

As Introduced

134th General Assembly

Regular Session

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H. B. No. 539

Representatives Kelly, Ghanbari

**Cosponsors: Representatives Russo, Brown, Miranda, Smith, M., Seitz, White,
Sheehy, Smith, K., Lightbody, Miller, A., Plummer**

A BILL

To amend sections 145.07, 742.07, 3307.09, 3309.09, 1
and 5505.04 of the Revised Code to require the 2
state retirement systems to publicly broadcast 3
board meetings. 4

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

Section 1. That sections 145.07, 742.07, 3307.09, 3309.09, 5
and 5505.04 of the Revised Code be amended to read as follows: 6

Sec. 145.07. (A) Each member of the public employees 7
retirement board, upon assuming office, shall take an oath that 8
the member will support the constitution of the United States 9
and the constitution of the state, and that the member will 10
diligently and honestly administer the affairs of the board and 11
that the member will not knowingly violate or willfully permit 12
to be violated any provision of this chapter. Such oath shall be 13
subscribed to by the member making it, and certified by the 14
officer before whom it is taken, and shall be immediately filed 15
in the office of the secretary of state. 16

(B) A majority of the members of the board constitutes a 17

quorum. ~~All~~ 18

(C) Except as otherwise provided in division (D) of this 19
section, all meetings of the board shall be open to the public 20
except executive. Each meeting shall be publicly broadcast at 21
the time it is conducted and archived on the web site of the 22
public employees retirement system for future public access and 23
use. 24

(D) Executive sessions as set forth in division (G) of 25
section 121.22 of the Revised Code, and any portions of any 26
sessions discussing medical records or the degree of disability 27
of a member excluded from public inspection by section 145.27 of 28
the Revised Code are not subject to division (C) of this 29
section. 30

Sec. 742.07. (A) Within three months after all of the 31
first appointed members of the board of trustees of the Ohio 32
police and fire pension fund have been appointed and qualified, 33
the governor shall call the first meeting of the board, and 34
thereafter meetings of the board shall be called in such manner 35
and at such times as the board prescribes, provided, that the 36
board shall meet at least four times annually. ~~All~~ 37

(B) Except as otherwise provided in division (C) of this 38
section, all meetings of the board shall be open to the public 39
except executive. Each meeting shall be publicly broadcast at 40
the time it is conducted and archived on the web site of the 41
Ohio police and fire pension fund for future public access and 42
use. 43

(C) Executive sessions as set forth in division (G) of 44
section 121.22 of the Revised Code, and any portions of any 45
sessions discussing medical records or the degree of disability 46

of a member excluded from public inspection by section 742.41 of 47
the Revised Code are not subject to division (B) of this 48
section. 49

(D) At its first meeting the board shall organize by 50
electing from its membership a chairperson and a vice- 51
chairperson who shall serve for a term of one year. Annually 52
thereafter the board shall elect from its membership a 53
chairperson and a vice-chairperson for a term of one year. 54

(E) A majority of the full membership of the board shall 55
constitute a quorum. 56

Sec. 3307.09. (A) A majority of the members of the state 57
teachers retirement board constitutes a quorum for the 58
transaction of any business. ~~All~~ 59

(B) Except as otherwise provided in division (C) of this 60
section, all meetings of the board shall be open to the public 61
except executive. Each meeting shall be publicly broadcast at 62
the time it is conducted and archived on the web site of the 63
state teachers retirement system for future public access and 64
use. 65

(C) Executive sessions as set forth in division (G) of 66
section 121.22 of the Revised Code, and any portions of any 67
sessions discussing medical records or the degree of disability 68
of a member excluded from public inspection by section 3307.20 69
of the Revised Code are not subject to division (B) of this 70
section. 71

Sec. 3309.09. (A) A majority of the members of the school 72
employees retirement board constitutes a quorum for the 73
transaction of any business. Any action taken by the board shall 74
be approved by a majority of the members of the board. ~~All~~ 75

