

As Introduced

124th General Assembly
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S. B. No. 134

SENATOR Blessing

A B I L L

To amend sections 742.03, 742.14, 742.351, 742.37,
742.3716, 742.46, and 742.63; to amend, for the
purpose of adopting new section numbers as
indicated in parentheses, sections 742.43 (742.113)
and 742.44 (742.101); to enact new sections 742.43
and 742.44 and sections 742.441, 742.442, 742.443,
742.444, 742.445, 742.446, and 742.447 of the
Revised Code to provide for establishment of the
Ohio Police and Fire Pension Fund deferred
retirement option plan.

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

Section 1. That sections 742.03, 742.14, 742.351, 742.37,
742.3716, 742.46, and 742.63 be amended; sections 742.43 (742.113)
and 742.44 (742.101) be amended, for the purpose of adopting new
section numbers as indicated in parentheses; and new sections
742.43 and 742.44 and sections 742.441, 742.442, 742.443, 742.444,
742.445, 742.446, and 742.447 of the Revised Code be enacted to
read as follows:

Sec. 742.03. (A) As used in this section and in sections
742.04 and 742.05 of the Revised Code:

(1) "Police officer" means a member of the fund who is or has

been an employee of a police department and is not a police
retirant.

(2) "Firefighter" means a member of the fund who is or has
been an employee of a fire department and is not a firefighter
retirant.

(3) "Firefighter retirant" means a member of the fund who is
receiving an age and service or disability benefit as a result of
service in a fire department or a surviving spouse of a deceased
member who is receiving a benefit as a result of the deceased
member's service in a fire department. "Firefighter retirant" does
not include a member of the fund who is participating in the
deferred retirement option plan established under section 742.43
of the Revised Code.

(4) "Police retirant" means a member of the fund who is
receiving an age and service or disability benefit as a result of
service in a police department or a surviving spouse of a deceased
member who is receiving a benefit as a result of the deceased
member's service in a police department. "Police retirant" does
not include a member of the fund who is participating in the
deferred retirement option plan established under section 742.43
of the Revised Code.

(B) The administration, control, and management of the Ohio
police and fire pension fund, created under section 742.02 of the
Revised Code, is vested in a board of trustees of the Ohio police
and fire pension fund, which shall consist of nine members as
follows:

(1) The attorney general;

(2) The auditor of state;

(3) The fiscal officer of a municipal corporation who shall
be appointed by the governor. This member's term shall be for
three years, commencing on the fourth day of June and ending on

the third day of June. The fiscal officer member shall hold office
from the date of appointment until the end of the term for which
appointed. Any fiscal officer member appointed to fill a vacancy
occurring prior to the expiration of the term for which the fiscal
officer member's predecessor was appointed shall hold office for
the remainder of such term. Any fiscal officer member shall
continue in office subsequent to the expiration date of the fiscal
officer member's term until such member's successor takes office,
or until a period of sixty days has elapsed, whichever occurs
first.

(4) Four members known as employee members.

Two employee members shall be police officers elected by
police officers. Two employee members shall be firefighters
elected by firefighters. Employee members of the board shall be
elected for terms of four years as provided by section 742.04 of
the Revised Code.

(5) One member known as the firefighter retirant member, who
shall be a resident of this state elected by the firefighter
retirants. The firefighter retirant member shall be elected for a
term of four years as provided by section 742.04 of the Revised
Code.

(6) One member known as the police retirant member, who shall
be a resident of this state elected by the police retirants. The
police retirant member shall be elected for a term of four years
as provided by section 742.04 of the Revised Code.

(C) No employee member of the board who retires while a
member of the board shall be eligible to become a retirant member
for three years after the date of the member's retirement.

Sec. ~~742.44~~ 742.101. The board of trustees of the Ohio police
and fire pension fund shall estimate annually the amount required

to pay its expenses for the ensuing year, and shall fix the amount 82
which shall be transferred from the guarantee fund to the expense 83
fund. 84

Sec. ~~742.43~~ 742.113. Except as provided in sections 742.01 to 85
742.61 of the Revised Code, no trustee and no employee of the 86
board of trustees of the Ohio police and fire pension fund shall 87
have any interest, direct or indirect, in the gains or profits of 88
any investment made by the board nor as such, directly or 89
indirectly, receive any pay or annual emolument for the trustee's 90
or employee's services. No trustee or employee of said board 91
shall, directly or indirectly, for self or as an agent or partner 92
of others, borrow any funds or deposits over which the board has 93
jurisdiction or use the same except to make such current and 94
necessary payments as are authorized by the board; nor shall any 95
member or employee of the said board become an endorser or surety 96
or become in any manner an obligor for money loaned by or borrowed 97
from the board. 98

Sec. 742.14. (A) The board of trustees of the Ohio police and 99
fire pension fund shall have prepared annually by or under the 100
supervision of an actuary an actuarial valuation of the pension 101
assets, liabilities, and funding requirements of the Ohio police 102
and fire pension fund as established pursuant to sections 742.01 103
to 742.61 of the Revised Code. The actuary shall complete the 104
valuation in accordance with actuarial standards of practice 105
promulgated by the actuarial standards board of the American 106
academy of actuaries and prepare a report of the valuation. The 107
report shall include all of the following: 108

(1) A summary of the benefit provisions evaluated; 109

(2) A summary of the census data and financial information 110
used in the valuation; 111

(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members of the fund contributing to the pension fund;

(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;

(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;

(6) A statement of whether contributions to the pension fund are expected to be sufficient to satisfy the funding objectives established by the board.

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of November following the year for which the valuation was made.

(B) The board shall annually thereafter have prepared by an actuary a report showing the adequacy of the rate of the police officer employers' contribution provided for by section 742.33 of the Revised Code, and the adequacy of the rate of the firefighter employers' contribution provided for by section 742.34 of the Revised Code.

(C) At such times as the board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members of the fund and of other system retirants, as defined in section 742.26 of the Revised Code, who are members of a police department or a

fire department to update the actuarial assumptions used in the 143
actuarial valuation required by division (A) of this section. The 144
actuary shall prepare a report of the actuarial investigation. The 145
report shall be prepared and any recommended changes in actuarial 146
assumptions shall be made in accordance with the actuarial 147
standards of practice promulgated by the actuarial standards board 148
of the American academy of actuaries. The report shall include all 149
of the following: 150

(1) A summary of relevant decrement and economic assumption 151
experience observed over the period of the investigation; 152

(2) Recommended changes in actuarial assumptions to be used 153
in subsequent actuarial valuations required by division (A) of 154
this section; 155

(3) A measurement of the financial effect of the recommended 156
changes in actuarial assumptions. 157

The board shall submit the report to the Ohio retirement 158
study council and the standing committees of the house of 159
representatives and the senate with primary responsibility for 160
retirement legislation not later than the first day of November 161
following the last fiscal year of the period the report covers. 162

