

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 104, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 42. 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, 2007 (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
- 24 employer on or before the employee's retirement date, ten

- 1 (10) years of which shall have been completed immediately
 2 preceding the retirement; and
 3 (ii) at least fifteen (15) years of participation in the
 4 retirement plan of which the employee is a member on or
 5 before the employee's retirement date; or
 6 (B) for an employee who retires after December 31, 2006, will
 7 have completed ~~fifteen (15)~~ **ten (10)** years of creditable
 8 employment with a public employer on or before the
 9 employee's retirement date. ~~ten (10) years of which shall have~~
 10 ~~been completed immediately preceding the retirement.~~
- 11 (c) The state shall provide a group health insurance program to each
 12 retired employee:
- 13 (1) who is a retired judge;
 - 14 (2) whose retirement date is after June 30, 1990;
 - 15 (3) who is at least sixty-two (62) years of age;
 - 16 (4) who is not eligible for Medicare coverage as prescribed by 42
 17 U.S.C. 1395 et seq.; and
 - 18 (5) who has at least eight (8) years of service credit as a
 19 participant in the Indiana judges' retirement fund, with at least
 20 eight (8) years of that service credit completed immediately
 21 preceding the judge's retirement.
- 22 (d) The state shall provide a group health insurance program to each
 23 retired employee:
- 24 (1) who is a retired participant under the prosecuting attorneys
 25 retirement fund;
 - 26 (2) whose retirement date is after January 1, 1990;
 - 27 (3) who is at least sixty-two (62) years of age;
 - 28 (4) who is not eligible for Medicare coverage as prescribed by 42
 29 U.S.C. 1395 et seq.; and
 - 30 (5) who has at least ten (10) years of service credit as a participant
 31 in the prosecuting attorneys retirement fund, with at least ten (10)
 32 years of that service credit completed immediately preceding the
 33 participant's retirement.
- 34 (e) The state shall make available a group health insurance program
 35 to each former member of the general assembly or surviving spouse of
 36 each former member, if the former member:
- 37 (1) is no longer a member of the general assembly;
 - 38 (2) is not eligible for Medicare coverage as prescribed by 42
 39 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the
 40 surviving spouse is not eligible for Medicare coverage as
 41 prescribed by 42 U.S.C. 1395 et seq.; and
 - 42 (3) has at least ten (10) years of service credit as a member in the
 43 general assembly.
- 44 A former member or surviving spouse of a former member who obtains
 45 insurance under this section is responsible for paying both the
 46 employer and the employee share of the cost of the coverage.

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

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

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

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

35 (i) An employer may provide group health insurance for retired
36 employees or their spouses not covered by this section and may provide
37 group health insurance that contains provisions more favorable to
38 retired employees and their spouses than required by this section. A
39 public employer may provide group health insurance to an employee
40 who is on leave without pay for a longer period than required by
41 subsection (h).

42 (j) An employer may elect to permit former employees and their
43 spouses, including surviving spouses, to continue to participate in a
44 group health insurance program under this chapter after the former
45 employee (who is otherwise qualified under this chapter to participate
46 in a group insurance program) or spouse has become eligible for

1 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. An
 2 employer who makes an election under this section may require a
 3 person who continues coverage under this subsection to participate in
 4 a retiree health benefit plan developed under section 8.3 of this chapter.

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

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

8 (A) IC 11-10-5;

9 (B) IC 12-24-3;

10 (C) IC 16-33-3;

11 (D) IC 16-33-4;

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

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

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

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

18 (4) who:

19 (A) has at least ~~fifteen (15)~~ **ten (10)** years of service credit as
 20 a participant in the retirement fund of which the employee is
 21 a member on or before the employee's retirement date; or

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

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

31 Page 139, between lines 18 and 19, begin a new paragraph and
 32 insert:

33 "SECTION 96. [EFFECTIVE UPON PASSAGE] (a) **IC 5-10-8-8,**
 34 **as amended by this act, applies to the following:**

35 **(1) A retired employee who retired after December 31, 2006,**
 36 **and before the date of passage of this act.(2) A retired**
 37 **employee who retires on or after the date of passage of this**
 38 **act.**

- 1 **(b) This SECTION expires December 31, 2013."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 21, 2011.)

Representative Pryor