

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 261**

**Representatives Patton, Sweeney**

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**A BILL**

To amend section 145.01 and to enact section 1  
145.335 of the Revised Code to make emergency 2  
medical services workers "public safety 3  
officers" under the Ohio Public Employees 4  
Retirement System. 5

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

**Section 1.** That section 145.01 be amended and section 6  
145.335 of the Revised Code be enacted to read as follows: 7

**Sec. 145.01.** As used in this chapter: 8

(A) "Public employee" means: 9

(1) Any person holding an office, not elective, under the 10  
state or any county, township, municipal corporation, park 11  
district, conservancy district, sanitary district, health 12  
district, metropolitan housing authority, state retirement 13  
board, Ohio history connection, public library, county law 14  
library, union cemetery, joint hospital, institutional 15  
commissary, state university, or board, bureau, commission, 16  
council, committee, authority, or administrative body as the 17  
same are, or have been, created by action of the general 18  
assembly or by the legislative authority of any of the units of 19

local government named in division (A) (1) of this section, or 20  
employed and paid in whole or in part by the state or any of the 21  
authorities named in division (A) (1) of this section in any 22  
capacity not covered by section 742.01, 3307.01, 3309.01, or 23  
5505.01 of the Revised Code. 24

(2) A person who is a member of the public employees 25  
retirement system and who continues to perform the same or 26  
similar duties under the direction of a contractor who has 27  
contracted to take over what before the date of the contract was 28  
a publicly operated function. The governmental unit with which 29  
the contract has been made shall be deemed the employer for the 30  
purposes of administering this chapter. 31

(3) Any person who is an employee of a public employer, 32  
notwithstanding that the person's compensation for that 33  
employment is derived from funds of a person or entity other 34  
than the employer. Credit for such service shall be included as 35  
total service credit, provided that the employee makes the 36  
payments required by this chapter, and the employer makes the 37  
payments required by sections 145.48 and 145.51 of the Revised 38  
Code. 39

(4) A person who elects in accordance with section 145.015 40  
of the Revised Code to remain a contributing member of the 41  
public employees retirement system. 42

(5) A person who is an employee of the legal rights 43  
service on September 30, 2012, and continues to be employed by 44  
the nonprofit entity established under Section 319.20 of Am. 45  
Sub. H.B. 153 of the 129th general assembly. The nonprofit 46  
entity is the employer for the purpose of this chapter. 47

In all cases of doubt, the public employees retirement 48

board shall determine under section 145.036, 145.037, or 145.038 49  
of the Revised Code whether any person is a public employee, and 50  
its decision is final. 51

(B) "Member" means any public employee, other than a 52  
public employee excluded or exempted from membership in the 53  
retirement system by section 145.03, 145.031, 145.032, 145.033, 54  
145.034, 145.035, or 145.38 of the Revised Code. "Member" 55  
includes a PERS retirant who becomes a member under division (C) 56  
of section 145.38 of the Revised Code. "Member" also includes a 57  
disability benefit recipient. 58

(C) "Head of the department" means the elective or 59  
appointive head of the several executive, judicial, and 60  
administrative departments, institutions, boards, and 61  
commissions of the state and local government as the same are 62  
created and defined by the laws of this state or, in case of a 63  
charter government, by that charter. 64

(D) "Employer" or "public employer" means the state or any 65  
county, township, municipal corporation, park district, 66  
conservancy district, sanitary district, health district, 67  
metropolitan housing authority, state retirement board, Ohio 68  
history connection, public library, county law library, union 69  
cemetery, joint hospital, institutional commissary, state 70  
medical university, state university, or board, bureau, 71  
commission, council, committee, authority, or administrative 72  
body as the same are, or have been, created by action of the 73  
general assembly or by the legislative authority of any of the 74  
units of local government named in this division not covered by 75  
section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised 76  
Code. In addition, "employer" means the employer of any public 77  
employee. 78

(E) "Prior military service" also means all service 79  
credited for active duty with the armed forces of the United 80  
States as provided in section 145.30 of the Revised Code. 81

(F) "Contributor" means any person who has an account in 82  
the employees' savings fund created by section 145.23 of the 83  
Revised Code. When used in the sections listed in division (B) 84  
of section 145.82 of the Revised Code, "contributor" includes 85  
any person participating in a PERS defined contribution plan. 86