(D) The board shall have prepared by or under the supervision 163
of an actuary an actuarial analysis of any introduced legislation 164
expected to have a measurable financial impact on the pension 165
fund. The actuarial analysis shall be completed in accordance with 166
the actuarial standards of practice promulgated by the actuarial 167
standards board of the American academy of actuaries. The actuary 168
shall prepare a report of the actuarial analysis, which shall 169
include all of the following: 170

(1) A summary of the statutory changes that are being 171
evaluated; 172

(2) A description of or reference to the actuarial 173

assumptions and actuarial cost method used in the report;	174
(3) A description of the participant group or groups included in the report;	175 176
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members of the fund over a period not to exceed thirty years;	177 178 179 180 181 182 183
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	184 185 186 187
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative budget office of the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	188 189 190 191 192 193
(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under section 742.45 of the Revised Code. The report shall be made as of December 31, 1997, and the thirty-first day of December of each year thereafter. The report shall include the following:	194 195 196 197 198 199
(1) A description of the statutory authority for the benefits provided;	200 201
(2) A summary of the benefits;	202
(3) A summary of the eligibility requirements for the	203

benefits;	204
(4) A statement of the number of participants eligible for the benefits;	205 206
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	207 208
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	209 210
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	211 212 213 214 215
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	216 217 218 219
(9) A description of any significant changes that affect the comparability of the report required under this division;	220 221
(10) A statement of the amount paid under division (C) of section 742.45 of the Revised Code.	222 223
The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the thirtieth day of June following the year for which the report was made.	224 225 226 227 228
<u>(F) At least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the deferred retirement option plan established under section 742.43 of the Revised Code. The investigation shall include an examination of the financial</u>	229 230 231 232 233

impact, if any, on the fund of offering the plan to members.

The actuary shall prepare a report of the actuarial investigation. The report shall include a determination of whether the plan, as established or modified, has a negative financial impact on the fund and, if so, recommendations on how to modify the plan to eliminate the negative financial impact. If the actuarial report indicates that the plan has a negative financial impact on the fund, the board may modify the plan or cease to allow members who have not already done so to elect to participate in the plan. If the board ceases to allow members to elect to participate in the plan, the rights and obligations of members who have already elected to participate shall not be altered.

The board may include the actuarial investigation required under this division as part of the actuarial investigation required under division (C) of this section.

Sec. 742.351. (A) On receipt of written notice of a member's election to retire under division (C) of section 742.37 of the Revised Code or to terminate active service as described in division (B) of section 742.444 of the Revised Code, the Ohio police and fire pension fund shall request from the employer verification of the member's termination date and any other information the fund determines necessary to calculate and pay a pension under ~~that~~ division (C) of section 742.37 of the Revised Code. The request shall be on a form created by the fund and specify the date by which the information must be received by the fund, which shall be sixty days after the form is sent by the fund.

(B)(1) On receipt of a request for information under division (A) of this section, the employer shall complete the form and return it to the fund not later than the date specified by the

fund.

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(2) If the fund does not receive the completed form by the
specified date, the fund shall send notice by certified mail to
the employer that unless the completed form is received not later
than thirty days after the specified date a fine will be imposed.

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(C) The fund shall assess against an employer that fails to
return the completed form by the end of the period described in
division (B)(2) of this section a fine of one hundred dollars per
day. The period for which the fine shall be imposed begins the
thirty-first day after the date notice is mailed under division
(B)(2) of this section and ends on the day before the day the
completed form is received by the fund. Any amount due from an
employer under this division shall be collected from the county
auditor in the manner provided in section 742.35 of the Revised
Code for delinquent contributions.

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(D) The fund shall make one or more monthly payments to a
member whose pension does not commence by the ninety-first day
after the fund sends a request for information under division (A)
of this section due to the employer's failure to return the
completed form required under this section. Payment under this
division shall commence on the first day of the second month
following a month that includes a day for which an assessment
against the employer is required under division (C) of this
section. The payment shall be an amount equal to one hundred
dollars for every day that an assessment is required under
division (C) of this section less any administrative costs
incurred by the fund in complying with this section. Payment shall
continue on a monthly basis until the member receives the total
amount attributable to the required penalty for an employer's
failure to return the form that was requested for that member's
information.

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Sec. 742.37. The board of trustees of the Ohio police and 296
fire pension fund shall adopt rules for the management of the fund 297
and for the disbursement of benefits and pensions as set forth in 298
this section and section 742.39 of the Revised Code. Any payment 299
of a benefit or pension under this section is subject to the 300
provisions of section 742.461 of the Revised Code. Notwithstanding 301
any other provision of this section, no pension or benefit paid or 302
determined under division (B) or (C) of this section or section 303
742.39 of the Revised Code shall exceed the limit established by 304
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 305
2085, 26 U.S.C.A. 415, as amended. 306

(A) Persons who were receiving benefit or pension payments 307
from a police relief and pension fund established under former 308
section 741.32 of the Revised Code, or from a firemen's relief and 309
pension fund established under former section 521.02 or 741.02 of 310
the Revised Code, at the time the assets of the fund were 311
transferred to the Ohio police and fire pension fund, known at 312
that time as the police and firemen's disability and pension fund, 313
shall receive benefit and pension payments from the Ohio police 314
and fire pension fund in the same amount and subject to the same 315
conditions as such payments were being made from the former fund 316
on the date of the transfer. 317

(B) A member of the fund who, pursuant to law, elected to 318
receive benefits and pensions from a police relief and pension 319
fund established under former section 741.32 of the Revised Code, 320
or from a firemen's relief and pension fund established under 321
former section 741.02 of the Revised Code, in accordance with the 322
rules of the fund governing the granting of benefits or pensions 323
therefrom in force on April 1, 1947, shall receive benefits and 324
pensions from the Ohio police and fire pension fund in accordance 325
with such rules; provided, that any member of the fund who is not 326
receiving a benefit or pension from the fund on August 12, 1975, 327

may, upon application for a benefit or pension to be received on
or after August 12, 1975, elect to receive a benefit or pension in
accordance with division (C) of this section.

(C) Members of the fund who have not elected to receive
benefits and pensions from a police relief and pension fund or a
firemen's relief and pension fund in accordance with the rules of
the fund in force on April 1, 1947, shall receive pensions and
benefits in accordance with the following provisions:

(1) A member of the fund who has completed twenty-five years
of active service in a police or fire department and has attained
forty-eight years of age may, at the member's election, retire
from the police or fire department, ~~and. Except while~~
participating in the deferred retirement option plan established
under section 742.43 of the Revised Code, upon notifying the board
in writing of the election, the member shall receive an annual
pension, payable in twelve monthly installments, in an amount
equal to a percentage of the member's average annual salary. The
percentage shall be the sum of two and one-half per cent for each
of the first twenty years the member was in the active service of
the department, plus two per cent for each of the twenty-first to
twenty-fifth years the member was in the active service of the
department, plus one and one-half per cent for each year in excess
of twenty-five years the member was in the active service of the
department. The annual pension shall not exceed seventy-two per
cent of the member's average annual salary.

