

1988

SESSION RESOLUTIONS

ENROLLED AND DEPOSITED WITH THE SECRETARY OF STATE

RESOLUTION 11—H.F.No. 1189

A resolution memorializing the United States Congress to amend the Employment Retirement Security Act to permit the direct regulation of self-insured health care plans.

WHEREAS, most Americans receive health care coverage through employment-based health benefits, either as employees, employees' family members, or retirees; and

WHEREAS, the great importance of health care coverage for Americans requires regulatory oversight to protect consumers, ensure adequacy of coverage, promote access to coverage, and promote equitable competition; and

WHEREAS, the states have long held primary responsibility for overseeing health care coverage, a responsibility they exercise through regulating the business of health plan companies, including health insurance companies and health maintenance organizations; and

WHEREAS, the Employee Retirement Income Security Act of 1974, or ERISA, permits the states to regulate the business of health plan companies, but prohibits the states from directly regulating self-insured health plans; and

WHEREAS, a large and increasing number of employers self-insure their employee health benefits, and so are not subject to direct oversight by the states for purposes of ensuring adequacy of coverage, promoting access to coverage, and promoting competition; and

WHEREAS, inequities detrimental to consumer protection and competition arise in the market for health plans because self-insured health benefits programs are not subject to the states' oversight and standards, unlike health benefits programs that purchase coverage from a health plan company; and

WHEREAS, a large and increasing number of Americans receive inadequate or no health care coverage even though they are employed, but ERISA prohibits

the states from establishing requirements or tax incentives directly affecting employers that are intended to ensure adequate coverage or promote access to coverage; and

WHEREAS, in 1982 the United States Congress amended ERISA to allow Hawaii to continue its Prepaid Health Care Act, which requires most employers in Hawaii to provide health benefits, thereby demonstrating Congressional willingness to grant limited exemptions from ERISA to certain states in order to ensure adequacy of coverage or promote access to coverage; and

WHEREAS, the State of Minnesota could better discharge its responsibility for overseeing health care coverage if it were possible to obtain a limited exemption from ERISA allowing the state to establish requirements or tax incentives directly affecting employers that are intended to protect consumers, ensure adequate coverage, promote access to coverage, or promote competition; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that the United States Congress should amend the Employee Retirement Income Security Act of 1974, or ERISA, to establish standards or procedures whereby a state can obtain a limited exemption from the ERISA provisions that prohibit the states from regulating employment-based health benefits directly, so that the state could establish requirements or tax incentives directly affecting employers and employment-based health benefits that are intended to protect consumers, ensure adequate coverage, promote access to coverage, or promote competition.

BE IT FURTHER RESOLVED that such an exemption shall not apply to collectively bargained health and welfare plans without an affirmative action by the Minnesota Legislature.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this resolution and present them to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress.

Filed April 6, 1988

RESOLUTION 12—H.F.No. 2735

A resolution memorializing the President to immediately direct the Secretary of Agriculture to halt the forced movement of Farmer-Owned Reserve grains to commercial warehouses.

WHEREAS, substantial quantities of feed grains are held on Minnesota farms under Commodity Credit Corporation's Farmer-Owned Reserve program; and

New language is indicated by underline, deletions by ~~strikeout~~.