(B) Except as otherwise provided in division (C) of this section, all meetings of the board shall be open to the public except executive. Each meeting shall be publicly broadcast at the time it is conducted and archived on the web site of the school employees retirement system for future public access and use. 76
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(C) Executive sessions as set forth in division (G) of section 121.22 of the Revised Code, and any portions of any sessions discussing medical records or the degree of disability of a member excluded from public inspection by section 3309.22 of the Revised Code are not subject to division (B) of this section. 82
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Sec. 5505.04. (A) (1) The general administration and management of the state highway patrol retirement system and the making effective of this chapter are hereby vested in the state highway patrol retirement board. The board may sue and be sued, plead and be impleaded, contract and be contracted with, and do all things necessary to carry out this chapter. 88
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The board shall consist of the following members: 94

(a) The superintendent of the state highway patrol; 95

(b) Two retirant members who reside in this state; 96

(c) Five employee-members; 97

(d) One member, known as the treasurer of state's investment designee, who shall be appointed by the treasurer of state for a term of four years and who shall have the following qualifications: 98
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(i) The member is a resident of this state. 102

(ii) Within the three years immediately preceding the 103

appointment, the member has not been employed by the public 104
employees retirement system, police and fire pension fund, state 105
teachers retirement system, school employees retirement system, 106
or state highway patrol retirement system or by any person, 107
partnership, or corporation that has provided to one of those 108
retirement systems services of a financial or investment nature, 109
including the management, analysis, supervision, or investment 110
of assets. 111

(iii) The member has direct experience in the management, 112
analysis, supervision, or investment of assets. 113

(iv) The member is not currently employed by the state or 114
a political subdivision of the state. 115

(e) Two investment expert members, who shall be appointed 116
to four-year terms. One investment expert member shall be 117
appointed by the governor, and one investment expert member 118
shall be jointly appointed by the speaker of the house of 119
representatives and the president of the senate. Each investment 120
expert member shall have the following qualifications: 121

(i) Each investment expert member shall be a resident of 122
this state. 123

(ii) Within the three years immediately preceding the 124
appointment, each investment expert member shall not have been 125
employed by the public employees retirement system, police and 126
fire pension fund, state teachers retirement system, school 127
employees retirement system, or state highway patrol retirement 128
system or by any person, partnership, or corporation that has 129
provided to one of those retirement systems services of a 130
financial or investment nature, including the management, 131
analysis, supervision, or investment of assets. 132

(iii) Each investment expert member shall have direct 133
experience in the management, analysis, supervision, or 134
investment of assets. 135

(2) The board shall annually elect a chairperson and vice- 136
chairperson from among its members. The vice-chairperson shall 137
act as chairperson in the absence of the chairperson. 138

(3) A majority of the members of the board shall 139
constitute a quorum. 140

(4) The board shall meet not less than once each year, 141
upon sufficient notice to the members. ~~All-Except as provided in~~ 142
division (A) (5) of this section, all meetings of the board shall 143
be open to the public-except executive. Each meeting shall be 144
publicly broadcast at the time it is conducted and archived on 145
the web site of the state highway patrol retirement system for 146
future public access and use. 147

(5) Executive sessions as set forth in division (G) of 148
section 121.22 of the Revised Code, and any portions of any 149
sessions discussing medical records or the degree of disability 150
of a member excluded from public inspection by this section are 151
not subject to division (A) (4) of this section. 152

~~(3)-(6)~~ Any member appointed under this section shall hold 153
office until the end of the member's term or, if later, the date 154
the member's successor takes office. 155

(B) The attorney general shall prescribe procedures for 156
the adoption of rules authorized under this chapter, consistent 157
with the provision of section 111.15 of the Revised Code under 158
which all rules shall be filed in order to be effective. Such 159
procedures shall establish methods by which notice of proposed 160
rules are given to interested parties and rules adopted by the 161

board published and otherwise made available. When it files a 162
rule with the joint committee on agency rule review pursuant to 163
section 111.15 of the Revised Code, the board shall submit to 164
the Ohio retirement study council a copy of the full text of the 165
rule, and if applicable, a copy of the rule summary and fiscal 166
analysis required by division (B) of section 106.024 of the 167
Revised Code. 168