A member who completed twenty-five years of active service,
has resigned or been discharged, and has left the sum deducted
from the member's salary on deposit in the pension fund shall,
upon attaining forty-eight years of age, be entitled to receive a
normal service pension benefit computed and paid under division
(C)(1) of this section.

(2) A member of the fund who has served fifteen or more years

as an active member of a police or fire department and who
voluntarily resigns or is discharged from the department for any
reason other than dishonesty, cowardice, intemperate habits, or
conviction of a felony, shall receive an annual pension, payable
in twelve monthly installments, in an amount equal to one and
one-half per cent of the member's average annual salary multiplied
by the number of full years the member was in the active service
of the department. The pension payments shall not commence until
the member has attained the age of forty-eight years and until
twenty-five years have elapsed from the date on which the member
became a full-time regular police officer or firefighter in the
department.

(3) A member of the fund who has completed fifteen or more
years of active service in a police or fire department and who has
attained sixty-two years of age, may retire from the department
and, upon notifying the board in writing of the election to
retire, shall receive an annual pension, payable in twelve monthly
installments, in an amount equal to a percentage of the member's
average annual salary. The percentage shall be the sum of two and
one-half per cent for each of the first twenty years the member
was in the active service of the department, plus two per cent for
each of the twenty-first to twenty-fifth years the member was in
the active service of the department, plus one and one-half per
cent for each year in excess of twenty-five years the member was
in the active service of the department. The annual pension shall
not exceed seventy-two per cent of the member's average annual
salary.

(4) With the exception of those persons who may make
application for benefits as provided in section 742.26 of the
Revised Code, no person receiving a pension or other benefit under
division (C) of this section on or after July 24, 1986, shall be
entitled to apply for any new, changed, or different benefit.

If a member covered by division (C) of this section or 392
section 742.38 of the Revised Code dies prior to the time the 393
member has received a payment and leaves a surviving spouse or 394
dependent child, the surviving spouse or dependent child shall 395
receive a pension under division (D) or (E) of this section. 396

(D)(1) Except as provided in division (D)(2) of this section, 397
a surviving spouse of a deceased member of the fund shall receive 398
a monthly pension as follows: 399

(a) For the period beginning July 1, 1999, and ending June 400
30, 2000, five hundred fifty dollars; 401

(b) For the period beginning July 1, 2000, and the first day 402
of July of each year thereafter and continuing for the following 403
twelve months, an amount equal to the monthly amount paid during 404
the prior twelve-month period plus an amount determined by 405
multiplying five hundred fifty dollars by the average percentage 406
change in the consumer price index, not exceeding three per cent, 407
as determined each year by the board under section 742.3716 of the 408
Revised Code. 409

(2) A surviving spouse of a deceased member of the fund shall 410
receive a monthly pension of four hundred ten dollars if the 411
surviving spouse is eligible for a benefit under division (B) or 412
(D) of section 742.63 of the Revised Code. If the surviving spouse 413
ceases to be eligible for a benefit under division (B) or (D) of 414
section 742.63 of the Revised Code, the pension shall be 415
increased, effective the first day of the first month following 416
the day on which the surviving spouse ceases to be eligible for 417
the benefit, to the amount it would be under division (D)(1) of 418
this section had the spouse never been eligible for a benefit 419
under division (B) or (D) of section 742.63 of the Revised Code. 420

(3) A pension paid under this division shall continue during 421
the natural life of the surviving spouse. Benefits to a deceased 422

member's surviving spouse that were terminated under a former
version of this section that required termination due to
remarriage and were not resumed prior to September 16, 1998, shall
resume on the first day of the month immediately following receipt
by the board of an application on a form provided by the board.

(E) Each surviving child of a deceased member of the fund
shall receive a monthly pension of one hundred fifty dollars until
the child attains the age of eighteen years, or marries, whichever
event occurs first. A pension under this division, however, shall
continue to be payable to a child under age twenty-two who is a
student in and attending an institution of learning or training
pursuant to a program designed to complete in each school year the
equivalent of at least two-thirds of the full-time curriculum
requirements of the institution, as determined by the board. If
any surviving child, regardless of age at the time of the member's
death, because of physical or mental disability, is totally
dependent upon the deceased member for support at the time of
death, the child shall receive a monthly pension under this
division during the child's natural life or until the child has
recovered from the disability.

(F) If a deceased member of the fund leaves no surviving
spouse or surviving children, but leaves two parents dependent
upon the deceased member for support, each parent shall be paid a
monthly pension of one hundred dollars. If there is only one
parent dependent upon the member for support, the parent shall be
paid a monthly pension of two hundred dollars. The pensions
provided for in this division shall be paid during the natural
life of the surviving parents, or until dependency ceases, or
until remarriage, whichever event occurs first.

(G) Subject to the provisions of section 742.461 of the
Revised Code, a member of the fund who voluntarily resigns or is
removed from active service in a police or fire department is

entitled to receive an amount equal to the sums deducted from the member's salary and credited to the member's account in the fund, except that a member receiving a disability benefit or service pension is not entitled to receive any return of contributions to the fund.

(H) On and after January 1, 1970, all pensions shall be increased in accordance with the following provisions:

(1) A member of the fund who retired prior to January 1, 1967, has attained age sixty-five on January 1, 1970, and was receiving a pension on December 31, 1969, pursuant to division (B) or (C)(1) of this section or former division (C)(2), (3), (4), or (5) of this section, shall have the pension increased by ten per cent.

(2) The monthly pension payable to eligible surviving spouses under division (D) of this section shall be increased by forty dollars for each surviving spouse receiving a pension on December 31, 1969.

(3) The monthly pension payable to each eligible child under division (E) of this section shall be increased by ten dollars for each child receiving a pension on December 31, 1969.

(4) The monthly pension payable to each eligible dependent parent under division (F) of this section shall be increased by thirty dollars for each parent receiving a pension on December 31, 1969.

(5) A member of the fund, including a survivor of a member, who is receiving a pension in accordance with the rules governing the granting of pensions and benefits in force on April 1, 1947, that provide an increase in the original pension from time to time pursuant to changes in the salaries of active members, shall not be eligible for the benefits provided in this division.

(I) On and after January 1, 1977, a member of the fund who

was receiving a pension or benefit on December 31, 1973, under
division (A), (B), (C)(1), or former division (C)(2) or (7) of
this section shall have the pension or benefit increased as
follows:

(1) If the member's annual pension or benefit is less than
two thousand seven hundred dollars, it shall be increased to three
thousand dollars.

(2) If the member's annual pension or benefit is two thousand
seven hundred dollars or more, it shall be increased by three
hundred dollars.

