

104TH CONGRESS
1ST SESSION

S. 266

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 10), 1995

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

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 Chapter 393, as amended) or any insurance law of
3 the State.

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

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

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

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

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

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