



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

RICHMOND

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TO STONEY BROOKE -

I write this update at the half-way point in our "short" 46 day winter session. Over a three week period, the House of Delegates reviewed about 1500 bills. Under a new rule in the House, Members are limited to introducing 15 bills the "short" year. Eleven of my bills passed the House and are now on their way to a Senate committee hearing, and, hopefully, passage by the Senate.

By late last week, full attention turned to the Commonwealth's serious budget shortfall. On Thursday, the House took action on Governor Kaine's proposed reductions in last year's two-year budget, restoring many of the cuts by borrowing money. The Governor's proposal included whacks to K-12 education, higher education, health care, many other less visible but important programs. And, unlike the federal government, no pay increases were included whatsoever for Virginia employees. The Governor also proposed doubling the cigarette tax from 30 to 60 cents a pack, which, despite the increase, would have still left Virginia's tax significantly below the national average. This being Virginia, however, the proposal was easily defeated in committee in both the House and Senate. Instead, the House Republican leadership decided to raid the Water Quality Improvement Fund for roughly the same amount. After the Leadership beat back a Democratic effort to leave the Fund alone, it turned out that Fund balances are not available regardless because almost all of it is contractually committed to ongoing projects, many of which are intended to clean up the Chesapeake Bay. Due largely to this sleight of hand, I voted against the budget.

On the Senate side, a resolution was passed to delay voting on the budget until February 18, in hopes that it will then be clear how much money Virginia will be getting from the recently passed federal stimulus bill. The choice to delay action has proven to be wise-- the federal stimulus package has enough eligible money in it to prevent the most drastic cuts. One thing is crystal clear: whenever you hear someone say that Virginia doesn't "have a revenue problem, we have a spending problem" you can rest assured that we are not wasting your money on frivolous expenditures. Even the *uber* conservatives that run the House restored Governor Kaine's proposed cuts to hospitals, nursing homes, doctors, and to families with disabled children. Our Medicaid program, about 16 percent

of the budget, is ranked 48th in the country. It is very difficult to cut social services and health care further.

Moving away from the budget, in a historic and surprising move, the Speaker of the House and the Governor joined together, putting forward a plan to ban smoking in restaurants, with a few reasonable caveats for private clubs, separately ventilated rooms, and cigar bars. Unfortunately, this sensible step turned out to be very controversial in the Speaker's own House Republican Caucus, resulting in several weakening amendments being tacked on to the bill. The changes were approved by rural and "conservative" Members over the objection of suburban Member's, and presumably, over the Speaker's objections as well (these were not recorded votes). In the end, the weakened bill passed with 39 Democrats and 22 Republicans in support. Most observers believe that as it moves through the Senate, the final bill will turn out much more like the original agreed-to bill than the one that passed the House, so stay tuned.

Another very emotional issue before the General Assembly was a sincere attempt to mandate that small businesses, if they provide health care insurance to their employees, must also cover habilitative therapies for autistic children up to \$36,000 per year. These services are desperately needed, but not currently covered under the health insurance umbrella. It is important to know that over half of our neighbors are not subject to state insurance regulation because they work for large self-insured organizations regulated solely under federal law (ERISA). With fewer small employers providing health insurance at all (only 48 percent now do), it is a very bad time to add an expensive mandate. While intense autism therapies are desperately needed at the earliest time in a child's life, we do not provide these services to our own state employees, nor do we provide a similar benefit to low income people through Medicaid. It would be hypocritical for us to place this mandate on small business while not providing a similar benefit our own Virginia employees. Finally, under a new federal law, the \$36,000 annual cap is also unenforceable due to "mental health parity." Under this law, if you provide insurance for mental health services, you must treat it like any other illness. I expect that the General Assembly will be looking for a more holistic approach to this issue that treats families from all walks of life equally in providing these needed services.

HB 2444 is the most important bill I submitted this session. It reforms how research money is distributed to university researchers and/or high technology companies when working with a university, or after receiving a federal research grant. It is intended to help retain and attract the best scientists to the Commonwealth. It also allows funds to be used as security guarantees for development of specialized research facilities. In the bioscience area, the bill will hopefully result in the development of much needed "wet lab" space in Northern Virginia. The bill was a recommendation of the Joint Subcommittee on Bioscience and Biotechnology in Virginia, which I chaired.

Although the Subcommittee was focused on the lifespan biology, the bill covers research on energy, conservation, and microelectronics as well. Amendments to prevent embryonic stem cell research in Virginia were added to the bill on the floor even though the bill does not spend new money and simply changes the way existing money is

distributed. A similar Senate bill does not include this language. I also co-patroned HB 2455, a second Bioscience Subcommittee bill to better link university-related research and the angel investor community. In the future, at least half of the existing tax credit will have go to start up companies that are working in tandem with a university or university patent foundation.

I have attached a list of my bills and how they have fared so far this year. The session passes very quickly and there will be many developments over the next couple of weeks. We are scheduled to finish on February 28, and I think we may make it out on time. Six weeks later in April, we will return for the “reconvened session” or “veto session” to consider Governor Kaine’s legislative recommendations and vetoes. There are several issues that may not be resolved for the year until that day. If you would like me to give a report to your homeowner’s or citizen’s association, please do not hesitate to contact me at delmsickles@house.virginia.gov or by calling (804) 698-1043 during session or later in Franconia at (703) 922-6440. I look forward to hearing from you.

Regards,

A handwritten signature in black ink, appearing to read "Mark", written in a cursive style.

Mark D. Sickles

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Legislation as Chief Patron for 2009:

- HB 2444 Bioscience and technology-related development; Economic Development Partnership promote biosciences. *
- HB 2445 Stock and Nonstock Corporation Acts; conforms provisions and makes technical amendments. *
- HB 2446 Motor fuels and lubricating oils; updates referenced standard for testing thereof. **
- HB 2447 Influenza vaccination; requires Board of Health to develop and issue guidelines for administration. *
- HB 2448 License plates, special; issuance to supporters of D.C. United soccer team. *
- HB 2449 Infectious disease; establishes deemed consent to test for HIV & hepatitis B & C and release result. *
- HB 2450 Elections; repeal special provision that provided additional time for printing presidential ballots. *
- HB 2451 Certificate of public need; applications for increase in psychiatric treatment beds. *
- HB 2452 Prescription information; confidentiality. *
- HB 2453 Electronic prescribing; Secretary of Health and Human Services, etc. to establish a website. *
- HB 2454 Uniform Commercial Code; financing statements. *
- HB 2488 Common Interest Community Board; clarifies powers and duties, technical changes. **
- HB 2529 National Defense Industrial Authority; adds Secretary of Commerce and Trade to board of directors. **
- HB 2655 Accident and sickness claim proceeds; provider services rendered outside of State. **
- HB 2670 Common Interest Community Board; increases filing fee for persons to register written complaints. **

Bill limit counts: prefiled 10 not prefiled 5 total 15