

As Introduced

**128th General Assembly
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S. B. No. 66

Senator Faber

Cosponsors: Senators Schaffer, Stewart, Gibbs, Wagoner, Schuler, Turner

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A B I L L

To amend sections 146.01, 146.12, and 742.45 of the 1
Revised Code to provide health insurance benefits 2
to dependents of volunteer firefighters killed in 3
the line of duty. 4

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

Section 1. That sections 146.01, 146.12, and 742.45 of the 5
Revised Code be amended to read as follows: 6

Sec. 146.01. As used in sections 146.01 to 146.19 of the 7
Revised Code: 8

(A) "Fire department" means a volunteer fire department, a 9
fire department of a political subdivision or fire district of 10
this state, or a private volunteer company that has elected to 11
participate in the volunteer fire fighters' dependents fund 12
pursuant to section 146.02 of the Revised Code. 13

(B)(1) "Volunteer firefighter" means both of the following, 14
subject to division (B)(2) of this section: 15

(a) A duly appointed member of a fire department on either a 16
nonpay or part-pay basis who is ineligible to be a member of the 17
Ohio police and fire pension fund, or whose employment as a 18

firefighter does not in itself qualify any such person for 19
membership in the public employees retirement system, or who has 20
waived membership in the public employees retirement system; 21

(b) Firefighters drafted, requisitioned, or appointed to 22
serve in an emergency. 23

(2)(a) A volunteer firefighter who is a member of the public 24
employees retirement system shall be considered a volunteer 25
firefighter for purposes of this chapter, and in particular, for 26
purposes of divisions (A) and (B) of section 146.12 of the Revised 27
Code until the firefighter has at least one and one-half years of 28
Ohio service credit for purposes of division (B) of section 145.45 29
of the Revised Code; 30

(b) A volunteer firefighter who is a member of the public 31
employees retirement system shall be considered a volunteer 32
firefighter for purposes of this chapter and, in particular, for 33
purposes of division ~~(C)~~(D) of section 146.12 of the Revised Code 34
until the firefighter has at least five years of total service 35
credit for purposes of sections 145.35 and 145.36 or section 36
145.361 of the Revised Code. 37

(C) "Private volunteer fire company" means a company of 38
trained volunteer firefighters having a contract to furnish fire 39
protection or emergency service or both to a political subdivision 40
or fire district of this state. 41

(D) "Member of the fund" includes a political subdivision or 42
fire district of this state that maintains in whole or in part a 43
volunteer fire department or employs volunteer firefighters, and a 44
private volunteer fire company that has elected to participate in 45
the volunteer fire fighters' dependents fund. 46

(E) "Volunteer fire fighters' dependents fund" means the fund 47
established by section 146.07 of the Revised Code. 48

(F) "Totally and permanently disabled" means that a volunteer 49

firefighter is unable to engage in any substantial gainful 50
employment for a period of not less than twelve months by reason 51
of a medically determinable physical impairment that is permanent 52
or presumed to be permanent. 53

Sec. 146.12. Benefits shall be paid from the volunteer fire 54
fighters' dependents fund to or on behalf of the following 55
persons: 56

(A) To the surviving spouse of a volunteer firefighter killed 57
while discharging the duties of a volunteer firefighter or who 58
dies from exposure or injury received while in the discharge of 59
those duties, a lump sum award of one thousand dollars, and, in 60
addition, the sum of three hundred dollars per month; 61

(B) To the parent, guardian, or other persons upon whom a 62
child of a volunteer firefighter is dependent for chief support, 63
the sum of one hundred twenty-five dollars per month for each 64
dependent child under eighteen years of age, or under twenty-three 65
years of age if the child is attending a post-secondary 66
educational institution and is completing a program of instruction 67
each school year that satisfies the equivalent of at least 68
two-thirds of the full-time curriculum requirements of the 69
institution. 70

(C) To the dependents of a volunteer firefighter killed while 71
discharging the duties of a volunteer firefighter or who dies from 72
exposure or injury received while in the discharge of those 73
duties, coverage for health insurance benefits established by the 74
board of trustees of the Ohio police and fire pension fund under 75
section 742.45 of the Revised Code if none of the following are 76
true: 77

