

financial assistance under Chapters 7 and 8 of the Acts of 2004 shall be received by the Department of Housing and Community Development by September 30, 2005, and may be considered for financial assistance through May 31, 2006.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 19, 2005

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 790 - *Fair Share Health Care Fund Act*.

In an era where providing affordable access to health care is one of the toughest problems to ever face this country, this legislation does little to address the issues of access to, or affordability of, health care. Instead, Senate Bill 790 lays attack on successful businesses, simply because they are successful.

Senate Bill 790 imposes an assessment on certain employers based on the provision of health insurance. The revenues collected from the assessment would be deposited in the newly created Fair Share Health Care Fund in the Department of Health and Mental Hygiene to be used only to support the operations of the Medical and Pharmacy Assistance Program. In fact, Senate Bill 790 imposes an arbitrary tax on employers with 10,000 or more full and part-time employees in the State. If the employer does not spend at least 6% of total wages for a nonprofit employer or 8% of total wages for a for-profit employer on health insurance costs, the employer is required to pay an amount equal to the difference between what the employer spends on health insurance and the required percentage of total wages.

Nationwide, there is a growing number of programs that show the promise of curbing the cost of health care, including consumer driven health care plans and Health Savings Accounts. However, Senate Bill 790 is bad policy because it imposes an arbitrary number on employers and health care and further establishes that a State will dictate to businesses the type and level of health insurance they must provide for their employees. Maryland, or any state, should not be in the "business" of micromanaging an employer's payroll. Additionally, the good faith efforts of employers who provide health benefits for their employees go unrecognized. One company affected by the legislation testified at the hearing that it was approaching the 8% threshold, yet it provides a very generous benefits package.

I recognize there is a movement that is sweeping the country mandating certain employers to "play or pay." Again, I advise every employer in the State: it may not