

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 287

To amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3 (legislative day, JANUARY 5), 1993

Mr. AKAKA (for himself and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PREEMPTION OF HAWAII PREPAID HEALTH**  
4 **CARE ACT.**

5 Section 514(b)(5) of the Employee Retirement In-  
6 come Security Act of 1974 (29 U.S.C. 1144(b)(5)) is  
7 amended to read as follows:

8 “(5)(A) Except as provided in subparagraphs  
9 (B) and (C), subsection (a) shall not apply to the

1 Hawaii Prepaid Health Care Act (Haw. Rev. Stat.  
2 §§ 393–1 through 393–51).

3 “(B) Nothing in subparagraph (A) shall be con-  
4 strued to exempt from subsection (a) any State tax  
5 law relating to employee benefits plans.

6 “(C) If the Secretary of Labor notifies the Gov-  
7 ernor of the State of Hawaii that as the result of  
8 an amendment to the Hawaii Prepaid Health Care  
9 Act enacted after the date of the enactment of this  
10 paragraph—

11 “(i) the proportion of the population with  
12 health care coverage under such Act is less than  
13 such proportion on such date, or

14 “(ii) the level of benefit coverage provided  
15 under such Act is less than the actuarial equiv-  
16 alent of such level of coverage on such date,

17 subparagraph (A) shall not apply with respect to the  
18 application of such amendment to such Act after the  
19 date of such notification.”.

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