The following shall not be eligible to receive increased
pensions or benefits as provided in this division:

(a) A member of the fund who is receiving a pension or
benefit in accordance with the rules in force on April 1, 1947,
governing the granting of pensions and benefits, which provide an
increase in the original pension or benefit from time to time
pursuant to changes in the salaries of active members;

(b) A member of the fund who is receiving a pension or
benefit under division (A) or (B) of this section, based on funded
volunteer or funded part-time service, or off-duty disability, or
partial on-duty disability, or early vested service;

(c) A member of the fund who is receiving a pension under
division (C)(1) of this section, based on funded volunteer or
funded part-time service.

(J) On and after July 1, 1977, a member of the fund who was
receiving an annual pension or benefit on December 31, 1973,
pursuant to division (B) of this section, based upon partial
disability, off-duty disability, or early vested service, or
pursuant to former division (C)(3), (5), or (6) of this section,
shall have such annual pension or benefit increased by three
hundred dollars.

The following are not eligible to receive the increase 517
provided by this division: 518

(1) A member of the fund who is receiving a pension or 519
benefit in accordance with the rules in force on April 1, 1947, 520
governing the granting of pensions and benefits, which provide an 521
increase in the original pension or benefit from time to time 522
pursuant to changes in the salaries of active members; 523

(2) A member of the fund who is receiving a pension or 524
benefit under division (B) or (C)(2) of this section or former 525
division (C)(3), (5), or (6) of this section based on volunteer or 526
part-time service. 527

(K)(1) Except as otherwise provided in this division, every 528
person who on July 24, 1986, is receiving an age and service or 529
disability pension, allowance, or benefit pursuant to this chapter 530
in an amount less than thirteen thousand dollars a year that is 531
based upon an award made effective prior to February 28, 1984, 532
shall receive an increase of six hundred dollars a year or the 533
amount necessary to increase the pension or benefit to four 534
thousand two hundred dollars after all adjustments required by 535
this section, whichever is greater. 536

(2) Division (K)(1) of this section does not apply to the 537
following: 538

(a) A member of the fund who is receiving a pension or 539
benefit in accordance with rules in force on April 1, 1947, that 540
govern the granting of pensions and benefits and that provide an 541
increase in the original pension or benefit from time to time 542
pursuant to changes in the salaries of active members; 543

(b) A member of the fund who is receiving a pension or 544
benefit based on funded volunteer or funded part-time service. 545

(L) On and after July 24, 1986: 546

(1) The pension of each person receiving a pension under 547
division (D) of this section on July 24, 1986, shall be increased 548
to three hundred ten dollars per month. 549

(2) The pension of each person receiving a pension under 550
division (E) of this section on July 24, 1986, shall be increased 551
to ninety-three dollars per month. 552

Sec. 742.3716. (A) As used in this section: 553

(1) "Eligible person" means a person who meets all of the 554
following conditions: 555

(a) Has been receiving a pension or benefit under this 556
chapter for one year or more based on an award made on or after 557
July 24, 1986; 558

(b) Has not made the election provided for in division (B) of 559
this section; 560

(c) Is not the spouse or survivor of a person who has made 561
the election provided for in division (B) of this section; 562

(d) Is receiving a benefit in accordance with division (A), 563
(B), or (C) of section 742.37, division (C)(2), (3), (4), or (5) 564
of former section 742.37, section 742.3711, or section 742.39 of 565
the Revised Code. 566

(2) "Recalculated average annual salary" means the highest 567
average annual compensation of a member of the Ohio police and 568
fire pension fund during any three years of contributions, 569
including amounts included in terminal pay attributable to such 570
three years, determined by dividing the member's total earnings as 571
an employee during such years by three. 572

(B)(1) Notwithstanding section 742.37 or 742.39 of the 573
Revised Code, a member of the fund who is not receiving a pension 574
or benefit under this chapter and who on January 1, 1989, has 575

completed fifteen or more years of active service in a police or
fire department may elect to have any future benefit or pension
paid to the member or the member's spouse or survivors under this
chapter calculated on the basis of the member's recalculated
average annual salary rather than the member's average annual
salary. The election shall be made by the member prior to or at
the time of making an election under section 742.3711 of the
Revised Code. This division does not apply to a member of the fund
who has elected to participate in the deferred retirement option
plan established under section 742.43 of the Revised Code.

(2) If the member eligible to make the election under
division (B)(1) of this section dies prior to making the election
and at the time of death is eligible to retire and receive a
pension or benefit under division (C)(1) or (3) of section 742.37
of the Revised Code, the person entitled to receive a benefit
under section 742.3714 of the Revised Code may make the election
provided for in division (B)(1) of this section.

(3) The election under division (B)(1) or (2) of this section
shall be made on forms provided by the trustees of the fund. Once
received by the fund, the election shall be irrevocable and shall
bind the member and any other person who receives a pension or
benefit based on the member's service. No person who receives a
pension or benefit calculated in accordance with division (B) of
this section is eligible to receive a cost-of-living allowance
under this section. If the person making the election receives a
benefit under section 742.3714 of the Revised Code, that person is
not eligible to receive a cost-of-living allowance under section
742.3711 of the Revised Code.

(C)(1) On or before the fifteenth day of April of each year,
the board of trustees of the Ohio police and fire pension fund
shall determine the average percentage change in the consumer

price index prepared by the United States bureau of labor 608
statistics (U.S. City Average for Urban Wage Earners and Clerical 609
Workers: "All Items 1982-84=100") for the twelve-month period 610
prior to the first day of January over the next preceding 611
twelve-calendar-month period, as reported by the bureau. Upon a 612
determination by the board that such change is an increase or that 613
the change plus the accumulation described in division (C)(2) of 614
this section is an increase, the board shall increase all benefits 615
payable to eligible persons by a percentage equal to the 616
percentage increase in the consumer price index or to that 617
increase plus the accumulation, except that the increase shall not 618
exceed three per cent and no benefit shall exceed the limit 619
established by section 415 of the "Internal Revenue Code of 1986," 620
100 Stat. 2085, 26 U.S.C.A. 415, as amended. 621

(2) Any percentage of change in the consumer price index in 622
any year that is in excess of three per cent shall be accumulated 623
and used to determine increases under this section in succeeding 624
years. Any percentage of change in the consumer price index 625
accumulated by an eligible person prior to September 27, 1996, 626
shall be used in determining any future increases under this 627
section. The first additional benefit is payable to all eligible 628
persons who on July 1, 1988, have been receiving a pension or 629
benefit for twelve months or longer. The additional benefit is 630
payable for the ensuing twelve-month period or until the next 631
increase is granted under this section, whichever is later. 632

The date of the first additional benefit paid under this 633
section shall be the anniversary date for future additional 634
benefits. The pension or benefit used in the first calculation of 635
an additional benefit under this section shall remain as the base 636
for all future additional benefits paid under this section, unless 637
a new base is established by law. 638

(3) Additional benefits paid in years subsequent to the year 639

of the first additional benefit paid under this section shall be
paid to all eligible persons who, on the date that the additional
benefit is authorized by the board, have been receiving a pension
or benefit for twelve months.

