
HOUSE BILL No. 1760

DIGEST OF INTRODUCED BILL

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

Synopsis: Retired legislator health care benefits. Provides that, for a member of the house of representatives whose last day of service is after June 30, 2007, the speaker of the house of representatives may not elect to pay any part of the health insurance premium of the former member or the spouse or dependent of the former member.

Effective: July 1, 2007.

Bosma, Davis, Harris T

January 26, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

C
O
P
Y



Introduced

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1760

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, AS AMENDED BY P.L.178-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 8. (a) This section applies only to the state and
4 employees who are not covered by a plan established under section 6
5 of this chapter.
6 (b) After June 30, 1986, the state shall provide a group health
7 insurance plan to each retired employee:
8 (1) whose retirement date is:
9 (A) after June 29, 1986, for a retired employee who was a
10 member of the field examiners' retirement fund;
11 (B) after May 31, 1986, for a retired employee who was a
12 member of the Indiana state teachers' retirement fund; or
13 (C) after June 30, 1986, for a retired employee not covered by
14 clause (A) or (B);
15 (2) who will have reached fifty-five (55) years of age on or before
16 the employee's retirement date but who will not be eligible on that
17 date for Medicare coverage as prescribed by 42 U.S.C. 1395 et



1 seq.; and
 2 (3) who:
 3 (A) for an employee who retires before January 1, 2007, will
 4 have completed:
 5 (i) twenty (20) years of creditable employment with a public
 6 employer on or before the employee's retirement date, ten
 7 (10) years of which shall have been completed immediately
 8 preceding the retirement; and
 9 (ii) at least fifteen (15) years of participation in the
 10 retirement plan of which the employee is a member on or
 11 before the employee's retirement date; or
 12 (B) for an employee who retires after December 31, 2006, will
 13 have completed fifteen (15) years of creditable employment
 14 with a public employer on or before the employee's retirement
 15 date, ten (10) years of which shall have been completed
 16 immediately preceding the retirement.
 17 (c) The state shall provide a group health insurance program to each
 18 retired employee:
 19 (1) who is a retired judge;
 20 (2) whose retirement date is after June 30, 1990;
 21 (3) who is at least sixty-two (62) years of age;
 22 (4) who is not eligible for Medicare coverage as prescribed by 42
 23 U.S.C. 1395 et seq.; and
 24 (5) who has at least eight (8) years of service credit as a
 25 participant in the Indiana judges' retirement fund, with at least
 26 eight (8) years of that service credit completed immediately
 27 preceding the judge's retirement.
 28 (d) The state shall provide a group health insurance program to each
 29 retired employee:
 30 (1) who is a retired participant under the prosecuting attorneys
 31 retirement fund;
 32 (2) whose retirement date is after January 1, 1990;
 33 (3) who is at least sixty-two (62) years of age;
 34 (4) who is not eligible for Medicare coverage as prescribed by 42
 35 U.S.C. 1395 et seq.; and
 36 (5) who has at least ten (10) years of service credit as a participant
 37 in the prosecuting attorneys retirement fund, with at least ten (10)
 38 years of that service credit completed immediately preceding the
 39 participant's retirement.
 40 (e) The state shall make available a group health insurance program
 41 to each former member of the general assembly or surviving spouse of
 42 each former member, if the former member:

COPY



- 1 (1) is no longer a member of the general assembly;
- 2 (2) is not eligible for Medicare coverage as prescribed by 42
- 3 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the
- 4 surviving spouse is not eligible for Medicare coverage as
- 5 prescribed by 42 U.S.C. 1395 et seq.; and
- 6 (3) has at least ten (10) years of service credit as a member in the
- 7 general assembly.

8 A former member or surviving spouse of a former member who obtains
 9 insurance under this section is responsible for paying both the
 10 employer and the employee share of the cost of the coverage.

