

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 76 be amended to read as follows:

- 1 Page 2, between lines 16 and 17, begin a new paragraph and insert:
2 "SECTION 2. IC 5-10-8-8, AS AMENDED BY P.L.43-2007,
3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2011 (RETROACTIVE)]: Sec. 8. (a) This section
5 applies only to the state and employees who are not covered by a plan
6 established under section 6 of this chapter.
7 (b) After June 30, 1986, the state shall provide a group health
8 insurance plan to each retired employee:
9 (1) whose retirement date is:
10 (A) after June 29, 1986, for a retired employee who was a
11 member of the field examiners' retirement fund;
12 (B) after May 31, 1986, for a retired employee who was a
13 member of the Indiana state teachers' retirement fund; or
14 (C) after June 30, 1986, for a retired employee not covered by
15 clause (A) or (B);
16 (2) who will have reached fifty-five (55) years of age on or before
17 the employee's retirement date but who will not be eligible on that
18 date for Medicare coverage as prescribed by 42 U.S.C. 1395 et
19 seq.; and
20 (3) who:
21 (A) for an employee who retires before January 1, 2007, will
22 have completed:
23 (i) twenty (20) years of creditable employment with a public

- 1 employer on or before the employee's retirement date, ten
 2 (10) years of which shall have been completed immediately
 3 preceding the retirement; and
 4 (ii) at least fifteen (15) years of participation in the
 5 retirement plan of which the employee is a member on or
 6 before the employee's retirement date; **or**
 7 (B) for an employee who retires after December 31, 2006, **and**
 8 **before January 1, 2011**, will have completed fifteen (15)
 9 years of creditable employment with a public employer on or
 10 before the employee's retirement date, ten (10) years of which
 11 shall have been completed immediately preceding the
 12 retirement; **or**
 13 **(C) for an employee who retires after December 31, 2010,**
 14 **will have completed ten (10) years of creditable**
 15 **employment with a public employer on or before the**
 16 **employee's retirement date.**
- 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:
 43 (1) is no longer a member of the general assembly;
 44 (2) is not eligible for Medicare coverage as prescribed by 42
 45 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the
 46 surviving spouse is not eligible for Medicare coverage as

1 prescribed by 42 U.S.C. 1395 et seq.; and
2 (3) has at least ten (10) years of service credit as a member in the
3 general assembly.

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

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

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

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

35 (h) This subsection does not apply to an employee who is entitled
36 to group insurance coverage under IC 20-28-10-2(b). An employee
37 who is on leave without pay is entitled to participate for ninety (90)
38 days in any health insurance program maintained by the employer for
39 active employees if the employee pays an amount equal to the total of
40 the employer's and the employee's premiums for the insurance.

41 (i) An employer may provide group health insurance for retired
42 employees or their spouses not covered by this section and may provide
43 group health insurance that contains provisions more favorable to
44 retired employees and their spouses than required by this section. A
45 public employer may provide group health insurance to an employee
46 who is on leave without pay for a longer period than required by

1 subsection (h).

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

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

- 13 (1) who was employed as a teacher in a state institution under:
14 (A) IC 11-10-5;
15 (B) IC 12-24-3;
16 (C) IC 16-33-3;
17 (D) IC 16-33-4;
18 (E) IC 20-21-2-1; or
19 (F) IC 20-22-2-1;
20 (2) who is at least fifty-five (55) years of age on or before the
21 employee's retirement date;
22 (3) who is not eligible for Medicare coverage as prescribed by 42
23 U.S.C. 1395 et seq.; and
24 (4) who:
25 (A) has at least fifteen (15) years of service credit as a
26 participant in the retirement fund of which the employee is a
27 member on or before the employee's retirement date; or
28 (B) completes at least ten (10) years of service credit as a
29 participant in the retirement fund of which the employee is a
30 member immediately before the employee's retirement.

31 (l) The president pro tempore of the senate and the speaker of the
32 house of representatives may not elect to pay any part of the premium
33 for insurance coverage under this chapter for a former member of the
34 general assembly or the spouse of a former member of the general
35 assembly whose last day of service as a member of the general
36 assembly is after July 31, 2007."

- 1 Page 12, after line 9, begin a new paragraph and insert:
- 2 "SECTION 15. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 76 as printed April 1, 2011.)

Representative Goodin