(G) "Beneficiary" or "beneficiaries" means the estate or a 87  
person or persons who, as the result of the death of a member, 88  
contributor, or retirant, qualify for or are receiving some 89  
right or benefit under this chapter. 90

(H) (1) "Total service credit," except as provided in 91  
sections 145.016 and 145.37 of the Revised Code, means all 92  
service credited to a member of the retirement system since last 93  
becoming a member, including restored service credit as provided 94  
by section 145.31 of the Revised Code; credit purchased under 95  
sections 145.293 and 145.299 of the Revised Code; all the 96  
member's military service credit computed as provided in this 97  
chapter; all service credit established pursuant to section 98  
145.297 of the Revised Code; and any other service credited 99  
under this chapter. 100

(2) "One and one-half years of contributing service 101  
credit," as used in division (B) of section 145.45 of the 102  
Revised Code, also means eighteen or more calendar months of 103  
employment by a municipal corporation that formerly operated its 104  
own retirement plan for its employees or a part of its 105  
employees, provided that all employees of that municipal 106  
retirement plan who have eighteen or more months of such 107  
employment, upon establishing membership in the public employees 108

retirement system, shall make a payment of the contributions 109  
they would have paid had they been members of this system for 110  
the eighteen months of employment preceding the date membership 111  
was established. When that payment has been made by all such 112  
employee members, a corresponding payment shall be paid into the 113  
employers' accumulation fund by that municipal corporation as 114  
the employer of the employees. 115

(3) Not more than one year of credit may be given for any 116  
period of twelve months. 117

(4) "Ohio service credit" means credit for service that 118  
was rendered to the state or any of its political subdivisions 119  
or any employer. 120

(I) "Regular interest" means interest at any rates for the 121  
respective funds and accounts as the public employees retirement 122  
board may determine from time to time. 123

(J) "Accumulated contributions" means the sum of all 124  
amounts credited to a contributor's individual account in the 125  
employees' savings fund together with any interest credited to 126  
the contributor's account under section 145.471 or 145.472 of 127  
the Revised Code. 128

(K) (1) "Final average salary" means the greater of the 129  
following: 130

(a) The sum of the member's earnable salaries for the 131  
appropriate number of calendar years of contributing service, 132  
determined under section 145.017 of the Revised Code, in which 133  
the member's earnable salary was highest, divided by the same 134  
number of calendar years or, if the member has fewer than the 135  
appropriate number of calendar years of contributing service, 136  
the total of the member's earnable salary for all years of 137

contributing service divided by the number of calendar years of 138  
the member's contributing service; 139

(b) The sum of a member's earnable salaries for the 140  
appropriate number of consecutive months, determined under 141  
section 145.017 of the Revised Code, that were the member's last 142  
months of service, up to and including the last month, divided 143  
by the appropriate number of years or, if the time between the 144  
first and final months of service is less than the appropriate 145  
number of consecutive months, the total of the member's earnable 146  
salary for all months of contributing service divided by the 147  
number of years between the first and final months of 148  
contributing service, including any fraction of a year, except 149  
that the member's final average salary shall not exceed the 150  
member's highest earnable salary for any twelve consecutive 151  
months. 152

(2) If contributions were made in only one calendar year, 153  
"final average salary" means the member's total earnable salary. 154

(L) "Annuity" means payments for life derived from 155  
contributions made by a contributor and paid from the annuity 156  
and pension reserve fund as provided in this chapter. All 157  
annuities shall be paid in twelve equal monthly installments. 158

(M) "Annuity reserve" means the present value, computed 159  
upon the basis of the mortality and other tables adopted by the 160  
board, of all payments to be made on account of any annuity, or 161  
benefit in lieu of any annuity, granted to a retirant as 162  
provided in this chapter. 163

(N) (1) "Disability retirement" means retirement as 164  
provided in section 145.36 of the Revised Code. 165

