3%).
- Local: \$1,201,254,136.95 (59%).

SAMANTHA HOLLINS, EDUCATIONAL SPECIALIST FOR AUTISM AND INTELLECTUAL DISABILITIES, VIRGINIA DEPARTMENT OF EDUCATION

Ms. Hollins spoke on support for paraprofessionals in Virginia.

- The VDOE in partnership with Virginia Commonwealth University provides free

training for paraprofessionals (teacher's aides) who work with students with autism spectrum disorder.

- Course has been available since April 2012.
- Over 1,300 individuals have either completed or registered for the course.

**ANNE WESCOTT, ASSISTANT SUPERINTENDENT,
DIVISION OF POLICY AND COMMUNICATIONS, VIRGINIA
DEPARTMENT OF EDUCATION**

Ms. Westcott spoke on funding for special education teachers for students who are blind and vision impaired:

- Funding is currently provided by the Department for the Blind and Vision Impaired.
- All other disability categories are part of Standards of Quality (SOQ).
- The VDOE board will look into adding "blind and vision impaired" as a category to the SOQ and will make a recommendation in November.
- The Virginia Disability Commission will monitor the board's recommendation.

Work Group #2 met again on August 22, 2012, at the General Assembly Building in Richmond to receive information and discuss options for legislative and budgetary actions for recommendation to the Virginia Disability Commission.

Work Group #3: Publicly Funded Services

Work Group #3 (Publicly Funded Services) held its first meeting of the 2012 interim on July 17, 2012, in Richmond. At that meeting, the work group identified the following topics for further study and consideration during the 2012 interim:

- Recapitalizing the Consumer Service Fund and changing the name to the Consumer Services Grant Program to more accurately reflect the purpose and function of the program.
- Increasing funding for the Personal Assistance Services program of the Department for Aging and Rehabilitative Services and collecting accurate information on the number of persons actually waiting for services.
- Establishing a Brain Injury Waiver in the Commonwealth.
- Establishing neurobehavioral treatment options for individuals with brain injury in the Commonwealth.

- Expanding access to Centers for Independent Living throughout the Commonwealth.
- Restoring funding for Centers for Independent Living.
- Studying educational services to children residing in institutional settings.
- Studying the screening process for evaluating individuals for eligibility for the Elderly or Disabled with Consumer Direction waiver.

Work Group #3 met again on August 22, 2012, at the General Assembly Building in Richmond to receive information and discuss options for legislative and budgetary actions for recommendation to the Virginia Disability Commission.

Next Meeting

The Disability Commission also met on August 22, 2012, at the General Assembly Building in Richmond. A summary of that meeting will be provided in the next issue.

*The Virginia
Disability Commission
heard presentations
from staff at the
Virginia Department
of Education.*

