

The body of House Bill 1563 creates a task force to study health networks and recommend a regulatory scheme to facilitate their development. However, the title suggests that the bill creates a health network regulatory program, requires employers to provide health insurance, makes other changes to the regulation of health benefit plans, and has an delayed effective date. Although the Attorney General does not find this title defect clearly unconstitutional, it is his view that "the surplusage in HB 1563 is sufficiently egregious to present that risk." (Attorney General Bill Review Letter May 19, 1994.)

House Bill 1563 also fails to provide an appointment procedure for 6 of 17 members of the Task Force. These members include the representatives of the Health Resources Planning, the Health Services Cost Review and the Health Care Access and Cost Commissions.

Additionally, the legislation requires that the Task Force membership reflect the gender, racial, and geographic makeup of the population of the State. As a practical matter, this would be outside the Administration's control, since the Governor's appointment authority is limited to 3 of 17 members and the designation of a chairman. All other members are either appointed by the President of the Senate or Speaker of the House, or are members of the task force by virtue of their office or membership in designated groups. And therefore, it is unclear who is responsible for ensuring the diversity in membership.

Because the policy concerns and goals addressed in House Bill 1563 must remain a high priority for the State, I plan to issue an Executive Order establishing the Governor's Task Force on Community Health Networks. The Executive Order will address my procedural concerns and highlight our common policy objectives.

For these reasons, I have vetoed House Bill 1563.

Sincerely,
William Donald Schaefer
Governor

May 19, 1994

The Honorable William Donald Schaefer
Governor of Maryland
State House
Annapolis, Maryland 21401

Re: House Bill 1563

Dear Governor Schaefer:

We have reviewed House Bill 1563 for constitutionality and legal sufficiency. We have serious reservations about whether the title of this bill meets the requirements of Maryland Constitution, Article III, § 29. However, because the provisions of this bill could be implemented in their entirety by Executive Order even if the bill were not signed, and because no case in Maryland has found a title violation in this circumstance, we do not find that the bill is so clearly unconstitutional that we would recommend veto. Nevertheless, if the bill is to be signed, we would recommend that the bill be included in the curative bill in the next session.