(2) "Disability allowance" means an allowance paid on 166

account of disability under section 145.361 of the Revised Code.	167
(3) "Disability benefit" means a benefit paid as	168
disability retirement under section 145.36 of the Revised Code,	169
as a disability allowance under section 145.361 of the Revised	170
Code, or as a disability benefit under section 145.37 of the	171
Revised Code.	172
(4) "Disability benefit recipient" means a member who is	173
receiving a disability benefit.	174
(O) "Age and service retirement" means retirement as	175
provided in sections 145.32, 145.33, 145.331, 145.332, 145.37,	176
and 145.46 and former section 145.34 of the Revised Code.	177
(P) "Pensions" means annual payments for life derived from	178
contributions made by the employer that at the time of	179
retirement are credited into the annuity and pension reserve	180
fund from the employers' accumulation fund and paid from the	181
annuity and pension reserve fund as provided in this chapter.	182
All pensions shall be paid in twelve equal monthly installments.	183
(Q) "Retirement allowance" means the pension plus that	184
portion of the benefit derived from contributions made by the	185
member.	186
(R) (1) Except as otherwise provided in division (R) of	187
this section, "earnable salary" means all salary, wages, and	188
other earnings paid to a contributor by reason of employment in	189
a position covered by the retirement system. The salary, wages,	190
and other earnings shall be determined prior to determination of	191
the amount required to be contributed to the employees' savings	192
fund under section 145.47 of the Revised Code and without regard	193
to whether any of the salary, wages, or other earnings are	194
treated as deferred income for federal income tax purposes.	195

"Earnable salary" includes the following:	196
(a) Payments made by the employer in lieu of salary,	197
wages, or other earnings for sick leave, personal leave, or	198
vacation used by the contributor;	199
(b) Payments made by the employer for the conversion of	200
sick leave, personal leave, and vacation leave accrued, but not	201
used if the payment is made during the year in which the leave	202
is accrued, except that payments made pursuant to section	203
124.383 or 124.386 of the Revised Code are not earnable salary;	204
(c) Allowances paid by the employer for maintenance,	205
consisting of housing, laundry, and meals, as certified to the	206
retirement board by the employer or the head of the department	207
that employs the contributor;	208
(d) Fees and commissions paid under section 507.09 of the	209
Revised Code;	210
(e) Payments that are made under a disability leave	211
program sponsored by the employer and for which the employer is	212
required by section 145.296 of the Revised Code to make periodic	213
employer and employee contributions;	214
(f) Amounts included pursuant to former division (K)(3)	215
and former division (Y) of this section and section 145.2916 of	216
the Revised Code.	217
(2) "Earnable salary" does not include any of the	218
following:	219
(a) Fees and commissions, other than those paid under	220
section 507.09 of the Revised Code, paid as sole compensation	221
for personal services and fees and commissions for special	222
services over and above services for which the contributor	223



receives a salary;	224
(b) Amounts paid by the employer to provide life	225
insurance, sickness, accident, endowment, health, medical,	226
hospital, dental, or surgical coverage, or other insurance for	227
the contributor or the contributor's family, or amounts paid by	228
the employer to the contributor in lieu of providing the	229
insurance;	230
(c) Incidental benefits, including lodging, food, laundry,	231
parking, or services furnished by the employer, or use of the	232
employer's property or equipment, or amounts paid by the	233
employer to the contributor in lieu of providing the incidental	234
benefits;	235
(d) Reimbursement for job-related expenses authorized by	236
the employer, including moving and travel expenses and expenses	237
related to professional development;	238
(e) Payments for accrued but unused sick leave, personal	239
leave, or vacation that are made at any time other than in the	240
year in which the sick leave, personal leave, or vacation was	241
accrued;	242
(f) Payments made to or on behalf of a contributor that	243
are in excess of the annual compensation that may be taken into	244
account by the retirement system under division (a) (17) of	245
section 401 of the "Internal Revenue Code of 1986," 100 Stat.	246
2085, 26 U.S.C.A. 401(a) (17), as amended;	247
(g) Payments made under division (B), (C), or (E) of	248
section 5923.05 of the Revised Code, Section 4 of Substitute	249
Senate Bill No. 3 of the 119th general assembly, Section 3 of	250
Amended Substitute Senate Bill No. 164 of the 124th general	251
assembly, or Amended Substitute House Bill No. 405 of the 124th	252

general assembly;	253
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	254 255 256 257 258 259
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	260 261
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	262 263 264
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	265 266
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	267 268 269
(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.	270 271 272 273 274
(T) "Contributing service" means both of the following:	275
(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.	276 277 278 279 280

