

As Reported by the Senate State and Local Government Committee

131st General Assembly

Regular Session

2015-2016

Am. Sub. H. B. No. 305

Representative Schuring

Cosponsors: Representatives Barnes, Kuhns, Lepore-Hagan, Ramos, Sykes, Amstutz, Anielski, Antonio, Arndt, Ashford, Baker, Boggs, Boyd, Brown, Buchy, Burkley, Celebrezze, Cera, Craig, DeVitis, Dever, Dovilla, Driehaus, Fedor, Ginter, Green, Grossman, Hagan, Hall, Hambley, Hayes, Howse, Johnson, G., Johnson, T., Leland, Manning, McClain, McColley, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Reece, Retherford, Roegner, Rogers, Ruhl, Ryan, Schaffer, Sheehy, Slaby, Slesnick, Smith, K., Strahorn, Sweeney, Thompson, Young

Senators Uecker, Brown, LaRose

A BILL

To amend sections 143.09, 145.011, and 3309.011 and 1
to enact section 143.091 of the Revised Code to 2
include certain nonteaching employees of The 3
University of Akron as members in the Public 4
Employees Retirement System and to retroactively 5
extend eligibility for benefits from the 6
Volunteer Peace Officers' Dependents Fund 7
regarding volunteer peace officers who are 8
totally and permanently disabled or killed in 9
the line of duty. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 143.09, 145.011, and 3309.011 be 11
amended and section 143.091 of the Revised Code be enacted to 12
read as follows: 13

Sec. 143.09. (A) A volunteer peace officer who, on or 14
after December 22, 2015, is totally and permanently disabled as 15
a result of discharging the duties of a volunteer peace officer 16
shall receive a benefit from the volunteer peace officers' 17
dependents fund of three hundred dollars per month, except that 18
no payment shall be made to a volunteer peace officer who is 19
receiving the officer's full salary during the time of the 20
officer's disability. 21

(B) (1) Regardless of whether the volunteer peace officer 22
received a benefit under division (A) of this section, death 23
benefits shall be paid from the fund ~~to~~ as follows: 24

(a) To the surviving spouse ~~or~~ and dependent children of a 25
volunteer peace officer who, on or after December 22, 2015, is 26
killed in the line of duty; 27

(b) If the director of commerce makes the determination 28
that initial premiums are sufficient as described in section 29
143.091 of the Revised Code, to the surviving spouse and 30
dependent children of a volunteer peace officer who, on or after 31
January 1, 2013, but before December 22, 2015, was killed in the 32
line of duty. ~~Death~~ 33

(2) Death benefits shall be paid as follows: 34

~~(1)~~ (a) To the surviving spouse of a volunteer peace 35
officer killed in the line of duty, an award of one thousand 36
dollars, and in addition, a benefit of three hundred dollars per 37
month; 38

~~(2)~~ (b) To the parent, guardian, or other persons on whom 39
a child of a volunteer peace officer killed in the line of duty 40
is dependent for chief financial support, a benefit of one 41
hundred twenty-five dollars per month for each dependent child 42

under age eighteen, or under age twenty-two if attending an 43
institution of learning or training pursuant to a program 44
designed to complete in each school year the equivalent of at 45
least two-thirds of the full-time curriculum requirements of the 46
institution. 47

(C) An individual eligible for benefits payable under this 48
section shall file a claim for benefits with the appropriate 49
volunteer peace officers' dependents fund board on a form 50
provided by the board. All of the following information shall be 51
submitted with the claim: 52

(1) In the case of a totally and permanently disabled 53
volunteer peace officer, the following: 54

(a) The name of the police or sheriff's department for 55
which the officer was a volunteer peace officer; 56

(b) The date of the injury; 57

(c) Satisfactory medical evidence that the officer is 58
totally and permanently disabled. 59

(2) In the case of a surviving spouse or a parent, 60
guardian, or other person in charge of a dependent child, the 61
following: 62

(a) The full name of the deceased volunteer peace officer; 63

(b) The name of the police or sheriff's department for 64
which the deceased officer was a volunteer peace officer; 65

