

# AN ACT

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

*Be it enacted by the General Assembly of the State of Ohio:*

**SECTION 1.** That sections 143.09, 145.011, and 3309.011 be amended and section 143.091 of the Revised Code be enacted to read as follows:

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

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

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

(b) If the director of commerce makes the determination that initial premiums are sufficient as described in section 143.091 of the Revised Code, to the surviving spouse and dependent children of a volunteer peace officer who, on or after January 1, 2012, but before December 22, 2015, was killed in the line of duty. Death-

(2) Death benefits shall be paid as follows:

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

~~(2)~~(b) To the parent, guardian, or other persons on whom a child of a volunteer peace officer killed in the line of duty is dependent for chief financial support, a benefit of one hundred twenty-five dollars per month for each dependent child under age eighteen, or under age twenty-two if attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution.

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

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

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

(b) The date of the injury;

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

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

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

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

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

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

(e) Any other evidence required by the board.

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

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

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

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

**Sec. 145.011.** In addition to the membership of the public employees retirement system as prescribed in division (A) of section 145.01 of the Revised Code and notwithstanding Chapter 3309. of the Revised Code, there shall be included in such membership all of the following:

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

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

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

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

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

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

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

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

(A) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

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

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

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

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

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

**SECTION 2.** That existing sections 143.09, 145.011, and 3309.011 of the Revised Code are hereby repealed.

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

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_