11 (f) The group health insurance program required under subsections
 12 (b) through (e) and subsection (k) must be equal to that offered active
 13 employees. The retired employee may participate in the group health
 14 insurance program if the retired employee pays an amount equal to the
 15 employer's and the employee's premium for the group health insurance
 16 for an active employee and if the retired employee within ninety (90)
 17 days after the employee's retirement date files a written request for
 18 insurance coverage with the employer. ~~However,~~ **Except as provided**
 19 **in subsection (l),** the employer may elect to pay any part of the retired
 20 employee's premium with respect to insurance coverage under this
 21 chapter.

22 (g) Except as provided in subsection (j), a retired employee's
 23 eligibility to continue insurance under this section ends when the
 24 employee becomes eligible for Medicare coverage as prescribed by 42
 25 U.S.C. 1395 et seq., or when the employer terminates the health
 26 insurance program. A retired employee who is eligible for insurance
 27 coverage under this section may elect to have the employee's spouse
 28 covered under the health insurance program at the time the employee
 29 retires. If a retired employee's spouse pays the amount the retired
 30 employee would have been required to pay for coverage selected by the
 31 spouse, the spouse's subsequent eligibility to continue insurance under
 32 this section is not affected by the death of the retired employee. The
 33 surviving spouse's eligibility ends on the earliest of the following:

- 34 (1) When the spouse becomes eligible for Medicare coverage as
- 35 prescribed by 42 U.S.C. 1395 et seq.
- 36 (2) When the employer terminates the health insurance program.
- 37 (3) Two (2) years after the date of the employee's death.
- 38 (4) The date of the spouse's remarriage.

39 (h) This subsection does not apply to an employee who is entitled
 40 to group insurance coverage under IC 20-28-10-2(b). An employee
 41 who is on leave without pay is entitled to participate for ninety (90)
 42 days in any health insurance program maintained by the employer for

COPY



1 active employees if the employee pays an amount equal to the total of
2 the employer's and the employee's premiums for the insurance.

3 (i) An employer may provide group health insurance for retired
4 employees or their spouses not covered by this section and may provide
5 group health insurance that contains provisions more favorable to
6 retired employees and their spouses than required by this section. A
7 public employer may provide group health insurance to an employee
8 who is on leave without pay for a longer period than required by
9 subsection (h).

10 (j) An employer may elect to permit former employees and their
11 spouses, including surviving spouses, to continue to participate in a
12 group health insurance program under this chapter after the former
13 employee (who is otherwise qualified under this chapter to participate
14 in a group insurance program) or spouse has become eligible for
15 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. An
16 employer who makes an election under this section may require a
17 person who continues coverage under this subsection to participate in
18 a retiree health benefit plan developed under section 8.3 of this chapter.

19 (k) The state shall provide a group health insurance program to each
20 retired employee:

21 (1) who was employed as a teacher in a state institution under:

22 (A) IC 11-10-5;

23 (B) IC 12-24-3;

24 (C) IC 16-33-3;

25 (D) IC 16-33-4;

26 (E) IC 20-21-2-1; or

27 (F) IC 20-22-2-1;

28 (2) who is at least fifty-five (55) years of age on or before the
29 employee's retirement date;

30 (3) who is not eligible for Medicare coverage as prescribed by 42
31 U.S.C. 1395 et seq.; and

32 (4) who:

33 (A) has at least fifteen (15) years of service credit as a
34 participant in the retirement fund of which the employee is a
35 member on or before the employee's retirement date; or

36 (B) completes at least ten (10) years of service credit as a
37 participant in the retirement fund of which the employee is a
38 member immediately before the employee's retirement.

39 **(l) This subsection applies to a member of the house of**
40 **representatives whose last day of service is after June 30, 2007. The**
41 **speaker of the house of representatives may not elect to pay any**
42 **part of the premium for insurance coverage under this chapter**

C
O
P
Y



1 **with respect to a former member of the house of representatives or**
2 **the spouse or dependent of a former member of the house of**
3 **representatives.**

C
O
P
Y