Sec. 742.43. The board of trustees of the Ohio police and
fire pension fund shall establish and administer a deferred
retirement option plan if the board receives from the internal
revenue service a determination letter indicating that the plan
meets the requirements of section 401(a) of the "Internal Revenue
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a), as amended,
applicable to governmental plans.

In establishing and administering the plan, the board shall
comply with sections 742.44 to 742.446 of the Revised Code and may
do all things necessary to meet the requirements of section 401(a)
of the "Internal Revenue Code of 1986," as amended, applicable to
governmental plans.

The board shall adopt rules to implement this section and
sections 742.44 to 742.446 of the Revised Code. The rules shall
specify the date of initial implementation of the plan established
under this section. The rules may also specify a period during
which an election made under section 742.44 of the Revised Code
may be rescinded.

Sec. 742.44. Except as provided in section 742.14 of the
Revised Code, at any time prior to filing an application for
retirement under division (C)(1) of section 742.37 of the Revised
Code, a member who is eligible to retire under that division may
elect to participate in the deferred retirement option plan
established under section 742.43 of the Revised Code.

To make an election, an eligible member shall complete and
submit to the Ohio police and fire pension fund a form prescribed

by the fund. At this time the member may, but is not required to,
elect under section 742.3711 of the Revised Code to have the
member's monthly pension calculated as a retirement allowance
payable throughout the member's life or a retirement allowance
that continues to a surviving beneficiary. Unless rescinded during
a period specified in rules adopted under section 742.43 of the
Revised Code, the election is irrevocable from the date it is
received by the fund until the employee ceases to participate in
the plan as provided in section 742.444 of the Revised Code.

A member is not required to specify the number of years or
portion of a year the member will participate in the plan but must
agree to terminate active service in a police or fire department
and begin receiving the member's pension not later than the date
that is eight years after the effective date of the election to
participate in the plan or be subject to the forfeiture provisions
of division (C) of section 742.444 of the Revised Code.

The effective date of an election made under this section is
the first day of the employer's first payroll period immediately
following the board's receipt of the notice of election.

Sec. 742.441. A member who makes an election under section
742.44 of the Revised Code shall continue in the active service of
a police or fire department but shall not earn service credit
under this chapter for employment after the election's effective
date. While the member is in the active service of a police or
fire department, the member shall contribute to the Ohio police
and fire pension fund in accordance with section 742.31 of the
Revised Code and the employer shall contribute and report in
accordance with either section 742.33 or 742.34 of the Revised
Code.

Neither the member nor the member's spouse and dependents are
eligible for benefits under section 742.45 of the Revised Code

while the member is participating in the deferred retirement
option plan.

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Sec. 742.442. For each member who elects to participate in
the deferred retirement option plan, the Ohio police and fire
pension fund shall determine under division (C)(1) of section
742.37 of the Revised Code the monthly pension amount that would
be payable to the member had the member elected to receive a
pension under that division. In determining the pension amount,
the fund shall use the member's total service credit and average
annual salary as of the last day of the employer's payroll period
immediately prior to the member's election to participate in the
plan. The pension amount shall be calculated as a retirement
allowance payable for the member's life, except that, if at the
time of electing to participate in the plan the member selected
another plan of payment, the pension shall be calculated using the
plan of payment selected.

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A member who participates in the plan is not eligible to make
an election under division (B) of section 742.3716 of the Revised
Code.

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Sec. 742.443. (A) During the period beginning on the
effective date of an election to participate in the deferred
retirement option plan and ending on the date participation
ceases, a member's monthly pension amount determined under section
742.442 of the Revised Code shall accrue to the member's benefit.
To this amount shall be added any benefit increases the member
would be eligible for under division (C) of section 742.3716 of
the Revised Code had the member, on the effective date of the
member's election, retired under division (C)(1) of section 742.37
of the Revised Code.

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(B)(1) The amounts contributed under section 742.31 of the

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Revised Code by a member participating in the deferred retirement option plan shall accrue to the member's benefit as follows:

(a) During the period beginning on the first day of the first payroll period after the election's effective date and ending on the earlier of the date that is two years thereafter or the date the member ceases participation in the plan, fifty per cent of the member's contributions for that period;

(b) During the period beginning on the date that is two years and one day after accruals begin under this division and ending on the earlier of the date that is three years thereafter or the date the member ceases participation in the plan, seventy-five per cent of the member's contributions for that period;

(c) During the period beginning on the date that is three years and one day after accruals begin under this section and ending on the date the member ceases participation in the plan, one hundred per cent of the member's contributions for that period.

(2) The Ohio police and fire pension fund shall credit the portion of a member's contributions that are not accrued to the member's benefit under division (B)(1) of this section to the police officers' contribution fund or firefighters' contribution fund, as appropriate.

(C) During the period beginning on the election's effective date and ending on the date the member ceases participation in the plan, the amounts described in divisions (A) and (B)(1) of this section shall earn interest at an annual rate established by the board of trustees of the fund and compounded annually using a method established by rule adopted under section 742.43 of the Revised Code.

Sec. 742.444. (A) A member's participation in the deferred 761
retirement option plan ceases on the occurrence of the earliest of 762
the following: 763

(1) Termination of the member's active service in a police or 764
fire department; 765

(2) The last day of the eight-year period that begins on the 766
effective date of the member's election to participate in the 767
plan; 768

(3) Acceptance by the member of a disability benefit awarded 769
by the board of trustees of the Ohio police and fire pension fund, 770
unless the acceptance is revoked by the member in accordance with 771
rules adopted by the board; 772

(4) The member's death. 773

(B) If a member terminates active service in a police or fire 774
department not later than eight years after the effective date of 775
the member's election to participate in the plan, all of the 776
following apply: 777

(1) The member shall notify the Ohio police and fire pension 778
fund of the date of termination on a form prescribed by the fund. 779
The member is not eligible to make another election under section 780
742.44 of the Revised Code. 781

(2) If the member's termination of active service occurs on 782
or after the date that is the first day of the fourth year after 783
the effective date of the election to participate in the plan, the 784
entire amount that has accrued to the member's benefit under the 785
deferred retirement option plan shall be distributed to the member 786
pursuant to the member's selection under division (B)(3) of this 787
section. If the termination of active service occurs before the 788
date that is four years after the effective date of the election 789
to participate, the member shall forfeit the total amount of the 790

interest credited under division (C) of section 742.443 of the
Revised Code.

(3) The member shall select one of the following as the
method of distribution of the amount to be distributed to the
member:

(a) A single payment;

(b) Periodic payments as determined by the board.

The fund shall retain amounts accrued to the benefit of a
member under the plan until a form specifying the method of
distribution selected is filed with the fund by the member or an
authorized representative of the member.

The board shall afford a member who selects periodic payments
the opportunity at least once during each calendar year to change
the member's selection.

(4) Distribution of the amount accrued to a member's benefit
under the deferred retirement option plan shall not commence until
the date that is the first day of the fourth year after the
effective date of the election.