(1) The dependents are eligible for coverage under any 78
employer-sponsored health benefit plan. 79

<u>(2) The dependents are covered under any health benefit plan.</u>	80
<u>(3) The dependents are eligible for coverage under the</u>	81
<u>medicaid program established under Chapter 5111. of the Revised</u>	82
<u>Code or the medicare program established under Title XVIII of the</u>	83
<u>"Social Security Act," 42 U.S.C. 1395.</u>	84
<u>(D) To a volunteer firefighter, totally and permanently</u>	85
<u>disabled while discharging the duties of a volunteer firefighter,</u>	86
<u>the sum of three hundred dollars per month. No payment shall be</u>	87
<u>made to a volunteer firefighter under full salary during the time</u>	88
<u>of the volunteer firefighter's disability.</u>	89
<u>(E) As used in this section, "health benefit plan" means any</u>	90
<u>of the following when the contract, policy, or plan provides</u>	91
<u>payment or reimbursement for the costs of health care services</u>	92
<u>other than for specific diseases and accidents only:</u>	93
<u>(1) An individual or group policy of sickness and accident</u>	94
<u>insurance;</u>	95
<u>(2) An individual or group contract of a health insuring</u>	96
<u>corporation;</u>	97
<u>(3) A public employee benefit plan;</u>	98
<u>(4) A multiple employer welfare arrangement as defined in</u>	99
<u>section 1739.01 of the Revised Code;</u>	100
<u>(5) A health benefit plan as regulated under the "Employee</u>	101
<u>Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.</u>	102
Sec. 742.45. (A) The board of trustees of the Ohio police and	103
fire pension fund may enter into an agreement with insurance	104
companies, health insuring corporations, or government agencies	105
authorized to do business in the state for issuance of a policy or	106
contract of health, medical, hospital, or surgical benefits, or	107
any combination thereof, for those individuals receiving service	108
or disability pensions or survivor benefits subscribing to the	109

plan. Notwithstanding any other provision of this chapter, the 110
policy or contract may also include coverage for any eligible 111
individual's spouse and dependent children and for any of the 112
eligible individual's sponsored dependents as the board considers 113
appropriate. 114

The board shall enter into an agreement for issuance of a 115
policy or contract of health, medical, hospital, or surgical 116
benefits, or any combination thereof, pursuant to this section for 117
those individuals receiving survivor benefits under division (C) 118
of section 146.12 of the Revised Code. 119

If all or any portion of the policy or contract premium is to 120
be paid by any individual receiving a service, disability, or 121
survivor pension or benefit, the individual shall, by written 122
authorization, instruct the board to deduct from the individual's 123
benefit the premium agreed to be paid by the individual to the 124
company, corporation, or agency. 125

The board may contract for coverage on the basis of part or 126
all of the cost of the coverage to be paid from appropriate funds 127
of the Ohio police and fire pension fund. The cost paid from the 128
funds of the Ohio police and fire pension fund shall be included 129
in the employer's contribution rates provided by sections 742.33 130
and 742.34 of the Revised Code. 131

The board may provide for self-insurance of risk or level of 132
risk as set forth in the contract with the companies, 133
corporations, or agencies, and may provide through the 134
self-insurance method specific benefits as authorized by the rules 135
of the board. 136

(B) The board shall, beginning the month following receipt of 137
satisfactory evidence of the payment for coverage, pay monthly to 138
each recipient of service, disability, or survivor benefits under 139
the Ohio police and fire pension fund who is eligible for medical 140

insurance coverage under part B of "The Social Security Amendments 141
of 1965," 79 Stat. 301, 42 U.S.C.A. 1395j, as amended, an amount 142
equal to the basic premiums for such coverage. 143

(C) The board shall establish by rule requirements for the 144
coordination of any coverage, payment, or benefit provided under 145
this section with any similar coverage, payment, or benefit made 146
available to the same individual by the public employees 147
retirement system, state teachers retirement system, school 148
employees retirement system, or state highway patrol retirement 149
system. 150

(D) The board shall make all other necessary rules pursuant 151
to the purpose and intent of this section. 152

Section 2. That existing sections 146.01, 146.12, and 742.45 153
of the Revised Code are hereby repealed. 154