

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

(A) "Volunteer fire fighter" means a duly appointed ~~fire fighter~~ MEMBER OF A VOLUNTEER FIRE DEPARTMENT on either a ~~non-pay~~ NONPAY or part-pay basis who is ineligible to be a member of ~~a fire fighters' relief~~ THE POLICE AND FIREMAN'S DISABILITY and pension fund, or whose employment as a fire fighter does not in itself qualify ~~the~~ ANY SUCH person for membership in the public employees' retirement system, EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, A VOLUNTEER FIRE FIGHTER WHO IS A MEMBER OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM SHALL BE CONSIDERED A VOLUNTEER FIRE FIGHTER FOR PURPOSES OF THIS CHAPTER, AND IN PARTICULAR, FOR PURPOSES OF DIVISIONS (A) AND (B) OF SECTION 146.12 OF THE REVISED CODE UNTIL HE HAS AT LEAST ONE AND ONE-HALF YEARS OF OHIO SERVICE CREDIT FOR PURPOSES OF DIVISION (B) OF SECTION 145.45 OF THE REVISED CODE, AND EXCEPT THAT, ON AND AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, A VOLUNTEER FIRE

FIGHTER WHO IS A MEMBER OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM SHALL BE CONSIDERED A VOLUNTEER FIRE FIGHTER FOR PURPOSES OF THIS CHAPTER AND, IN PARTICULAR, FOR PURPOSES OF DIVISION (C) OF SECTION 146.12 OF THE REVISED CODE UNTIL THIS PERSON HAS AT LEAST FIVE YEARS OF TOTAL SERVICE CREDIT FOR PURPOSES OF SECTIONS 145.35 AND 145.36 OF THE REVISED CODE. It includes a volunteer fire fighter who ~~is~~ MAY BE a member either of a fire department of a political subdivision or a fire district OF THIS STATE or of a private volunteer fire company ~~which~~ THAT has elected to participate in the volunteer fire fighters' dependents fund. ~~It includes~~ PURSUANT TO SECTION 146.02 OF THE REVISED CODE, OR fire fighters drafted, requisitioned, or appointed to serve in an emergency.

(B) "Private volunteer fire company" means a company of trained volunteer fire fighters having a contract to furnish fire protection or emergency service or both to a political subdivision or fire district OF THIS STATE.

(C) "Member of the fund" includes a political subdivision or fire district ~~maintaining~~ OF THIS STATE THAT MAINTAINS in whole or in part a volunteer fire department or ~~employing~~ EMPLOYS volunteer fire fighters, and a private volunteer fire company ~~which~~ THAT has elected to participate in the volunteer fire fighters' dependents fund.

(D) "Dependent" means the surviving spouse or child under sixteen years of age of a volunteer fire fighter regardless of financial status.

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

SECTION 3. If a volunteer fire fighter, who was a member of the Public Employees Retirement System, was killed, or died from exposure or injury received, while in the discharge of his duties as a volunteer fire fighter, on or after January 1, 1976, and prior to the effective date of this act, benefits shall be payable to eligible persons under division (A) or (B) of section 146.12 of the Revised Code, as if the decedent were covered by the volunteer fire fighters' dependents fund at the time of his death. This section does not apply to persons who are or were recipients of survivor's benefits under section 145.45 of the Revised Code as a result of such a volunteer fire fighter's death.

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SECTION 4. If a volunteer fire fighter, as defined in division (A) of former section 146.01 of the Revised Code, other than a volunteer fire fighter described in Section 3 of this act, who was a member of the Public Employees Retirement System, was killed, or died from exposure or injury received, while in the discharge of duties as a volunteer fire fighter, on or after October 25, 1978, and prior to the effective date of this act, benefits shall be payable to eligible persons under division (A) or (B) of section 146.12 of the Revised Code, as if the decedent were covered by the volunteer fire fighters' dependents fund at the time of death. This section does not apply to persons who are or were recipients of survivor's benefits under section 145.45 of the Revised Code as a result of such a volunteer fire fighter's death.

SECTION 5. If a person who was a volunteer fire fighter is totally and permanently disabled on or after January 1, 1976 as a result of discharging his duties as a volunteer fire fighter while he was a member of the Public Employees Retirement System, but ineligible for disability retirement under sections 145.35 and 145.36 of the Revised Code because of the lack of five years of total service credit for the purposes of those sections, benefits shall be payable to any such former volunteer fire fighter under, but subject to the limitations of, division (C) of section 146.12 of the Revised Code, as if he were covered by the volunteer fire fighters' dependents fund or by the volunteer fire fighters' dependents fund at the time he became totally and permanently disabled. Benefits payable to a former volunteer fire fighter in accordance with this section shall cease if he acquires five years of total service credit for eligibility for disability retirement under the Public Employees Retirement System. This section does not apply to former volunteer firemen who were recipients of disability retirement benefits under sections 145.35 and 145.36 of the Revised Code because of their volunteer fireman-related total and permanent disability or who are recipients of such benefits because of any disability.

SECTION 6. If a person who was a volunteer fire fighter, as defined in division (A) of former section 146.01 of the Revised Code, other than a former volunteer fireman described in Section 5 of this act, is totally and permanently disabled as a result of discharging duties as a volunteer fire fighter on or after October 25, 1978, and while a member of the Public Employees Retirement System, but ineligible for disability retirement under sections 145.35 and 145.36 of the Revised Code because of the lack of five years of total service credit for purposes of those sections, benefits shall be payable to any such former volunteer fire fighter under, but subject to the limitations of, division (C) of section 146.12 of the Revised Code, as if this person were covered by the volunteer fire fighters' dependents fund at the time of total and permanent disability. Benefits payable to a former volunteer fire fighter in accordance with this section shall cease upon the acquiring of five years of total service credit for eligibility for disability retirement under the Public Employees Retirement System. This section does not apply to former volunteer fire fighters who were recipients of disability retirement benefits under sections 145.35 and 145.36 of the Revised Code because of their volunteer fire fighter-related total and permanent disability or who are recipients of such benefits because of any disability.

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