

HOUSE BILL No. 1198

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-8.2.

Synopsis: Health insurance for a legislator's surviving spouse. Removes the length of service requirement for health insurance eligibility for the surviving spouse and eligible dependents of a legislator who dies in office.

Effective: Upon passage.

Kromkowski

January 13, 2004, read first time and referred to Committee on Appointments and Claims.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1198



A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-8-8.2, AS ADDED BY P.L.13-2001,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 8.2. (a) As used in this section, "former
4 legislator" means a former member of the general assembly.
5 (b) As used in this section, "dependent" means an unmarried person
6 who:
7 (1) is:
8 (A) a dependent child, stepchild, foster child, or adopted child
9 of a former legislator or spouse of a former legislator; or
10 (B) a child who resides in the home of a former legislator or
11 spouse of a former legislator who has been appointed legal
12 guardian for the child; and
13 (2) is:
14 (A) less than twenty-three (23) years of age;
15 (B) at least twenty-three (23) years of age, incapable of
16 self-sustaining employment by reason of mental or physical
17 disability, and is chiefly dependent on a former legislator or



1 spouse of a former legislator for support and maintenance; or
2 (C) at least twenty-three (23) years of age and less than
3 twenty-five (25) years of age and is enrolled in and is a
4 full-time student at an accredited college or university.

5 (c) As used in this section, "spouse" means a person who is or was
6 married to a former legislator.

7 (d) After June 30, 2001, the state shall provide to a former
8 legislator:

9 (1) whose last day of service as a member of the general assembly
10 was after December 31, 2000;

11 (2) who served in all or part of at least four (4) terms of the
12 general assembly (as defined in IC 2-2.1-1-1);

13 (3) who pays an amount equal to the employee's and employer's
14 premium for the group health insurance for an active employee;
15 and

16 (4) who files a written request for insurance coverage with the
17 employer within ninety (90) days after the former legislator's:

18 (A) last day of service as a member of the general assembly;
19 or

20 (B) retirement date;

21 a group health insurance program that is equal to that offered to active
22 employees.

23 (e) Except as provided by section 8(j) of this chapter, the eligibility
24 of a former legislator to continue insurance under this section ends
25 when the former legislator becomes eligible for Medicare coverage as
26 prescribed by ~~42 U.S.C.A.~~ U.S.C. 1395 et seq. or when the employer
27 terminates the health insurance program.

28 (f) A former legislator who is eligible for insurance coverage under
29 this section may elect to have a spouse or dependent of the former
30 legislator covered under the health insurance program. A former
31 legislator who makes an election under this subsection must pay the
32 employee's and employer's premium for the group health insurance
33 program for an active employee that is attributable to the inclusion of
34 a spouse or dependent.

35 (g) A spouse or dependent may continue insurance under this
36 section after the death of the former legislator if the spouse or
37 dependent pays the amount the former legislator would have been
38 required to pay for coverage selected by the spouse or dependent.

39 (h) Except as provided under section 8(j) of this chapter, the
40 eligibility of a spouse to continue insurance under this section ends on
41 the earliest of the following:

42 (1) When the employer terminates the health insurance program.

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- 1 (2) The date of the legislative spouse's remarriage.
- 2 (3) When the required amount for coverage is not paid with
- 3 respect to the spouse.
- 4 (4) When the spouse becomes eligible for Medicare coverage as
- 5 prescribed by ~~42 U.S.C.A.~~ U.S.C. 1395 et seq.
- 6 (i) The eligibility of a dependent to continue insurance under this
- 7 section ends on the earliest of the following:
- 8 (1) When the employer terminates the health insurance program.
- 9 (2) The date the dependent no longer meets the definition of a
- 10 dependent.
- 11 (3) When the required amount for coverage is not paid with
- 12 respect to the dependent.
- 13 (j) The spouse of a deceased former legislator may elect to
- 14 participate in the group health insurance program under this section if
- 15 all of the following apply:
- 16 (1) The deceased legislator
- 17 ~~(A) died after December 31, 2000, while serving as a member~~
- 18 ~~of the general assembly. and~~
- 19 ~~(B) served in all or part of at least four (4) terms of the general~~
- 20 ~~assembly (as defined in IC 2-2.1-1-1).~~
- 21 (2) The surviving spouse files a written request for insurance
- 22 coverage with the employer.
- 23 (3) The surviving spouse pays an amount equal to the employee's
- 24 and employer's premium for the group health insurance for an
- 25 active employee, including any amount with respect to covered
- 26 dependents of the former legislator.
- 27 (k) Except as provided under section 8(j) of this chapter, the
- 28 eligibility of the surviving spouse under subsection (j) ends on the
- 29 earliest of the following:
- 30 (1) When the employer terminates the health insurance program.
- 31 (2) The date of the spouse's remarriage.
- 32 (3) When the required amount for coverage is not paid with
- 33 respect to the spouse and any covered dependent.
- 34 (4) When the surviving spouse becomes eligible for Medicare
- 35 coverage as prescribed by ~~42 U.S.C.A.~~ U.S.C. 1395 et seq.

36 SECTION 2. **An emergency is declared for this act.**

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