

House Resolution 1409

By: Representatives Hawkins of the 27th, Newton of the 123rd, Knight of the 130th, Mathiak of the 73rd, Silcox of the 52nd, and others

A RESOLUTION

1 Urging Congress to repeal the Employee Retirement Income Security Act of 1974 or amend
2 it to allow states to impose stricter requirements; and for other purposes.

3 WHEREAS, Congress enacted the Employee Retirement Income Security Act of 1974
4 (ERISA) to prevent recurring pension plan abuses and to impose nationally uniform
5 standards; and

6 WHEREAS, as an afterthought, Congress included health and welfare benefit plans within
7 a regulatory structure designed to protect pensions; and

8 WHEREAS, the law has had a far more dramatic impact on health policy beyond what
9 Congress ever contemplated; and

10 WHEREAS, ERISA regulates most of the private insurance market, specifically health plans
11 that employers directly obtain for their employees, and requires these "self-insured" plans
12 to be regulated only at the federal level; and

13 WHEREAS, other private insurance plans are subject to state insurance regulation; and

14 WHEREAS, ERISA pushes aside state regulation of these plans and it has impeded each
15 state's ability to have more authority over health policy in its own state; and

16 WHEREAS, the federal courts had been complicit in extending ERISA's reach by broadly
17 interpreting its preemption of state laws or regulations that relate to employer provided health
18 insurance plans; and

19 WHEREAS, states' efforts to enact legislation to control health care costs and to provide
20 consumer protections are largely ineffective with respect to ERISA covered plans and leave

21 the states' citizens unprotected from various unfair practices in the provision of health care
22 services and coverage.

23 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
24 this body urges Congress to repeal the Employee Retirement Income Security Act of 1974
25 or amend it to allow states to impose stricter requirements.

26 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
27 and directed to make appropriate copies of this resolution available for distribution to the
28 President of the United States Senate, to the Speaker of the United States House of
29 Representatives, and to each member of the Congressional delegation from this state.