(C) (1) As used in this division, "personal history record" 169
means information maintained by the board on an individual who 170
is a member, former member, retirant, or beneficiary that 171
includes the address, electronic mail address, telephone number, 172
social security number, record of contributions, correspondence 173
with the system, and other information the board determines to 174
be confidential. 175

(2) The records of the board shall be open to public 176
inspection and may be made available in printed or electronic 177
format, except for the following which shall be excluded: the 178
member's, former member's, retirant's, or beneficiary's personal 179
history record and the amount of a monthly allowance or benefit 180
paid to a retirant, beneficiary, or survivor, except with the 181
written authorization of the individual concerned. 182

(D) All medical reports and recommendations are privileged 183
except as follows: 184

(1) Copies of such medical reports or recommendations 185
shall be made available to the individual's personal physician, 186
attorney, or authorized agent upon written release received from 187
such individual or such individual's agent, or when necessary 188
for the proper administration of the fund to the board-assigned 189
physician. 190

(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.

(E) Notwithstanding the exceptions to public inspection in division (C)(2) of this section, the board may furnish the following information:

(1) If a member, former member, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court order issued under Chapters 3119., 3121., and 3123. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under those chapters.

(3) At the written request of any nonprofit organization or association providing services to retirement system members, retirants, or beneficiaries, the board shall provide to the organization or association a list of the names and addresses of members, former members, retirants, or beneficiaries if the organization or association agrees to use such information solely in accordance with its stated purpose of providing services to such individuals and not for the benefit of other persons, organizations, or associations. The costs of compiling, copying, and mailing the list shall be paid by such entity.

(4) Within fourteen days after receiving from the director 220
of job and family services a list of the names and social 221
security numbers of recipients of public assistance pursuant to 222
section 5101.181 of the Revised Code, the board shall inform the 223
auditor of state of the name, current or most recent employer 224
address, and social security number of each member whose name 225
and social security number are the same as those of a person 226
whose name or social security number was submitted by the 227
director. The board and its employees, except for purposes of 228
furnishing the auditor of state with information required by 229
this section, shall preserve the confidentiality of recipients 230
of public assistance in compliance with section 5101.181 of the 231
Revised Code. 232

(5) The system shall comply with orders issued under 233
section 3105.87 of the Revised Code. 234

On the written request of an alternate payee, as defined 235
in section 3105.80 of the Revised Code, the system shall furnish 236
to the alternate payee information on the amount and status of 237
any amounts payable to the alternate payee under an order issued 238
under section 3105.171 or 3105.65 of the Revised Code. 239

(6) At the request of any person, the board shall make 240
available to the person copies of all documents, including 241
resumes, in the board's possession regarding filling a vacancy 242
of an employee member or retirant member of the board. The 243
person who made the request shall pay the cost of compiling, 244
copying, and mailing the documents. The information described in 245
this division is a public record. 246

(7) The system shall provide the notice required by 247
section 5505.263 of the Revised Code to the prosecutor assigned 248
to the case. 249

(8) The system may provide information requested by the 250
United States social security administration, United States 251
centers for medicare and medicaid, public employees retirement 252
system, Ohio public employees deferred compensation program, 253
Ohio police and fire pension fund, school employees retirement 254
system, state teachers retirement system, or Cincinnati 255
retirement system. 256

(F) A statement that contains information obtained from 257
the system's records that is certified and signed by an officer 258
of the retirement system and to which the system's official seal 259
is affixed, or copies of the system's records to which the 260
signature and seal are attached, shall be received as true 261
copies of the system's records in any court or before any 262
officer of this state. 263

(G) The board may maintain records in printed or 264
electronic format. 265

Section 2. That existing sections 145.07, 742.07, 3307.09, 266
3309.09, and 5505.04 of the Revised Code are hereby repealed. 267