

**As Passed by the Senate**

**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, Balderson, Eklund, Faber, Hackett, Hite, Hottinger, Lehner, Obhof, Patton, Yuko**

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**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, 2012, 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