(5) The member shall select a plan of payment under section
742.3711 of the Revised Code for the pension payable to the member
under division (C) of section 742.37 of the Revised Code, unless
the member selected a plan of payment at the time of electing to
participate in the plan. The pension shall commence on the first
day of the second month following the date the employee ceases to
participate in the plan.

(C) If, at the end of the eight-year period that begins on
the effective date of a member's election to participate in the
plan, the member has failed to terminate active service in a
police or fire department, all of the following apply:

(1) No further amounts shall accrue to the member's benefit,

and the member shall forfeit all amounts that have accrued to the
member's benefit under section 742.443 of the Revised Code. The
amounts forfeited shall be treated as if the member had continued
in the active service of a police or fire department and not
elected to participate in the plan.

(2) The member shall be granted service credit for the period
the member was participating in the plan, and when the member's
pension is calculated under section 742.37 of the Revised Code,
the calculation shall be made as though the member had never
participated in the plan.

(3) Further contributions, and service credit for those
contributions, shall be credited as provided in sections 742.31
through 742.34 of the Revised Code.

Sec. 742.445. If a member ceases participation in the
deferred retirement option plan due to acceptance by the member of
a disability benefit awarded by the board of trustees of the Ohio
police and fire pension fund, both of the following apply:

(A) The member shall forfeit all amounts that have accrued
under section 742.443 of the Revised Code to the member's benefit
under the deferred retirement option plan, and those amounts shall
be treated as if the member had continued in the active service of
a police or fire department and not participated in the plan.

(B) The member shall be granted service credit for the period
the member was participating in the plan.

Sec. 742.446. (A) As used in this section, "killed in the
line of duty" has the same meaning as in section 742.63 of the
Revised Code.

(B) If a member dies while participating in the deferred
option retirement plan, all of the following apply:

(1) The amounts accrued to the member's benefit shall be paid 850
to the member's surviving spouse or, if there is no surviving 851
spouse, the beneficiary designated by the member on a form 852
provided by the Ohio police and fire pension fund. If there is no 853
surviving spouse or designated beneficiary, the amounts accrued to 854
the member's benefit shall be paid to the member's estate. A 855
surviving spouse or designated beneficiary may select a method of 856
distribution described in division (B)(3) of section 742.444 of 857
the Revised Code. Any amount payable to the member's estate shall 858
be paid in a single payment. 859

(2) The surviving spouse shall receive a pension or benefit 860
determined under division (D) of section 742.37 of the Revised 861
Code and, if the member was killed in the line of duty, division 862
(F) of section 742.63 of the Revised Code. 863

(3) If eligible, each surviving child shall receive a pension 864
or benefit determined under division (E) of section 742.37 of the 865
Revised Code and, if the member was killed in the line of duty, 866
division (G) of section 742.63 of the Revised Code. 867

(4) If the member has no surviving spouse or surviving 868
children, but has a parent or parents dependent on the member for 869
support, the parent or parents shall receive a pension or benefit 870
determined under division (F) of section 742.37 of the Revised 871
Code and, if the member was killed in the line of duty, division 872
(E) of section 742.63 of the Revised Code. 873

(5) The member's surviving spouse or contingent dependent 874
beneficiary shall receive a retirement allowance under section 875
742.3714 of the Revised Code. 876

(C) A pension, benefit, or allowance described in division 877
(B) of this section is effective on the first day of the month 878
after the member's date of death. Payments shall not commence 879
until the board receives any documentation it requires pursuant to 880

rules adopted by the board.

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Sec. 742.447. On receipt of written notice under division (B)
of section 742.444 of the Revised Code of a member's termination
of active service, the Ohio police and fire pension fund shall
request from the employer verification of the member's termination
date and any other information the fund determines necessary to
calculate and pay a pension under that division. The verification
of termination shall be filed in accordance with section 742.351
of the Revised Code.

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Sec. 742.46. The granting of a benefit or pension to any
person under sections 742.01 to 742.61 of the Revised Code, other
than a person participating in the deferred retirement option plan
established under section 742.43 of the Revised Code, vests a
right in such person to obtain and receive the amount of such
benefit or pension granted to the person subject to sections
742.01 to 742.61 of the Revised Code. Subject to section 742.444
of the Revised Code, a person participating in the deferred
retirement option plan vests in the right to obtain and receive
the amount accrued to the benefit of the person when the person
ceases participating in the plan.

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Such right may be enforced by an action in mandamus
instituted in the court of common pleas in the county in which the
person granted such benefit or pension resides.

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Sec. 742.63. The board of trustees of the Ohio police and
fire pension fund shall adopt rules for the management of the Ohio
public safety officers death benefit fund and for disbursements of
benefits as set forth in this section.

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(A) As used in this section:

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(1) "Member" means a member of the Ohio police and fire

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pension fund or the state highway patrol retirement system, or a 910
member of the public employees retirement system who at the time 911
of the member's death was a county sheriff or deputy sheriff, a 912
full-time regular police officer in a municipal corporation or 913
township, a full-time regular firefighter employed by the state, 914
an instrumentality of the state, a municipal corporation, a 915
township, a joint fire district, or another political subdivision, 916
a full-time park district ranger or patrol trooper, a full-time 917
law enforcement officer of the department of natural resources, a 918
full-time department of public safety enforcement agent, a 919
full-time law enforcement officer of parks, waterway lands, or 920
reservoir lands under the control of a municipal corporation, a 921
full-time law enforcement officer of a conservancy district, a 922
correction officer at an institution under the control of a 923
county, a group of counties, a municipal corporation, or the 924
department of rehabilitation and correction, a state university 925
law enforcement officer, or a member of a retirement system 926
operated by a municipal corporation who at the time of death was a 927
full-time law enforcement officer of parks, waterway lands, or 928
reservoir lands under the control of the municipal corporation. 929
"Member" includes a member of the Ohio police and fire pension 930
fund who has elected to participate in the deferred retirement 931
option plan established under section 742.43 of the Revised Code. 932

(2) Notwithstanding section 742.01 of the Revised Code, "fire 933
or police department" includes a fire department of the state or 934
an instrumentality of the state or of a municipal corporation, 935
township, joint fire district, or other political subdivision, the 936
state highway patrol, a county sheriff's office, the security 937
force of an institution under the control of the department of 938
rehabilitation and correction, the security force of a jail or 939
workhouse under the control of a county, group of counties, or 940
municipal corporation, the security force of a metropolitan, 941
county, or township park district, the security force of lands 942

under the control of the department of natural resources, 943
department of public safety enforcement agents, the security force 944
of parks, waterway lands, or reservoir lands under the control of 945
a municipal corporation, the security force of a conservancy 946
district, the police department of a township or municipal 947
corporation, and the police force of a state university. 948

