



# AMERICAN BENEFITS COUNCIL

## STATE LAW PROJECT

The American Benefits Council, representing the nation's largest employer sponsors of employee benefit plans, has established the *State Law Project* to address the growing trend of states and municipalities enacting measures that affect employers' sponsorship and administration of health, retirement and paid leave programs. **The Council's central focus for over four decades has been the protection and promotion of the federal framework prescribed by the Employee Retirement Income Security Act of 1974 (ERISA).** That uniform structure is essential to enable large multi-state employers to provide consistent benefits to workers, retirees and families regardless of where they live or work. ERISA's enactment was the product of bipartisan cooperation and support for the law's premise of "federal rules for federal plans" has guided its application for nearly 45 years. This is vital for the Council, whose members include over 220 of the nation's largest private-sector companies.

With growing frequency, individual states – and municipalities within states – have enacted laws imposing requirements on employer plan sponsors that operate nationwide. These include not only mandates to provide certain levels of health or retirement benefits or paid leave, or to meet various reporting requirements, but also rules relating to privacy and fiduciary responsibilities that may affect employee benefit plans, even if they are not intended to do so.

The Council believes that federal and state governments both have legitimate interests in the well-being of their citizens. Properly structured, state actions may help close the gap for those

### OUR NATIONAL CO-CHAIRS



Lynn Jenkins

Earl Pomeroy

The State Law Project is co-chaired by former Rep. Lynn Jenkins (R-KS) and former Rep. Earl Pomeroy (D-ND). Prior to their service in the U.S. House of Representatives where they served on the Ways & Means Committee and were leaders on employee benefits matters, they held senior roles in state government. Jenkins was Kansas State Treasurer and Pomeroy was North Dakota Insurance Commissioner.

lacking benefit protections. Therefore, the *State Law Project* is not intended to unilaterally preclude states from acting. Rather, its purpose is to ensure that actions either by the federal government to grant authority to states, or state-initiated activity, does not intentionally or inadvertently impede the design and operation of employer-sponsored benefit plans by companies operating in multiple jurisdictions.

For several years the Council has intervened with states and localities under the auspices of our Center on State Initiatives. The *State Law Project* enhances that effort several ways including partnering with our members and others that conduct state-level legislative advocacy. The *State Law Project* has several interconnected components including:

- Strengthening ERISA's framework wherever it is threatened in Congress or by federal regulatory agency action.
- Educating state executive branch officials and legislators about the importance of uniform federal rules to govern the employee benefit and paid leave programs for national employers.
- Intervening in court cases at the federal or state level, either as a 'friend of the court' or litigant.
- Informing opinion leaders and the public about the comprehensive employer-sponsored benefits system exemplified by the Council's major national employer membership.



As gridlock in Washington has increased and federal legislation governing employee benefits has stalled, many states have enacted measures to address benefits coverage and related matters. Many of these state laws impose new mandates on employers, despite the federal uniformity standard established by ERISA. The Council addresses multi-state employer concerns about these mandates and the potential for disruption to their benefits programs. Information and analysis of state laws that may affect employers and possible federal solutions is found at [www.americanbenefitscouncil.org/csi](http://www.americanbenefitscouncil.org/csi).