

SENATE BILL No. 437

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8.

Synopsis: Group health insurance for retirees. Requires local unit public employers that provide group health insurance for active public safety employees to also provide group health insurance to: (1) full-time firefighters who retired or became disabled after March 1, 1985, and before July 1, 1989; and (2) surviving spouses and dependents of full-time firefighters who died after March 1, 1985, and before July 1, 1989, while in active service or after retirement.

Effective: Upon passage.

Mrvan, Craycraft

January 13, 2005, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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SENATE BILL No. 437



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-10-8-2.2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. (a) As used in
- 3 this section, "dependent" means a natural child, stepchild, or adopted
- 4 child of a public safety employee who:
 - 5 (1) is less than eighteen (18) years of age;
 - 6 (2) is eighteen (18) years of age or older and physically or
 - 7 mentally disabled (using disability guidelines established by the
 - 8 Social Security Administration); or
 - 9 (3) is at least eighteen (18) and less than twenty-three (23) years
 - 10 of age and is enrolled in and regularly attending a secondary
 - 11 school or is a full-time student at an accredited college or
 - 12 university.
 - 13 (b) As used in this section, "public safety employee" means a
 - 14 full-time firefighter, police officer, county police officer, or sheriff.
 - 15 (c) This section applies only to local unit public employers and their
 - 16 public safety employees.
 - 17 (d) A local unit public employer may provide programs of group



1 health insurance for its active and retired public safety employees
2 through one (1) of the following methods:

- 3 (1) By purchasing policies of group insurance.
- 4 (2) By establishing self-insurance programs.
- 5 (3) By electing to participate in the local unit group of local units
- 6 that offer the state employee health plan under section 6.6 of this
- 7 chapter.

8 A local unit public employer may provide programs of group insurance
9 other than group health insurance for the local unit public employer's
10 active and retired public safety employees by purchasing policies of
11 group insurance and by establishing self-insurance programs. However,
12 the establishment of a self-insurance program is subject to the approval
13 of the unit's fiscal body.

14 (e) A local unit public employer may pay a part of the cost of group
15 insurance for its active and retired public safety employees. However,
16 a local unit public employer that provides group life insurance for its
17 active and retired public safety employees shall pay a part of the cost
18 of that insurance.

19 (f) A local unit public employer may not cancel an insurance
20 contract under this section during the policy term of the contract.

21 (g) **Subject to section 2.3 of this chapter**, after June 30, 1989, a
22 local unit public employer that provides a group health insurance
23 program for its active public safety employees shall also provide a
24 group health insurance program to the following persons:

- 25 (1) Retired public safety employees.
- 26 (2) Public safety employees who are receiving disability benefits
- 27 under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- 28 (3) Surviving spouses and dependents of public safety employees
- 29 who die while in active service or after retirement.

30 (h) A retired or disabled public safety employee who is eligible for
31 group health insurance coverage under subsection (g)(1) or (g)(2) **or**
32 **section 2.3(1) of this chapter:**

- 33 (1) may elect to have the person's spouse, dependents, or spouse
- 34 and dependents covered under the group health insurance
- 35 program at the time the person retires or becomes disabled;
- 36 (2) must file a written request for insurance coverage with the
- 37 employer within ninety (90) days after the person retires or begins
- 38 receiving disability benefits; and
- 39 (3) must pay an amount equal to the total of the employer's and
- 40 the employee's premiums for the group health insurance for an
- 41 active public safety employee (however, the employer may elect
- 42 to pay any part of the person's premiums).

