



January 19, 2018

SENATE BILL No. 152

DIGEST OF SB 152 (Updated January 18, 2018 11:11 am - DI 120)

Citations Affected: IC 5-10.

Synopsis: Survivor health coverage. Provides that, if the employer of a public safety officer who dies in the line of duty after June 30, 2018, offers health coverage for active employees, the employer shall offer to provide and pay for health coverage under the plan covering active employees for the surviving spouse and each natural child, stepchild, and adopted child of the public safety officer. Provides that health coverage for a surviving child continues: (1) until the child becomes 18 years of age; (2) until the child becomes 23 years of age, under certain circumstances; or (3) during the entire period of the child's physical or mental disability; whichever period is longest.

Effective: July 1, 2018.

**Crider, Merritt, Sandlin, Doriot, Ford,
Niezgodski, Melton**

January 3, 2018, read first time and referred to Committee on Homeland Security and Transportation.

January 9, 2018, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 18, 2018, amended, reported favorably — Do Pass.

SB 152—LS 6434/DI 132



January 19, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 152

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, AS AMENDED BY P.L.91-2014,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2.2. (a) As used in this section, "dependent"
4 means a natural child, stepchild, or adopted child of a public safety
5 employee who:
6 (1) is less than eighteen (18) years of age;
7 (2) is at least eighteen (18) years of age and has a physical or
8 mental disability (using disability guidelines established by the
9 Social Security Administration); or
10 (3) is at least eighteen (18) and less than twenty-three (23) years
11 of age and is enrolled in and regularly attending a secondary
12 school or is a full-time student at an accredited college or
13 university.
14 (b) As used in this section, "public safety employee" means a
15 full-time firefighter, police officer, county police officer, or sheriff.
16 (c) This section applies only to local unit public employers and their
17 public safety employees.

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1 (d) A local unit public employer may provide programs of group
2 health insurance for its active and retired public safety employees
3 through one (1) of the following methods:

4 (1) By purchasing policies of group insurance.

5 (2) By establishing self-insurance programs.

6 (3) If the local unit public employer is a school corporation, by
7 electing to provide the coverage through a state employee health
8 plan under section 6.7 of this chapter.

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

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

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

22 (g) After June 30, 1989, a local unit public employer that provides
23 a group health insurance program for its active public safety employees
24 shall also provide a group health insurance program to the following
25 persons:

26 (1) Retired public safety employees.

27 (2) Public safety employees who are receiving disability benefits
28 under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.

29 (3) Surviving spouses and dependents of public safety employees
30 who die while in active service or after retirement.

31 (h) A public safety employee who is retired or has a disability and
32 is eligible for group health insurance coverage under subsection (g)(1)
33 or (g)(2):

34 (1) may elect to have the person's spouse, dependents, or spouse
35 and dependents covered under the group health insurance
36 program at the time the person retires or becomes disabled;

37 (2) must file a written request for insurance coverage with the
38 employer within ninety (90) days after the person retires or begins
39 receiving disability benefits; and

40 (3) must pay an amount equal to the total of the employer's and
41 the employee's premiums for the group health insurance for an
42 active public safety employee (however, the employer may elect



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



1 (4) When health insurance becomes available to the dependent
2 through employment.

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

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

20 SECTION 2. IC 5-10-18 IS ADDED TO THE INDIANA CODE AS
21 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2018]:

23 **Chapter 18. Public Safety Officer Survivor Health Coverage**

24 **Sec. 1. As used in this chapter, "dies in the line of duty" refers**
25 **to a death that occurs as a direct result of personal injury or illness**
26 **resulting from any action that the public safety officer, in the**
27 **public safety officer's capacity as a public safety officer, is**
28 **obligated or authorized to perform by rule, regulation, condition**
29 **of employment or service, or law. For purposes of a public safety**
30 **officer who is an employee (as defined in IC 5-10-13-2), the term**
31 **includes a death presumed incurred in the line of duty under**
32 **IC 5-10-13.**

33 **Sec. 2. As used in this chapter, "employer" means any of the**
34 **following:**

- 35 (1) The state (as defined in IC 4-15-17-3).
36 (2) A state educational institution (as defined in
37 IC 21-7-13-32).
38 (3) A postsecondary educational institution, other than a state
39 educational institution.
40 (4) An operator (as defined in IC 5-23-2-8).
41 (5) A hospital licensed under IC 16-21-2:
42 (A) that is established and operated under IC 16-22-2,