(2) Service credit received by election of the member	281
under section 145.814 of the Revised Code.	282
(U) "State retirement board" means the public employees	283
retirement board, the school employees retirement board, or the	284
state teachers retirement board.	285
(V) "Retirant" means any former member who retires and is	286
receiving a monthly allowance as provided in sections 145.32,	287
145.33, 145.331, 145.332, and 145.46 and former section 145.34	288
of the Revised Code.	289
(W) "Employer contribution" means the amount paid by an	290
employer as determined under section 145.48 of the Revised Code.	291
(X) "Public service terminates" means the last day for	292
which a public employee is compensated for services performed	293
for an employer or the date of the employee's death, whichever	294
occurs first.	295
(Y) "Five years of service credit," for the exclusive	296
purpose of satisfying the service credit requirements and of	297
determining eligibility under section 145.33 or 145.332 of the	298
Revised Code, means employment covered under this chapter or	299
under a former retirement plan operated, recognized, or endorsed	300
by the employer prior to coverage under this chapter or under a	301
combination of the coverage.	302
(Z) "Deputy sheriff" means any person who is commissioned	303
and employed as a full-time peace officer by the sheriff of any	304
county, and has been so employed since on or before December 31,	305
1965; any person who is or has been commissioned and employed as	306
a peace officer by the sheriff of any county since January 1,	307
1966, and who has received a certificate attesting to the	308
person's satisfactory completion of the peace officer training	309

school as required by section 109.77 of the Revised Code; or any 310  
person deputized by the sheriff of any county and employed 311  
pursuant to section 2301.12 of the Revised Code as a criminal 312  
bailiff or court constable who has received a certificate 313  
attesting to the person's satisfactory completion of the peace 314  
officer training school as required by section 109.77 of the 315  
Revised Code. 316

(AA) "Township constable or police officer in a township 317  
police department or district" means any person who is 318  
commissioned and employed as a full-time peace officer pursuant 319  
to Chapter 505. or 509. of the Revised Code, who has received a 320  
certificate attesting to the person's satisfactory completion of 321  
the peace officer training school as required by section 109.77 322  
of the Revised Code. 323

(BB) "Drug agent" means any person who is either of the 324  
following: 325

(1) Employed full time as a narcotics agent by a county 326  
narcotics agency created pursuant to section 307.15 of the 327  
Revised Code and has received a certificate attesting to the 328  
satisfactory completion of the peace officer training school as 329  
required by section 109.77 of the Revised Code; 330

(2) Employed full time as an undercover drug agent as 331  
defined in section 109.79 of the Revised Code and is in 332  
compliance with section 109.77 of the Revised Code. 333

(CC) "Department of public safety enforcement agent" means 334  
a full-time employee of the department of public safety who is 335  
designated under section 5502.14 of the Revised Code as an 336  
enforcement agent and who is in compliance with section 109.77 337  
of the Revised Code. 338

(DD) "Natural resources law enforcement staff officer"	339
means a full-time employee of the department of natural	340
resources who is designated a natural resources law enforcement	341
staff officer under section 1501.013 of the Revised Code and is	342
in compliance with section 109.77 of the Revised Code.	343
(EE) "Forest-fire investigator" means a full-time employee	344
of the department of natural resources who is appointed a	345
forest-fire investigator under section 1503.09 of the Revised	346
Code and is in compliance with section 109.77 of the Revised	347
Code.	348
(FF) "Natural resources officer" means a full-time	349
employee of the department of natural resources who is appointed	350
as a natural resources officer under section 1501.24 of the	351
Revised Code and is in compliance with section 109.77 of the	352
Revised Code.	353
(GG) "Wildlife officer" means a full-time employee of the	354
department of natural resources who is designated a wildlife	355
officer under section 1531.13 of the Revised Code and is in	356
compliance with section 109.77 of the Revised Code.	357
(HH) "Park district police officer" means a full-time	358
employee of a park district who is designated pursuant to	359
section 511.232 or 1545.13 of the Revised Code and is in	360
compliance with section 109.77 of the Revised Code.	361
(II) "Conservancy district officer" means a full-time	362
employee of a conservancy district who is designated pursuant to	363
section 6101.75 of the Revised Code and is in compliance with	364
section 109.77 of the Revised Code.	365
(JJ) "Municipal police officer" means a member of the	366
organized police department of a municipal corporation who is	367

employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(KK) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(MM) "Special police officer for an institution for persons with intellectual disabilities" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(NN) "State university law enforcement officer" means any person who is employed full time as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code.

(OO) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B) (1) of section 101.311 of the Revised Code who has arrest authority under division (E) (1) of that section.