VIRGINIA DISABILITY COMMISSION

**DELEGATE BRENDA POGGE, VICE CHAIR
SARAH STANTON AND TOM STEVENS, DLS
STAFF**

201 North 9th Street
2nd Floor
Richmond, VA 23219

Telephone (804) 786-3591

<http://dls.virginia.gov/commissions/vdc.htm>

Meeting Calendar for September 2012

JCOTS/Energy Advisory Committee Lisa Wallmeyer	1:00 p.m., Tuesday, September 4, 2012—House Room C, GAB
Virginia Housing Commission/Continuing Care Retirement Communities Work Group Elizabeth Palen	<p style="text-align: center;">Full Commission Meeting</p> 10:00 a.m., Wednesday, September 5, 2012—House Room C, GAB <p style="text-align: center;">Continuing Care Retirement Communities Work Group</p> 1:30 p.m., Wednesday, September 5, 2012—House Room C, GAB
Virginia State Crime Commission	10:00 a.m., Wednesday, September 5, 2012—Senate Room A, GAB
JCOTS/Electronic Meetings Advisory Committee Lisa Wallmeyer	10:00 a.m., Wednesday, September 5, 2012—6th Floor Speaker's Conference Room, GAB
FOIA Advisory Council Maria Everett/Alan Gernhardt	1:30 p.m., Wednesday, September 5, 2012—House Room D, GAB
Joint Legislative Audit and Review Commission	10:00 a.m., Monday, September 10, 2012—Senate Room A, GAB
Administrative Law Advisory Committee Elizabeth Palen	Noon, Thursday, September 13, 2012—House Room 2, Capitol
Virginia Code Commission Jane Chaffin	10:00 a.m., Monday, September 17, 2012—6th Floor Speaker's Conference Room, GAB
Virginia Commission on Youth/Restoration of Parental Rights Advisory Group Meeting	10:00 a.m., Monday, September 17, 2012—House Room 3, Capitol
Virginia Commission on Youth/Definition of Kinship Caregivers Advisory Group Meeting	1:00 p.m., Monday, September 17, 2012—House Room 3, Capitol
MLK Commission/Abraham Lincoln Subcommittee/Music Work Group	10:00 a.m., Monday, September 17, 2012—Southside Virginia
JCOTS/Electronic Identity Management Advisory Committee Lisa Wallmeyer	<p style="text-align: center;">Full Commission Meeting</p> 10:00 a.m., Monday, September 17, 2012—House Room C, GAB <p style="text-align: center;">Electronic Identity Management Advisory Committee Meeting</p> 1:00 p.m., Monday, September 17, 2012—House Room 1, Capitol
Joint Commission on Health Care/Healthy Living/Health Services Subcommittee	<p style="text-align: center;">Full Commission Meeting</p> 10:00 a.m., Tuesday, September 18, 2012—Senate Room A, GAB <p style="text-align: center;">Healthy Living/Health Services Subcommittee</p> 1:00 p.m., Tuesday, September 18, 2012—Senate Room A, GAB
Virginia Bicentennial of the American War of 1812 Commission Brenda Edwards and Jeff Sharp	<p style="text-align: center;">Advisory Council Meeting</p> 10:00 a.m., Wednesday, September 19, 2012—House Room C, GAB <p style="text-align: center;">Full Commission Meeting</p> 2:00 p.m., Wednesday, September 19, 2012—House Room C, GAB

Meetings may be added at any time, so please check the General Assembly and DLS websites for updates.

Meeting Calendar for October 2012

Virginia Commission on Youth/Comparison of Academic Achievement in Virginia with Leading Industrialized Countries Advisory Group	9:30 a.m., Tuesday, October 2, 2012—House Room 3, Capitol
Virginia State Crime Commission	10:00 a.m., Tuesday, October 2, 2012—Senate Room A, GAB
JCOTS/Energy Advisory Committee Lisa Wallmeyer	10:00 a.m., Tuesday, October 2, 2012—House Room C, GAB
Virginia Code Commission Jane Chaffin	10:00 a.m., Wednesday, October 3, 2012—6th Floor Speaker's Conference Room, GAB
Virginia Housing Commission/Affordability, Real Estate Law, and Mortgages Work Group Elizabeth Palen	10:00 a.m., Tuesday, October 9, 2012—House Room C, GAB
Joint Legislative Audit and Review Commission	10:00 a.m., Tuesday, October 9, 2012—Senate Room A, GAB
JCOTS/Electronic Meetings Advisory Committee Lisa Wallmeyer	2:00 p.m., Monday, October 15, 2012—6th Floor Speaker's Conference Room, GAB
Joint Commission on Health Care/Behavioral Health Care Subcommittee	Full Commission Meeting 10:00 a.m., Tuesday, October 16, 2012—Senate Room A, GAB Behavioral Health Care Subcommittee 1:00 p.m., Tuesday, October 16, 2012—Senate Room A, GAB
JCOTS/CyberSecurity Advisory Committee Lisa Wallmeyer	10:00 a.m., Tuesday, October 16, 2012—6th Floor Speaker's Conference Room, GAB
Virginia Commission on Youth	10:00 a.m., Wednesday, October 17, 2012—House Room C, GAB
JCOTS/Identity Management Advisory Committee Lisa Wallmeyer	1:00 p.m., Wednesday, October 17, 2012—6th Floor Speaker's Conference Room, GAB

Meetings may be added at any time, so please check the General Assembly and DLS websites for updates.

**Prefiling
for the 2013 Regular Session
began on Monday, July 16, 2012.**

**The last day to act on continued
legislation is Thursday,
November 29, 2012.**

Dr. Martin Luther King, Jr. Memorial Commission

August 3, 2012

The Emancipation Proclamation concert will be held in April 2013 at CenterStage in Richmond.