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- 1 (i) Except as provided in IC 36-8-6-9.7(f), IC 36-8-6-10.1(h),
- 2 IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h),
- 3 IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), ~~IC 36-8-8-14.1(h)~~;
- 4 **IC 36-8-8-14.1(h)**, and IC 36-8-10-16.5 for a surviving spouse or
- 5 dependent of a public safety employee who dies in the line of duty, a
- 6 surviving spouse or dependent who is eligible for group health
- 7 insurance under subsection (g)(3) **or section 2.3(2) of this chapter:**
- 8 (1) may elect to continue coverage under the group health
- 9 insurance program after the death of the public safety employee;
- 10 (2) must file a written request for insurance coverage with the
- 11 employer within ninety (90) days after the death of the public
- 12 safety employee; and
- 13 (3) must pay the amount that the public safety employee would
- 14 have been required to pay under this section for coverage selected
- 15 by the surviving spouse or dependent. However, the employer
- 16 may elect to pay any part of the surviving spouse's or dependents'
- 17 premiums.
- 18 (j) A retired or disabled public safety employee's eligibility for
- 19 group health insurance under this section ends on the earlier of the
- 20 following:
- 21 (1) When the public safety employee becomes eligible for
- 22 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- 23 (2) When the employer terminates the health insurance program
- 24 for active public safety employees.
- 25 (k) A surviving spouse's eligibility for group health insurance under
- 26 this section ends on the earliest of the following:
- 27 (1) When the surviving spouse becomes eligible for Medicare
- 28 coverage as prescribed by 42 U.S.C. 1395 et seq.
- 29 (2) When the unit providing the insurance terminates the health
- 30 insurance program for active public safety employees.
- 31 (3) The date of the surviving spouse's remarriage.
- 32 (4) When health insurance becomes available to the surviving
- 33 spouse through employment.
- 34 (l) A dependent's eligibility for group health insurance under this
- 35 section ends on the earliest of the following:
- 36 (1) When the dependent becomes eligible for Medicare coverage
- 37 as prescribed by 42 U.S.C. 1395 et seq.
- 38 (2) When the unit providing the insurance terminates the health
- 39 insurance program for active public safety employees.
- 40 (3) When the dependent no longer meets the criteria set forth in
- 41 subsection (a).
- 42 (4) When health insurance becomes available to the dependent

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1 through employment.

2 (m) A public safety employee who is on leave without pay is entitled
3 to participate for ninety (90) days in any group health insurance
4 program maintained by the local unit public employer for active public
5 safety employees if the public safety employee pays an amount equal
6 to the total of the employer's and the employee's premiums for the
7 insurance. However, the employer may pay all or part of the employer's
8 premium for the insurance.

9 (n) A local unit public employer may provide group health
10 insurance for retired public safety employees or their spouses not
11 covered by subsections (g) through (l) **or section 2.3 of this chapter**
12 and may provide group health insurance that contains provisions more
13 favorable to retired public safety employees and their spouses than
14 required by subsections (g) through (l) **and section 2.3 of this chapter**.
15 A local unit public employer may provide group health insurance to a
16 public safety employee who is on leave without pay for a longer period
17 than required by subsection (m), and may continue to pay all or a part
18 of the employer's premium for the insurance while the employee is on
19 leave without pay.

20 SECTION 2. IC 5-10-8-2.3 IS ADDED TO THE INDIANA CODE
21 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
22 **UPON PASSAGE]: Sec. 2.3. After June 30, 2005, in addition to a**
23 **group health insurance program required by section 2.2 of this**
24 **chapter, a local unit public employer that provides a group health**
25 **insurance program for its active public safety employees under**
26 **section 2.2 of this chapter shall also provide a group health**
27 **insurance program under section 2.2 of this chapter to the**
28 **following:**

29 (1) **Full-time firefighters who, after March 1, 1985, and before**
30 **July 1, 1989:**

31 (A) **retired; or**

32 (B) **began receiving disability benefits under IC 36-8-7 or**
33 **IC 36-8-8.**

34 (2) **Surviving spouses and dependents of full-time firefighters**
35 **who died:**

36 (A) **after March 1, 1985, and before July 1, 1989; and**

37 (B) **while in active service or after retirement.**

38 SECTION 3. **An emergency is declared for this act.**

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