(3) "Firefighter or police officer" includes a state highway 949
patrol trooper, a county sheriff or deputy sheriff, a correction 950
officer at an institution under the control of a county, a group 951
of counties, a municipal corporation, or the department of 952
rehabilitation and correction, a police officer employed by a 953
township or municipal corporation, a firefighter employed by the 954
state, an instrumentality of the state, a municipal corporation, a 955
township, a joint fire district, or another political subdivision, 956
a full-time park district ranger or patrol trooper, a full-time 957
law enforcement officer of the department of natural resources, a 958
full-time department of public safety enforcement agent, a 959
full-time law enforcement officer of parks, waterway lands, or 960
reservoir lands under the control of a municipal corporation, a 961
full-time law enforcement officer of a conservancy district, and a 962
state university law enforcement officer. 963

(4) "Correction officer" includes, in addition to any 964
correction officer, any correction corporal, sergeant, lieutenant, 965
or captain, and the equivalents of all such persons. 966

(5) "A park district ranger or patrol trooper" means a peace 967
officer commissioned to make arrests, execute warrants, and 968
preserve the peace upon lands under the control of a board of park 969
commissioners of a metropolitan, county, or township park 970
district. 971

(6) "Metropolitan, county, or township park district" means a 972
park district created under the authority of Chapter 511. or 1545. 973
of the Revised Code. 974

(7) "Conservancy district" means a conservancy district 975
created under the authority of Chapter 6101. of the Revised Code. 976

(8) "Law enforcement officer" means an officer commissioned 977
to make arrests, execute warrants, and preserve the peace upon 978
lands under the control of the governmental entity granting the 979
commission. 980

(9) "Department of natural resources law enforcement officer" 981
includes a forest officer designated pursuant to section 1503.29 982
of the Revised Code, a preserve officer designated pursuant to 983
section 1517.10 of the Revised Code, a wildlife officer designated 984
pursuant to section 1531.13 of the Revised Code, a park officer 985
designated pursuant to section 1541.10 of the Revised Code, and a 986
state watercraft officer designated pursuant to section 1547.521 987
of the Revised Code. 988

(10) "Retirement eligibility date" means the last day of the 989
month in which a deceased member would have first become eligible, 990
had the member lived, for the retirement pension provided under 991
section 145.33, division (C)(1) of section 742.37, or division 992
(A)(1) of section 5505.17 of the Revised Code or provided by a 993
retirement system operated by a municipal corporation. 994

(11) "Death benefit amount" means an amount equal to the full 995
monthly salary received by a deceased member prior to death, minus 996
an amount equal to the benefit received under section 145.45, 997
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 998
received from a retirement system operated by a municipal 999
corporation, plus any increases in salary that would have been 1000
granted the deceased member. 1001

(12) "Killed in the line of duty" means either of the 1002
following: 1003

(a) Death in the line of duty; 1004

(b) Death from injury sustained in the line of duty, 1005

including heart attack or other fatal injury or illness caused 1006
while in the line of duty. 1007

(B) A spouse of a deceased member shall receive a death 1008
benefit each month equal to the full death benefit amount, 1009
provided that the deceased member was a firefighter or police 1010
officer killed in the line of duty and there are no surviving 1011
children eligible for a benefit under this section. The spouse 1012
shall receive this benefit during the spouse's natural life until 1013
the deceased member's retirement eligibility date, on which date 1014
the benefit provided under this division shall terminate. 1015

(C)(1) If a member killed in the line of duty as a 1016
firefighter or police officer is survived only by a child or 1017
children, the child or children shall receive a benefit each month 1018
equal to the full death benefit amount. If there is more than one 1019
surviving child, the benefit shall be divided equally among these 1020
children. 1021

(2) If the death benefit paid under this division is divided 1022
among two or more surviving children and any of the children 1023
become ineligible to continue receiving a portion of the benefit 1024
as provided in division (H) of this section, the full death 1025
benefit amount shall be paid to the remaining eligible child or 1026
divided among the eligible children so that the benefit paid to 1027
the remaining eligible child or children equals the full death 1028
benefit amount. 1029

(3) Notwithstanding divisions (C)(1) and (2) of this section, 1030
all death benefits paid under this division shall terminate on the 1031
deceased member's retirement eligibility date. 1032

(D) If a member killed in the line of duty as a firefighter 1033
or police officer is survived by both a spouse and a child or 1034
children, the monthly benefit provided shall be as follows: 1035

(1)(a) If there is a surviving spouse and one surviving 1036

child, the spouse shall receive an amount each month equal to 1037
one-half of the full death benefit amount and the child shall 1038
receive an amount equal to one-half of the full death benefit 1039
amount. 1040

(b) If the surviving spouse dies or the child becomes 1041
ineligible as provided in division (H) of this section, the 1042
surviving spouse or child remaining eligible shall receive the 1043
full death benefit amount. 1044

(2)(a) If there is a surviving spouse and more than one 1045
child, the spouse shall receive an amount each month equal to 1046
one-third of the full death benefit amount and the children shall 1047
receive an amount, equally divided among them, equal to two-thirds 1048
of the full death benefit amount. 1049

(b) If a spouse and more than one child each are receiving a 1050
death benefit under division (D)(2)(a) of this section and the 1051
spouse dies, the children shall receive an amount each month, 1052
equally divided among them, equal to the full death benefit 1053
amount. 1054

(c) If a spouse and more than one child each are receiving a 1055
benefit under division (D)(2)(a) of this section and any of the 1056
children becomes ineligible to receive a benefit as provided in 1057
division (H) of this section, the spouse and remaining eligible 1058
child or children shall receive a death benefit as follows: 1059

(i) If there are two or more remaining eligible children, the 1060
spouse shall receive an amount each month equal to one-third of 1061
the full death benefit amount and the children shall receive an 1062
amount each month, equally divided among them, equal to two-thirds 1063
of the full death benefit amount; 1064

(ii) If there is one remaining eligible child, the spouse 1065
shall receive an amount each month equal to one-half of the full 1066
death benefit amount, and the child shall receive an amount each 1067

month equal to one-half of the full death benefit amount. 1068

(d) If a spouse and more than one child each are receiving a 1069
benefit under division (D)(2)(a) of this section and all of the 1070
children become ineligible to receive a benefit as provided in 1071
division (H) of this section, the spouse shall receive the full 1072
death benefit amount. 1073

(3) Notwithstanding divisions (D)(1) and (2) of this section, 1074
death benefits paid under this division to a surviving spouse 1075
shall terminate on the member's retirement eligibility date. Death 1076
benefits paid to a surviving child or children shall terminate on 1077
the deceased member's retirement eligibility date unless earlier 1078
terminated pursuant to division (H) of this section. 1079

(E) If a member, on or after January 1, 1980, is killed in 1081
the line of duty as a firefighter or police officer and is 1082
survived by only a parent or parents dependent upon the member for 1083
support, the parent or parents shall receive an amount each month 1084
equal to the full death benefit amount. If there is more than one 1085
surviving parent dependent upon the deceased member for support, 1086
the death benefit amount shall be divided equally among the 1087
surviving parents. On the death of one of the surviving parents, 1088
the full death benefit amount shall be paid to the other parent. 1089

(F) A surviving spouse whose benefits are terminated in 1090
accordance with division (B) or (D)(3) of this section on the 1091
deceased member's retirement eligibility date, or who would 1092
qualify for a benefit under division (B) or (D) of this section 1093
except that the deceased member reached the member's retirement 1094
eligibility date prior to the member's death, shall receive a 1095
monthly death benefit under this division. The monthly death 1096
benefit shall be one-half of an amount equal to the monthly salary 1097
received by the deceased member prior to the member's death, plus 1098
any salary increases the deceased member would have received prior 1099

to the member's retirement eligibility date. The benefit shall
terminate on the surviving spouse's death. A death benefit payable
under this division shall be reduced by an amount equal to any
allowance or benefit payable to the surviving spouse under section
742.3714 of the Revised Code.

