

**As Reported by the Senate Government Oversight and Reform
Committee**

**130th General Assembly
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H. B. No. 67

Representatives Schuring, Ramos

**Cosponsors: Representatives Amstutz, Adams, R., Anielski, Antonio,
Ashford, Barborak, Beck, Becker, Blair, Blessing, Brenner, Brown, Budish,
Burkley, Carney, Celebrezze, Derickson, Duffey, Foley, Gerberry, Green,
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Patterson, Pelanda, Phillips, Pillich, Ramos, Retherford, Rogers,
Rosenberger, Ruhl, Sears, Smith, Sprague, Stebelton, Stinziano, Terhar,
Thompson, Wachtmann, Young Speaker Speaker Batchelder**

Senator Brown

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A B I L L

To amend section 145.037 of the Revised Code to delay 1
determinations by the Public Employees Retirement 2
System of eligibility for retirement system 3
membership and to declare an emergency. 4

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

Section 1. That section 145.037 of the Revised Code be 5
amended to read as follows: 6

Sec. 145.037. (A) As used in this section and section 145.038 7
of the Revised Code, "business entity" means an entity with five 8
or more employees that is a corporation, association, firm, 9
limited liability company, partnership, sole proprietorship, or 10

other entity engaged in business. 11

(B)(1) Except as provided in division (B)(2) of this section, 12
an individual who provided personal services to a public employer 13
on or before ~~the effective date of this section~~ January 7, 2013, 14
but was not classified as a public employee may request from the 15
public employees retirement board a determination of whether the 16
individual should have been classified as a public employee for 17
purposes of this chapter. The request shall be made on a form 18
provided by the board. 19

(2) Division (B)(1) of this section does not apply to an 20
individual employed by a business entity under contract with a 21
public employer to provide personal services to the employer. 22

(C)(1) Not later than thirty days after ~~the effective date of~~ 23
~~this section~~ January 7, 2013, the board shall notify each employer 24
of the right of an individual described in division (B)(1) of this 25
section to seek the determination described in that division. The 26
notice shall be accompanied by copies of the form described in 27
division (B)(1) of this section. 28

(2) Not later than ~~sixty days after the effective date of~~ 29
~~this section~~ September 7, 2013, the employer shall send to each 30
individual described in division (B)(1) of this section a copy of 31
the form provided by the retirement system and written notice of 32
the right to seek a determination of whether the individual should 33
have been classified as a public employee. The notice shall be 34
sent to the individual's last known address on record with the 35
employer. 36

(3) On receipt of a properly completed form, the board shall 37
determine whether the individual should have been classified as a 38
public employee. If the board determines that the individual is 39
not a public employee with regard to the services in question, for 40
the purposes of this chapter the individual shall be considered an 41

independent contractor with regard to the services in question. 42
The board's determination is final. 43

(4) The board shall notify the individual and the employer of 44
its determination. The determination shall apply to services 45
performed before, on, or after ~~the effective date of this section~~ 46
January 7, 2013, for the same employer in the same capacity. 47

(D) Regardless of whether an individual actually receives 48
notice under this section, the request for a determination must be 49
made not later than ~~one year after the effective date of this~~ 50
~~section~~ August 7, 2014, unless the individual can demonstrate to 51
the board's satisfaction through medical records that ~~at the time~~ 52
~~the one-year period ended on that date~~ the individual was 53
physically or mentally incapacitated and unable to request a 54
determination. 55

Section 2. That existing section 145.037 of the Revised Code 56
is hereby repealed. 57

Section 3. This act is hereby declared to be an emergency 58
measure necessary for the immediate preservation of the public 59
peace, health, and safety. The reason for such necessity is to 60
delay implementation of Public Employees Retirement System member 61
determinations under Sub. S.B. 343 of the 129th General Assembly. 62
Therefore, this act shall go into immediate effect. 63