The Abraham Lincoln Subcommittee Music Work Group of the Dr. Martin Luther King, Jr. Memorial Commission (King Commission) held its organizational meeting on August 3, 2012, in Richmond and at a remote location in Santa Fe, New Mexico, for the purpose of planning and organizing the grand musical tribute to commemorate the 150th anniversary of the Emancipation Proclamation. The work group, chaired by Delegate Jennifer L. McClellan, King Commission vice chair, is composed of members of the King Commission, Abraham Lincoln Subcommittee, educators, historians, composers, representatives of the Richmond Symphony, and others.

Sesquicentennial of the Emancipation Proclamation Concert

A signature event of the commemoration, the Emancipation Proclamation concert is a partnership between the King Commission and the Richmond Symphony. The work group agreed that the concert would be held in April 2013 at CenterStage in Richmond and to explore simulcasting to allow all Virginians to participate in the event. It was the consensus of the work

group that the concert would be open to the public and that private funds should be raised to cover the cost of the concert and a reception. Also discussed were ways to encourage and solicit the participation of Virginia's localities and institutions of higher education in the concert and other Emancipation Proclamation anniversary events. Work group chair McClellan made assignments pertaining to the program and musical selections, fundraising, education, and legacy and merchandising, noting that the work group must report its recommendations to the full Commission at the September 17 meeting.

Next Meeting

The work group will hold its next meeting on September 17, 2012, at 10:00 a.m., in Southside Virginia, prior to the full Commission meeting. The meeting arrangements and location will be announced.

**DR. MARTIN LUTHER KING, JR.
MEMORIAL COMMISSION**

**SENATOR HENRY L. MARSH III, CHAIR
BRENDA EDWARDS, DLS STAFF**

201 North 9th Street

2nd Floor

Richmond, VA 23219

Telephone (804)786-3591

<http://mlkcommission.dls.virginia.gov/>

Other Legislative Commissions

The following are other legislative commissions that hold regular meetings during the interim. Visit their websites to obtain full information regarding their meeting dates, agendas, and summaries.

Joint Legislative Audit and Review Commission

<http://jlarc.virginia.gov/meetings.html>

Virginia State Crime Commission

<http://vscc.virginia.gov/meetings.asp>

Joint Commission on Health Care

<http://jchc.state.va.us/meetings.asp>

Virginia Commission on Youth

<http://coy.state.va.us/meetings.asp>

Did You Know?

"Did You Know?" appears in each issue of the *Virginia Legislative Record*. The article features important topics or interesting facts relevant to the Virginia legislature. For general questions or issue suggestions, please contact the Division at (804) 786-3591 or email mtanner@dls.virginia.gov.

The Virginia General Assembly: An Ongoing Experiment in Self-Government

Mark Greenough, Capitol Historian and Tour Supervisor

Did you know that the Virginia General Assembly met as a *unicameral* body until 1643 without a "House of Burgesses" and that the "Senate" of Virginia met for the first time in 1776? The present-day bicameral Virginia legislature with popularly elected delegates and senators meeting annually at the Capitol in Richmond is an evolving political institution for self-government developed over many eventful generations.

An Innovation: The First General Assembly in 1619

The Great Charter of 1618 issued from London provided for the replacement of harsh martial laws in early Virginia with new civil laws chosen by a "Generall Assemblie," which was expected to meet annually. Members of this first Assembly were the newly appointed governor and his Council of State, plus two burgesses elected by a plurality of voices from each of the 11 major settlements in Virginia. Support staff for the first assembly included a clerk, sergeant-at-arms, and the provost marshal for James City County. This unicameral body met for the first time in July and August of 1619 for a five-day summer session held at the church inside Jamestown fort. A "Speaker" appointed from the Council by Governor Sir George Yeardley arranged the legislative agenda and reported on the work of two legislative committees. Thirty-six laws were passed dealing with the personal conduct of the settlers, trade policies, the Virginia Indians, agricultural practices, the promotion of religion, and the upholding of labor contracts. In addition to passing legislation, the first Assembly disquali-

fied two burgesses from sitting and also acted as a judicial court, adjudicating two cases using sworn testimony admitted into evidence.