(G)(1) If there is not a surviving spouse eligible to receive
a death benefit under division (F) of this section or the
surviving spouse receiving a death benefit under that division
dies, a surviving child or children whose benefits under division
(C) or (D) of this section are or have been terminated pursuant to
division (C)(3) or (D)(3) of this section or who would qualify for
a benefit under division (C) or (D) of this section except that
the deceased member reached the member's retirement eligibility
date prior to the member's death shall receive a monthly death
benefit under this division. The monthly death benefit shall be
one-half of an amount equal to the monthly salary received by the
deceased member prior to the member's death, plus any salary
increases the member would have received prior to the member's
retirement eligibility date. If there is more than one surviving
child, the benefit shall be divided equally among the surviving
children.

(2) If two or more surviving children each are receiving a
benefit under this division and any of those children becomes
ineligible to continue receiving a benefit as provided in division
(H) of this section, the remaining eligible child or children
shall receive an amount equal to one-half of the monthly salary
received by the deceased member prior to death, plus any salary
increases the deceased member would have received prior to the
retirement eligibility date. If there is more than one remaining
eligible child, the benefit shall be divided equally among the
eligible children.

(3) A death benefit, or portion of a death benefit, payable

to a surviving child under this division shall be reduced by an 1132
amount equal to any allowance or benefit payable to that child 1133
under section 742.3714 of the Revised Code, but the reduction in 1134
that child's benefit shall not affect the amount payable to any 1135
other surviving child entitled to a portion of the death benefit. 1136

(H) A death benefit paid to a surviving child under division 1137
(C), (D), or (G) of this section shall terminate on the death of 1138
the child or, unless one of the following is the case, when the 1139
child reaches age eighteen: 1140

(1) The child, because of physical or mental disability, is 1141
unable to provide the child's own support, in which case the death 1142
benefit shall terminate when the disability is removed; 1143

(2) The child is unmarried, under age twenty-two, and a 1144
student in and attending an institution of learning or training 1145
pursuant to a program designed to complete in each school year the 1146
equivalent of at least two-thirds of the full-time curriculum 1147
requirements of the institution, as determined by the trustees of 1148
the fund. 1149

(I) Acceptance of any death benefit under this section does 1150
not prohibit a spouse or child from receiving other benefits 1151
provided under the Ohio police and fire pension fund, the state 1152
highway patrol retirement system, the public employees retirement 1153
system, or a retirement system operated by a municipal 1154
corporation. 1155

(J) No person shall receive a benefit under this section if 1156
any of the following occur: 1157

(1) The person fails to exercise the right to a monthly 1158
survivor benefit under division (A) or (B) of section 145.45, 1159
division (D), (E), or (F) of section 742.37, or division (A)(3), 1160
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 1161
survivor benefit from a retirement system operated by a municipal 1162

corporation; or to a retirement allowance under section 742.3714 1163
of the Revised Code. 1164

(2) The member's accumulated contributions under this chapter 1165
or Chapter 145. or 5505. of the Revised Code are refunded unless 1166
the member had been a member of the public employees retirement 1167
system and had fewer than eighteen months of total service credit 1168
at the time of death. 1169

(3) In the case of a full-time park district ranger or patrol 1170
trooper, a full-time law enforcement officer of the department of 1171
natural resources, a full-time law enforcement officer of parks, 1172
waterway lands, or reservoir lands under the control of a 1173
municipal corporation, a full-time law enforcement officer of a 1174
conservancy district, a correction officer at an institution under 1175
the control of a county, group of counties, or municipal 1176
corporation, or a member of a retirement system operated by a 1177
municipal corporation who at the time of the member's death was a 1178
full-time law enforcement officer of parks, waterway lands, or 1179
reservoir lands under the control of the municipal corporation, 1180
the member died prior to April 9, 1981, in the case of a benefit 1181
under division (B), (C), or (D) of this section, or prior to 1182
January 1, 1980, in the case of a benefit under division (E) of 1183
this section. 1184

(4) In the case of a full-time department of public safety 1185
enforcement agent who prior to June 30, 1999, was a liquor control 1186
investigator of the department of public safety, the member died 1187
prior to December 23, 1986; 1188

(5) In the case of a full-time department of public safety 1189
enforcement agent other than an enforcement agent who, prior to 1190
June 30, 1999, was a liquor control investigator, the member died 1191
prior to June 30, 1999. 1192

(K) A surviving spouse whose benefit was terminated prior to 1193

~~the effective date of this amendment June 30, 1999,~~ due to 1194
remarriage shall receive a benefit under division (B), (D), or (F) 1195
of this section beginning on the first day of the month following 1196
receipt by the board of an application on a form provided by the 1197
board. The benefit amount shall be determined as of that date. 1198

(1) If the benefit will begin prior to the deceased member's 1199
retirement eligibility date, it shall be paid under division (B) 1200
or (D) of this section and shall terminate as provided in those 1201
divisions. A benefit paid to a surviving spouse under division (D) 1202
of this section shall be determined in accordance with that 1203
division, even if benefits paid to surviving children are reduced 1204
as a result. 1205

(2) If the benefit will begin on or after the deceased 1206
member's retirement eligibility date, it shall be paid under 1207
division (F) of this section and shall terminate as provided in 1208
that division. A benefit paid to a surviving spouse under division 1209
(F) of this section shall be determined in accordance with that 1210
division, even if benefits paid to surviving children are 1211
terminated as a result. 1212

Section 2. That existing sections 742.03, 742.14, 742.351, 1213
742.37, 742.3716, 742.43, 742.44, 742.46, and 742.63 of the 1214
Revised Code are hereby repealed. 1215

Section 3. Section 742.63 of the Revised Code is presented in 1216
this act as a composite of the section as amended by both Sub. 1217
H.B. 222 and Am. Sub. H.B. 283 of the 123rd General Assembly, with 1218
the new language of neither of the acts shown in capital letters. 1219
This is in recognition of the principle stated in division (B) of 1220
section 1.52 of the Revised Code that such amendments are to be 1221
harmonized where not substantively irreconcilable and constitutes 1222
a legislative finding that such is the resulting version in effect 1223
prior to the effective date of this act. 1224