(PP) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C) (1) of section 101.311 of the Revised Code.

(QQ) "Regional transit authority police officer" means a

person who is employed full time as a regional transit authority 397  
police officer under division (Y) of section 306.35 of the 398  
Revised Code and is in compliance with section 109.77 of the 399  
Revised Code. 400

(RR) "State highway patrol police officer" means a special 401  
police officer employed full time and designated by the 402  
superintendent of the state highway patrol pursuant to section 403  
5503.09 of the Revised Code or a person serving full time as a 404  
special police officer pursuant to that section on a permanent 405  
basis on October 21, 1997, who is in compliance with section 406  
109.77 of the Revised Code. 407

(SS) "Municipal public safety director" means a person who 408  
serves full time as the public safety director of a municipal 409  
corporation with the duty of directing the activities of the 410  
municipal corporation's police department and fire department. 411

(TT) "Bureau of criminal identification and investigation 412  
investigator" means a person who is in compliance with section 413  
109.77 of the Revised Code and is employed full time as an 414  
investigator, as defined in section 109.541 of the Revised Code, 415  
of the bureau of criminal identification and investigation 416  
commissioned by the superintendent of the bureau as a special 417  
agent for the purpose of assisting law enforcement officers or 418  
providing emergency assistance to peace officers pursuant to 419  
authority granted under that section. 420

(UU) "Gaming agent" means a person who is in compliance 421  
with section 109.77 of the Revised Code and is employed full 422  
time as a gaming agent with the Ohio casino control commission 423  
pursuant to section 3772.03 of the Revised Code. 424

(VV) "Department of taxation investigator" means a person 425

employed full time with the department of taxation to whom both 426  
of the following apply: 427

(1) The person has been delegated investigation powers 428  
pursuant to section 5743.45 of the Revised Code for the 429  
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 430  
5747. of the Revised Code. 431

(2) The person is in compliance with section 109.77 of the 432  
Revised Code. 433

(WW) "Special police officer for a port authority" means a 434  
person who is in compliance with section 109.77 of the Revised 435  
Code and is employed full time as a special police officer with 436  
a port authority under section 4582.04 or 4582.28 of the Revised 437  
Code. 438

(XX) "Special police officer for a municipal airport" 439  
means a person to whom both of the following apply: 440

(1) The person is employed full time as a special police 441  
officer with a municipal corporation at a municipal airport or 442  
other municipal air navigation facility that meets both of the 443  
following requirements: 444

(a) The airport or navigation facility has scheduled 445  
operations, as defined in 14 C.F.R. 110.2, as amended. 446

(b) The airport or navigation facility is required to be 447  
under a security program and is governed by aviation security 448  
rules of the transportation security administration of the 449  
United States department of transportation as provided in 49 450  
C.F.R. parts 1542 and 1544, as amended. 451

(2) The person is in compliance with section 109.77 of the 452  
Revised Code. 453



(YY) Notwithstanding section 2901.01 of the Revised Code, 454  
"PERS law enforcement officer" means a sheriff or any of the 455  
following whose primary duties are to preserve the peace, 456  
protect life and property, and enforce the laws of this state: a 457  
deputy sheriff, township constable or police officer in a 458  
township police department or district, drug agent, department 459  
of public safety enforcement agent, natural resources law 460  
enforcement staff officer, wildlife officer, forest-fire 461  
investigator, natural resources officer, park district police 462  
officer, conservancy district officer, veterans' home police 463  
officer, special police officer for a mental health institution, 464  
special police officer for an institution for persons with 465  
developmental disabilities, state university law enforcement 466  
officer, municipal police officer, house sergeant at arms, 467  
assistant house sergeant at arms, regional transit authority 468  
police officer, or state highway patrol police officer. 469

"PERS law enforcement officer" also includes a person 470  
employed as a bureau of criminal identification and 471  
investigation investigator, gaming agent, department of taxation 472  
investigator, special police officer for a port authority, or 473  
special police officer for a municipal airport who commences 474  
employment in any of those positions on or after April 6, 2017, 475  
or makes the election described in section 145.334 of the 476  
Revised Code. 477

"PERS law enforcement officer" also includes a person 478  
serving as a municipal public safety director at any time during 479  
the period from September 29, 2005, to March 24, 2009, if the 480  
duties of that service were to preserve the peace, protect life 481  
and property, and enforce the laws of this state. 482