- 1 **IC 16-22-8, or IC 16-23; or**
 2 **(B) that is not:**
 3 **(i) a unit of state or local government; or**
 4 **(ii) owned or operated by a unit of state or local**
 5 **government.**
 6 **(6) A school corporation (as defined in IC 20-43-1-23).**
 7 **(7) An airport authority (as defined in IC 8-22-1-4).**
 8 **(8) A local unit public employer located in a county containing**
 9 **a consolidated city.**
 10 **Sec. 3. As used in this chapter, "public safety officer" means any**
 11 **of the following:**
 12 **(1) An excise police officer.**
 13 **(2) A conservation enforcement officer.**
 14 **(3) A gaming agent or a gaming control officer of the Indiana**
 15 **gaming commission (established by IC 4-33-3-1).**
 16 **(4) A state educational institution police officer appointed**
 17 **under IC 21-39-4.**
 18 **(5) A police officer who is employed by a postsecondary**
 19 **educational institution, other than a state educational**
 20 **institution, located in Indiana that appoints a police officer**
 21 **under IC 21-17-5.**
 22 **(6) A firefighter who is employed by the fire department of a**
 23 **state university.**
 24 **(7) A firefighter who is employed by a postsecondary**
 25 **educational institution, other than a state educational**
 26 **institution, located in Indiana that:**
 27 **(A) maintains a fire department;**
 28 **(B) employs firefighters for the fire department; and**
 29 **(C) is accredited by the North Central Association.**
 30 **(8) A firefighter who is employed by an operator that enters**
 31 **into an operating agreement under IC 5-23 for the operation**
 32 **of a public use airport that:**
 33 **(A) maintains a fire department; and**
 34 **(B) employs firefighters for the fire department.**
 35 **(9) A school corporation police officer appointed under**
 36 **IC 20-26-16.**
 37 **(10) A hospital police officer appointed under IC 16-18-4.**
 38 **(11) A police officer employed under IC 8-22-3-34 by:**
 39 **(A) a local airport authority; or**
 40 **(B) an operator that enters into an operating agreement**
 41 **under IC 5-23 for the operation of a public use airport.**
 42 **(12) A park ranger who:**



1 (A) completed at least the number of weeks of training at
 2 the Indiana law enforcement academy or a comparable
 3 law enforcement academy in another state that were
 4 required at the time the park ranger attended the Indiana
 5 law enforcement academy or the law enforcement academy
 6 in another state;

7 (B) graduated from the Indiana law enforcement academy
 8 or a comparable law enforcement academy in another
 9 state; and

10 (C) is employed by a local unit public employer located in
 11 a county containing a consolidated city.

12 Sec. 4. (a) If an employer of a public safety officer who dies in
 13 the line of duty after June 30, 2018, offers health coverage for
 14 active employees, the employer shall offer to provide and pay for
 15 health coverage under the health coverage plan provided for active
 16 employees for the surviving spouse and each natural child,
 17 stepchild, and adopted child of the public safety officer.

18 (b) The health coverage for a surviving natural child, stepchild,
 19 or adopted child of the public safety officer provided under
 20 subsection (a) continues:

21 (1) until the child becomes eighteen (18) years of age;

22 (2) until the child becomes twenty-three (23) years of age, if
 23 the child is:

24 (A) enrolled in and regularly attending a secondary school;
 25 or

26 (B) a full-time student at an accredited college or
 27 university; or

28 (3) during the entire period of the child's physical or mental
 29 disability;

30 whichever period is longest.

31 (c) If the employer of a public safety officer who dies in the line
 32 of duty after June 30, 2018, offers health coverage to active
 33 employees, the health coverage that the employer provides to a
 34 surviving spouse and each natural child, stepchild, and adopted
 35 child of the public safety officer under subsection (a) must be equal
 36 to that offered to active employees.

37 (d) The employer's offer to provide and pay for health coverage
 38 under subsection (a) must remain open as long as the employer
 39 continues to offer health coverage for active employees, and:

40 (1) the surviving spouse is eligible for the health coverage
 41 under subsection (a); or

42 (2) a natural child, a stepchild, or an adopted child of the



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public safety officer is eligible for the health coverage under subsections (a) and (b).



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 152 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 9, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 152, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 24, delete "has the".

Page 4, line 25, delete "meaning set forth in IC 5-10-10-2(a)." and insert **"refers to a death that occurs as a direct result of personal injury or illness resulting from any action that the public safety officer, in the public safety officer's capacity as a public safety officer, is obligated or authorized to perform by rule, regulation, condition of employment or service, or law. For purposes of a public safety officer who is an employee (as defined in IC 5-10-13-2), the term includes a death presumed incurred in the line of duty under IC 5-10-13."**

and when so amended that said bill do pass.

(Reference is to SB 152 as printed January 10, 2018.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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