



Phil Mullin

Bill Analysis
Legislative Service Commission

H.B. 267

124th General Assembly
(As Introduced)

Reps. Flowers, Carmichael, Faber, Goodman, Hughes, Lendrum, Latta, Raga, Reinhard, Schmidt, G. Smith, Willamowski, Britton, Ford, Hartnett, Otterman, Rhine, Strahorn, Sullivan

BILL SUMMARY

- Increases from \$65 to \$125 per month the amount of the benefits payable from the Volunteer Fire Fighters' Dependents Fund for certain surviving dependent children of volunteer firefighters, and extends those benefits to dependent children under 23 years of age who attend a specified type of post-secondary educational institution.
- Increases from \$200 to \$300 per month the amount of the benefits payable from the Volunteer Fire Fighters' Dependents Fund to the unmarried surviving spouses of deceased volunteer firefighters.
- Provides paid leave of 40 hours per year to state employees for service as a volunteer firefighter or emergency medical services worker.
- Provides limited civil immunity for instructors at the Ohio Fire Academy and other fire service training programs.
- Authorizes the State Fire Commission's maintenance of the Ohio Fire Service Hall of Fame and the payment of associated recognition and commemoration expenses with state moneys.
- Declares the State Fire Marshal's office to be a "firefighting agency" to allow the office to assist with local firefighting.

CONTENT AND OPERATION

Increased benefits for certain survivors of volunteer firefighters

Dependent children

Under current law, upon a volunteer firefighter's death, the parent, guardian, or other persons upon whom a child of the volunteer firefighter is dependent for chief support must receive from the Volunteer Fire Fighters' Dependents Fund \$65 per month for each dependent child of the volunteer firefighter. This payment continues until the dependent child is 18 years old. (Sec. 146.12(B).)

The bill increases this monthly payment from \$65 to \$125. It continues to require that the payment be made for each dependent child under 18 years of age, but it also specifies that the payment is to be made for each dependent child under 23 years of age if the child is attending a post-secondary educational institution and is completing in each school year the equivalent of at least two-thirds of the full-time curriculum requirements. (Secs. 146.01(E) and 146.12(B).)

Surviving spouses

Under current law, if a volunteer firefighter is killed while discharging duties or dies from exposure or injury received while in the discharge of duties, the volunteer firefighter's surviving spouse, so long as he or she does not remarry, must receive \$200 per month from the Volunteer Fire Fighters' Dependents Fund. The bill continues this benefit, but increases the monthly amount from \$200 to \$300. (Sec. 146.12(A).)

Paid leave for service as a volunteer firefighter or emergency medical services worker

The bill grants to each state employee who is an EMT-basic, EMT-I, first responder, or paramedic, as defined in the Emergency Medical Services Law, and to each volunteer firefighter, as defined in the Volunteer Fire Fighters' Dependents Fund Law, 40 hours of paid leave each calendar year to use during those hours when the employee is absent from work in order to provide emergency medical service or firefighting service. An appointing authority must compensate an employee who uses this leave at the employee's regular rate of pay for those regular work hours during which the employee is so absent from work. (Sec. 124.139.)

Limited civil immunity for Ohio Fire Academy and other fire training program instructors

The bill provides that a person who teaches at the Ohio Fire Academy operated by the State Fire Marshal, or in any other fire service training program that is operated by a state agency or political subdivision and that is chartered by the Executive Director of the State Board of Emergency Medical Services with the advice and consent of the Board's Firefighter and Fire Safety Inspector Training Committee, is not liable in damages in a civil action for injury, death, or loss to person or property resulting from acts or omissions in the performance of the person's duties, unless an act or omission constitutes willful or wanton misconduct. Current law grants this same immunity to a person certified to teach in an emergency medical services training or continuing education program. (Sec. 4765.49(G).)

Ohio Fire Service Hall of Fame

The bill authorizes the State Fire Commission to maintain the Ohio Fire Service Hall of Fame to recognize and commemorate exemplary accomplishments and acts of heroism by firefighters and other persons at fire-related incidents or similar events in Ohio. The Commission may adopt criteria and guidelines for selecting individuals for that recognition and commemoration, which may occur annually and include an annual awards ceremony in conjunction with a banquet or dinner hosted by the Commission with the Fire Marshal's assistance. (Sec. 3737.03(C).)

If the Commission maintains the Hall of Fame, the Fire Marshal must preserve in an appropriate manner, in the office space or meeting rooms that the Fire Marshal must provide to the Commission under current law or in another location, copies of all official commendations awarded to the recognized and commemorated individuals (sec. 3737.81(E)). The expenses incurred for the recognition and commemoration of individuals, including, but not limited to, expenses for their official commendations and an annual awards ceremony and associated banquets or dinner, may be paid from (1) General Assembly appropriations for that recognition and commemoration, (2) moneys available to the Fire Marshal under the Fire Marshal Law that may be used for that recognition and commemoration, or (3) other funding sources available to the Commission (secs. 3737.03(C) and 3737.81(F)).

Designation of the Fire Marshal's office as a firefighting agency

Current law authorizes a "firefighting agency" (a municipal corporation, township, township fire district, joint ambulance district, joint emergency medical services district, or joint fire district) to (1) contract with any governmental entity

in Ohio or another jurisdiction to provide fire protection or emergency medical services, whether on a regular basis or only in times of emergency, upon the approval of the requisite governing boards or administrative heads or (2) provide fire protection or emergency medical services to any such governmental entity, *without a contract*, upon the approval of the agency's governing board and the authorization of a designated officer or employee of the agency (sec. 9.60(B), (C), and (D)).

The bill adds the Fire Marshal's office to the definition of a firefighting agency (sec. 9.60(A)(3)). Thus, it authorizes the Fire Marshal's office to provide fire protection services to other governmental entities either under a contract as described in item (1) above or without a contract under the conditions described in item (2) above.

Fire Marshal Modernization Act

The bill states that it must be known as the "Fire Marshal Modernization Act" (Section 3).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-22-01	p. 446

H0267-I.124/jc