The Unicameral Assembly Becomes Bicameral in 1643

Between 1619 and 1624 the General Assembly held at least three sessions at Jamestown under the authority of the Virginia Company of London, a private corporation with a charter from the crown to seek profits in the New World. In 1624 King James I dissolved the Virginia Company and when the General Assembly met in 1625, Virginia had become a royal crown colony. Virginia's legislature, sometimes styled the "Grand Assembly," continued to meet regularly at Jamestown for at least 15 more unicameral sessions, subject to the call of the royal governor. In 1643 the General Assembly became bicameral with a speaker and a "House of Burgesses" meeting separately from the Council of State, with permission from Governor Sir William Berkeley. In an interesting interlude between 1652 and 1660 following the English Civil War, four governors were chosen locally by the General Assembly because there was no king on the English throne. The governor and his councilors, who received their appointments from London (except as noted between 1652 and 1660) also sat as justices on the General Court in the colony, *as well as* lawmakers in the upper house of the General Assembly. As a result, for several generations broad executive, legislative, and judicial powers were exercised by a relatively small group of unelected officials with veto power over the elected House of Burgesses. Royal governors also had the authority to dissolve the lower house at will. In 1698 the statehouse at Jamestown burned down and in 1699 the General Assembly began meeting in the newly planned town of Williamsburg.

Did You Know? (continued)

"Did You Know?" appears in each issue of the *Virginia Legislative Record*. The article features important topics or interesting facts relevant to the Virginia legislature. For general questions or issue suggestions, please contact the Division at (804) 786-3591 or email mtanner@dls.virginia.gov.

Revolutionary Changes in 1776

In May 1776 Virginia leaders meeting in convention in Williamsburg resolved that Virginia should become an independent commonwealth. That June, George Mason drafted a new state constitution detailing improvements in self-government. To enhance the separation of legislative, executive, and judicial powers, the governor and his appointed councilors were removed from the General Assembly and from the General Court to serve as an executive authority only. A new "Senate" of Virginia with 24 members elected by qualified voters was created to replace the royal governor and Council in the General Assembly. The House of Burgesses was renamed the House of Delegates with the members elected as before. Delegates and senators of the General Assembly became responsible for choosing judges for Virginia's high courts, as well as the governor and members of his Council. Governors of the new commonwealth could call the Assembly into special session, but could not dissolve the legislature. This revised and renewed General Assembly moved to Richmond in 1780 near the end of the Revolutionary War. In 1788 Virginia's peacetime legislature began meeting in the new classical Capitol designed by Thomas Jefferson.

Evolutionary Changes After the American Revolution

As first established in 1776, the Senate of Virginia did not have power to initiate legislation or to amend money bills. The prohibition against the Senate amending money bills was removed in the Constitution of 1830, and the power to initiate legislation in the Senate was granted in the Constitution of 1851. Between 1776 and 1851 the Senate was presided over by a "Speaker" with floor responsibilities similar to those of the Speaker of the House. Popular election of governors and the election of lieutenant governors serving as presidents of the Senate began in 1851.

The longstanding practice of allowing two burgesses or delegates to represent each county regardless of its population ended in 1830. An 1876 constitutional amendment (which took effect in 1879) limited the Senate to a maximum of 40 members and the House of Delegates to a maximum of 100 members. The stately east and west wings of the Capitol used today by members of the House and Senate were opened in 1906.

Conclusion

The first meeting of the Virginia General Assembly in 1619 was an important beginning for the development of self-government in the New World. By means of 17th-century innovation, 18th-century revolution, and 19th-century evolution the Virginia General Assembly created an influential legislative blueprint for representative democracy. Important expansions of the Virginia electorate in 1851, 1867, and 1920 have led to an increasingly diverse legislative body. Many Virginia lawmakers have gone on to serve the nation in all three branches of government. In 1946 Sir Winston Churchill addressed a joint session of the Virginia legislature meeting at the Capitol and proclaimed "the primacy of the Virginia Assembly as the most ancient lawmaking body on the mainland of the Western Hemisphere." More details on the continuing story of the Virginia General Assembly are available from these recommended sources:

Billings, Warren M., *A Little Parliament: The Virginia General Assembly in the Seventeenth Century*. Richmond: Library of Virginia, 2004.