(c) The name and address of the surviving spouse, as 66
applicable; 67

(d) The names, ages, and addresses of any dependent 68
children; 69

(e) Any other evidence required by the board. 70

(D) All claimants shall certify that neither the claimant 71
nor the person on whose behalf the claim is filed qualifies for 72
other benefits from any of the following based on the officer's 73
service as a volunteer peace officer: the public employees 74
retirement system, Ohio police and fire pension fund, state 75
highway patrol retirement system, Cincinnati retirement system, 76
or Ohio public safety officers death benefit fund. 77

(E) Initial claims shall be filed with the volunteer peace 78
officers' dependents fund board of the fund member in which the 79
officer was a volunteer peace officer. Thereafter, on request of 80
the claimant or the board, claims may be transferred to a board 81
near the claimant's current residence, if the boards concerned 82
agree to the transfer. 83

Sec. 143.091. (A) The director of commerce shall determine 84
whether initial premiums paid by fund members under section 85
143.06 of the Revised Code are sufficient for death benefits to 86
be paid from the volunteer peace officers' dependents fund to 87
the individuals described in division (B) (1) (b) of section 88
143.09 of the Revised Code. 89

(B) If the director determines that initial premiums are 90
sufficient and that no additional assessments described in 91
section 143.07 of the Revised Code are necessary to fund the 92
benefits, benefits shall be paid from the fund in accordance 93
with division (B) (2) of section 143.09 of the Revised Code to 94
those individuals. 95

Sec. 145.011. In addition to the membership of the public 96
employees retirement system as prescribed in division (A) of 97
section 145.01 of the Revised Code and notwithstanding Chapter 98

3309. of the Revised Code, there shall be included in such 99
membership all of the following: 100

(A) The nonteaching employees of the Cleveland state 101
university and the northeast Ohio medical university; 102

(B) Any person who elects to transfer from the school 103
employees retirement system to the public employees retirement 104
system under section 3309.312 of the Revised Code; 105

(C) Any person who is employed full-time on or after 106
September 16, 1998, pursuant to section 3345.04 of the Revised 107
Code by the university of Akron as a state university law 108
enforcement officer; 109

(D) Any person who is employed by the university of Akron 110
in a position not covered by the state teachers retirement 111
system and to whom either of the following applies: 112

(1) The person is initially employed by the university on 113
or after the effective date of this amendment; 114

(2) The person is employed by the university on the 115
effective date of this amendment, the employment terminates 116
after that date, and the person is reemployed by the university 117
not less than twelve months after the date of termination. 118

Such employees are included in the definition of member as 119
used in Chapter 145. of the Revised Code. The universities and 120
colleges shall be subject to the obligations imposed by Chapter 121
145. of the Revised Code. 122

Sec. 3309.011. "Employee" as defined in division (B) of 123
section 3309.01 of the Revised Code, does not include any of the 124
following: 125

(A) Any person having a license issued pursuant to 126

sections 3319.22 to 3319.31 of the Revised Code and employed in 127
a public school in this state in an educational position, as 128
determined by the state board of education, under programs 129
provided for by federal acts or regulations and financed in 130
whole or in part from federal funds, but for which no licensure 131
requirements for the position can be made under the provisions 132
of such federal acts or regulations; 133

(B) Any person who participates in an alternative 134
retirement plan established under Chapter 3305. of the Revised 135
Code; 136

(C) Any person who elects to transfer from the school 137
employees retirement system to the public employees retirement 138
system under section 3309.312 of the Revised Code; 139

(D) Any person whose full-time employment by the 140
university of Akron as a state university law enforcement 141
officer pursuant to section 3345.04 of the Revised Code 142
commences on or after September 16, 1998; 143

(E) Any person described in division (B) of section 144
3309.013 of the Revised Code; 145

(F) Any person described in division (D) of section 146
145.011 of the Revised Code. 147

Section 2. That existing sections 143.09, 145.011, and 148
3309.011 of the Revised Code are hereby repealed. 149

Section 3. The amendment by this act of section 143.09 of 150
the Revised Code is not intended to change the effective date of 151
that section as enacted by Sub. S.B. 11 of the 131st General 152
Assembly. 153