(ZZ) "Hamilton county municipal court bailiff" means a 483

person appointed by the clerk of courts of the Hamilton county 484  
municipal court under division (A) (3) of section 1901.32 of the 485  
Revised Code who is employed full time as a bailiff or deputy 486  
bailiff, who has received a certificate attesting to the 487  
person's satisfactory completion of the peace officer basic 488  
training described in division (D) (1) of section 109.77 of the 489  
Revised Code. 490

(AAA) "Emergency medical services worker" means a member 491  
of the public employees retirement system who is employed full- 492  
time in a position that requires a certificate issued under 493  
section 4765.30 of the Revised Code to practice as a first 494  
responder, emergency medical technician-basic, emergency medical 495  
technician-intermediate, or emergency medical technician 496  
paramedic. 497

(BBB) "PERS public safety officer" means a Hamilton county 498  
municipal court bailiff, or any of the following whose primary 499  
duties are other than to preserve the peace, protect life and 500  
property, and enforce the laws of this state: a deputy sheriff, 501  
township constable or police officer in a township police 502  
department or district, drug agent, department of public safety 503  
enforcement agent, natural resources law enforcement staff 504  
officer, wildlife officer, forest-fire investigator, natural 505  
resources officer, park district police officer, conservancy 506  
district officer, veterans' home police officer, special police 507  
officer for a mental health institution, special police officer 508  
for an institution for persons with developmental disabilities, 509  
state university law enforcement officer, municipal police 510  
officer, house sergeant at arms, assistant house sergeant at 511  
arms, regional transit authority police officer, or state 512  
highway patrol police officer. 513

"PERS public safety officer" also includes a person 514  
employed as a bureau of criminal identification and 515  
investigation investigator, gaming agent, department of taxation 516  
investigator, special police officer for a port authority, or 517  
special police officer for a municipal airport who commences 518  
employment in any of those positions on or after April 6, 2017, 519  
or makes the election described in section 145.334 of the 520  
Revised Code. 521

"PERS public safety officer" also includes a person 522  
employed as an emergency medical services worker who commences 523  
employment on or after the effective date of this amendment or 524  
who makes the election described in section 145.335 of the 525  
Revised Code. 526

"PERS public safety officer" also includes a person 527  
serving as a municipal public safety director at any time during 528  
the period from September 29, 2005, to March 24, 2009, if the 529  
duties of that service were other than to preserve the peace, 530  
protect life and property, and enforce the laws of this state. 531

~~(BBB)~~ (CCC) "Fiduciary" means a person who does any of the 532  
following: 533

(1) Exercises any discretionary authority or control with 534  
respect to the management of the system or with respect to the 535  
management or disposition of its assets; 536

(2) Renders investment advice for a fee, direct or 537  
indirect, with respect to money or property of the system; 538

(3) Has any discretionary authority or responsibility in 539  
the administration of the system. 540

~~(CCC)~~ (DDD) "Actuary" means an individual who satisfies 541  
all of the following requirements: 542

- (1) Is a member of the American academy of actuaries; 543
- (2) Is an associate or fellow of the society of actuaries; 544
- (3) Has a minimum of five years' experience in providing 545  
actuarial services to public retirement plans. 546

~~(DDD)~~ (EEE) "PERS defined benefit plan" means the plan 547  
described in sections 145.201 to 145.79 of the Revised Code. 548

~~(EEE)~~ (FFF) "PERS defined contribution plans" means the 549  
plan or plans established under section 145.81 of the Revised 550  
Code. 551

**Sec. 145.335.** A member who, on the effective date of this 552  
section, meets the definition of emergency medical services 553  
worker in section 145.01 of the Revised Code may make an 554  
election to be considered a PERS public safety officer by giving 555  
notice to the public employees retirement system on a form 556  
provided by the public employees retirement board. To be valid, 557  
the notice must be received by the retirement system not later 558  
than ninety days after the effective date of this section. The 559  
election, once made, causes the member to be considered a PERS 560  
public safety officer and is irrevocable. 561

Service credit earned by a member of the retirement system 562  
before the first day of the first month following the retirement 563  
system's receipt of the notice of election made under this 564  
section shall not be considered service credit as a PERS public 565  
safety officer. 566

**Section 2.** That existing section 145.01 of the Revised 567  
Code is hereby repealed. 568