Dinan, John J., *The Virginia State Constitution: A Reference Guide*. Westport: Praeger Publishers, 2006. See especially the chapter on the legislature, pp. 96-115.

Leonard, Cynthia Miller, compiler, *The General Assembly of Virginia: July 30, 1619-January 1, 1978. A Bicentennial Register of Members*. Richmond: Virginia State Library, 1978. See especially the introductory essay by Jon Kukla and Louis Manarin, pp. ix-xii.

Did You Know? (continued)

"Did You Know?" appears in each issue of the *Virginia Legislative Record*. The article features important topics or interesting facts relevant to the Virginia legislature. For general questions or issue suggestions, please contact the Division at (804) 786-3591 or email mtanner@dls.virginia.gov.

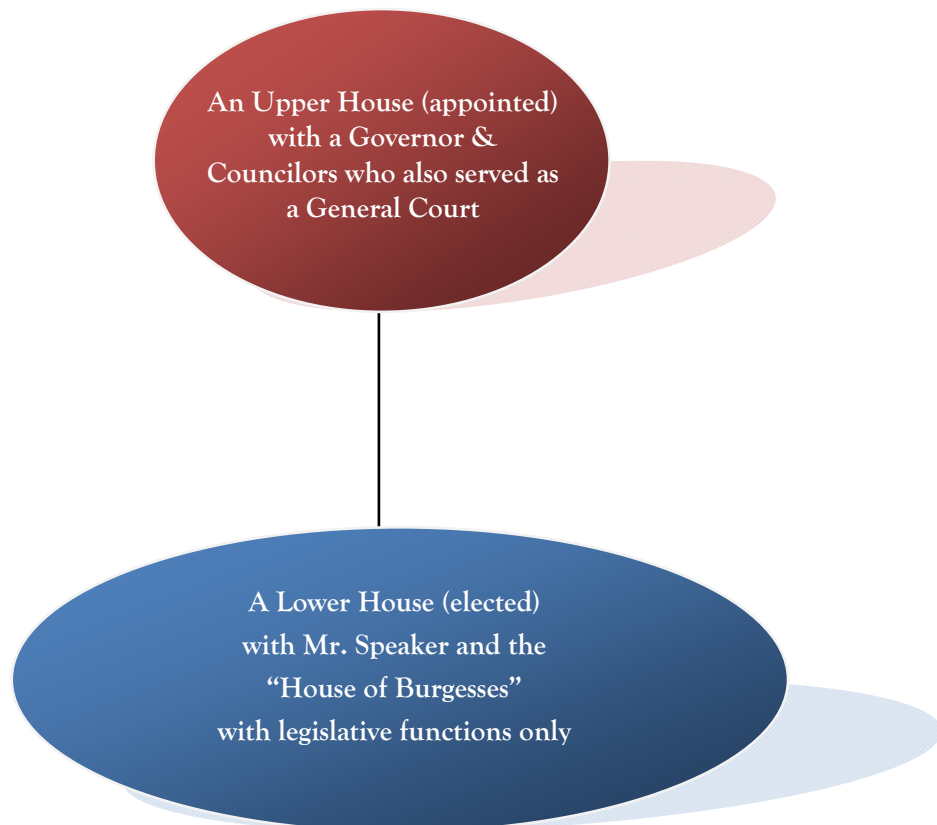
The Architecture of Self-Government: The General Assembly of Virginia

Prepared by Mark Greenough, Tour Supervisor and Historian, Virginia State Capitol, July 2011

From 1619 until 1643 the General Assembly met as one body (unicameral)



From 1643 until 1776 the General Assembly met as two bodies (bicameral)



REGULATORY ALERT

A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

The Regulatory Alert is intended to assist General Assembly members as they keep up with the myriad regulations being proposed by agencies in the Commonwealth. The goal of this project is to provide a timely, simple, and accurate summary of the rules that are being proposed by agencies, boards, and commissions. Highlighting regulations when they are published as “proposed regulations” gives General Assembly members notice that the critical public participation phase of the rulemaking process is well underway. It is during the public participation process that the questions of an Assembly member or constituent may be most effectively communicated to the agency and examined by the individuals crafting the regulatory proposal.

The Regulatory Alert is not intended to be a substitute for the comprehensive information on agency rulemaking activity that is currently published biweekly in the *Virginia Register of Regulations* or the notification services offered by the Regulatory Town Hall website maintained by the Department of Planning and Budget. It is hoped that this section of the *Virginia Legislative Record* will assist members as they monitor the development, modification, and repeal of administrative rules in the Commonwealth. Access the *Virginia Register of Regulations* online at <http://register.dls.virginia.gov> or contact epalen@dls.virginia.gov or the Code Commission staff at (804) 786-3591 for further information.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

13VAC5-21. Virginia Certification Standards (amending 13VAC5-21-51).

Notice is hereby given that the Board of Housing and Community Development has WITHDRAWN the proposed regulation entitled 13VAC5-21, Virginia Certification Standards, which was published in 27:11 VA.R. 1152-1154 January 31, 2011. The provisions will be reevaluated for the 2012 codes cycle currently underway.

For more information, please contact Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

13VAC5-95. Virginia Manufactured Home Safety Regulations (amending 13VAC5-95-10 through 13VAC5-95-60, 13VAC5-95-80, 13VAC5-95-90, 13VAC5-95-100; repealing 13VAC5-95-70).

Notice is hereby given that the Board of Housing and Community Development has WITHDRAWN the proposed regulation entitled 13VAC5-95, Virginia Manufactured Home Safety Regulations, which was published in 27:11 VA.R. 1154-1159 January 31, 2011. The provisions will be reevaluated for the 2012 codes cycle currently underway.

For more information, please contact Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Main Street Center, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

REPROPOSED REGULATION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

14VAC5-300. Rules Governing Credit for Reinsurance (amending 14VAC5-300-10, 14VAC5-300-30, 14VAC5-300-40, 14VAC5-300-60 through 14VAC5-300-160; adding 14VAC5-300-95, 14VAC5-300-170; repealing 14VAC5-300-20, 14VAC5-300-50).

A public hearing will be held upon request.

Summary:

The proposed amendments incorporate revisions made by the National Association of Insurance Commissioners (NAIC) to its Credit for Reinsurance Model Regulation. The revisions provide the State Corporation Commission with the authority to (i) certify reinsurers or to recognize the certification issued by another NAIC-accredited state; (ii) evaluate a reinsurer that applies for certification and to assign a rating based on that evaluation; (iii) require that certified reinsurers post collateral in an amount that corresponds with its assigned rating, so that a United States ceding insurer is allowed full credit for the reinsurance ceded; (iv) evaluate a non-United States jurisdiction to determine if it is a "qualified jurisdiction" or choose to defer to an NAIC list of recommended qualified jurisdictions; and (v) require ceding insurers to take steps to manage their concentration risk and to diversify their reinsurance program.

Additional revisions are proposed in response to comments received regarding the Order to Take Notice entered on April 3, 2012. These revisions are to 14VAC5-300-95 A 4 to clarify "catastrophic occurrence" and to 14VAC5-300-95 A 5 to clarify that both parties to a reinsurance contract must agree to an amendment before an existing

reinsurance contract would fall under the new certified reinsurer requirements. Revisions are also proposed to 14VAC5-300-90 E to correct a citation reference and to 14VAC5-300-150 to add language regarding (i) an assuming insurer submitting to a court of competent jurisdiction and (ii) trust agreement requirements when the trust contains insufficient funds or is insolvent.

For more information, please contact Raquel C. Pino-Moreno, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, Richmond, VA 23218, telephone (804) 371-9499, FAX (804) 371-9511, or email raquel.pino-moreno@scc.virginia.gov.

Members of the General Assembly requesting multiple copies of Division of Legislative Services publications should email mtanner@dls.virginia.gov.



Division of Legislative Services

*201 North 9th Street, 2nd Floor
Richmond, Virginia 23219
(804) 786-3591*

© 2012 Division of Legislative Services
Published in Richmond, Virginia
by the Division of Legislative Services,
an agency of the General Assembly of Virginia.

Division of Legislative Services
201 North 9th Street, 2nd Floor
Richmond, Virginia 23219

