

**As Passed by the House**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. S. B. No. 134**

**SENATORS Blessing, Austria, Spada, Fingerhut, Coughlin, Robert Gardner,  
Herington, Mumper, Ryan**

**REPRESENTATIVES Schuring, Ogg, Boccieri, Barrett, Brown, Lendrum,  
Willamowski, White, DeWine, Schneider, Hollister, Perry, Rhine, Clancy,  
Niehaus, Otterman, Carano, Redfern, Seitz, Driehaus, Core, Salerno, Carey,  
Calvert, Aslanides, Womer Benjamin, Roman, Key, DePiero, Latell, Schmidt,  
Britton, Young, Seaver, Reidelbach, DeBose, Flannery, Reinhard, Hughes,  
Olman, Gilb, Carmichael, Buehrer, Latta, Schaffer, Hagan, Fessler, D. Miller,  
Beatty, Fedor, Cirelli, Coates, Sferra, G. Smith, Allen**

---

**A B I L L**

To amend sections 742.03, 742.14, 742.351, 742.37, 1  
742.3716, 742.46, and 742.63; to amend, for the 2  
purpose of adopting new section numbers as 3  
indicated in parentheses, sections 742.43 (742.113) 4  
and 742.44 (742.101); to enact new sections 742.43 5  
and 742.44 and sections 742.441, 742.442, 742.443, 6  
742.444, 742.445, 742.446, and 742.447 of the 7  
Revised Code to provide for establishment of the 8  
Ohio Police and Fire Pension Fund deferred 9  
retirement option plan. 10

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

**Section 1.** That sections 742.03, 742.14, 742.351, 742.37, 11  
742.3716, 742.46, and 742.63 be amended; sections 742.43 (742.113) 12  
and 742.44 (742.101) be amended, for the purpose of adopting new 13

section numbers as indicated in parentheses; and new sections 14  
742.43 and 742.44 and sections 742.441, 742.442, 742.443, 742.444, 15  
742.445, 742.446, and 742.447 of the Revised Code be enacted to 16  
read as follows: 17

**Sec. 742.03.** (A) As used in this section and in sections 18  
742.04 and 742.05 of the Revised Code: 19

(1) "Police officer" means a member of the fund who is or has 20  
been an employee of a police department and is not a police 21  
retirant. 22

(2) "Firefighter" means a member of the fund who is or has 23  
been an employee of a fire department and is not a firefighter 24  
retirant. 25

(3) "Firefighter retirant" means a member of the fund who is 26  
receiving an age and service or disability benefit as a result of 27  
service in a fire department or a surviving spouse of a deceased 28  
member who is receiving a benefit as a result of the deceased 29  
member's service in a fire department. "Firefighter retirant" does 30  
not include a member of the fund who is participating in the 31  
deferred retirement option plan established under section 742.43 32  
of the Revised Code. 33

(4) "Police retirant" means a member of the fund who is 34  
receiving an age and service or disability benefit as a result of 35  
service in a police department or a surviving spouse of a deceased 36  
member who is receiving a benefit as a result of the deceased 37  
member's service in a police department. "Police retirant" does 38  
not include a member of the fund who is participating in the 39  
deferred retirement option plan established under section 742.43 40  
of the Revised Code. 41

(B) The administration, control, and management of the Ohio 42  
police and fire pension fund, created under section 742.02 of the 43

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

44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74

police retirant member shall be elected for a term of four years  
as provided by section 742.04 of the Revised Code.

75  
76

(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.

77  
78  
79

**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  
which shall be transferred from the guarantee fund to the expense  
fund.

80  
81  
82  
83  
84

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

85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98

**Sec. 742.14.** (A) The board of trustees of the Ohio police and  
fire pension fund shall have prepared annually by or under the  
supervision of an actuary an actuarial valuation of the pension  
assets, liabilities, and funding requirements of the Ohio police  
and fire pension fund as established pursuant to sections 742.01  
to 742.61 of the Revised Code. The actuary shall complete the

99  
100  
101  
102  
103  
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	112
cost method, and asset valuation method used in the valuation,	113
including a statement of the assumed rate of payroll growth and	114
assumed rate of growth or decline in the number of members of the	115
fund contributing to the pension fund;	116
(4) A summary of findings that includes a statement of the	117
actuarial accrued pension liabilities and unfunded actuarial	118
accrued pension liabilities;	119
(5) A schedule showing the effect of any changes in the	120
benefit provisions, actuarial assumptions, or cost methods since	121
the last annual actuarial valuation;	122
(6) A statement of whether contributions to the pension fund	123
are expected to be sufficient to satisfy the funding objectives	124
established by the board.	125
The board shall submit the report to the Ohio retirement	126
study council and the standing committees of the house of	127
representatives and the senate with primary responsibility for	128
retirement legislation not later than the first day of November	129
following the year for which the valuation was made.	130
(B) The board shall annually thereafter have prepared by an	131
actuary a report showing the adequacy of the rate of the police	132
officer employers' contribution provided for by section 742.33 of	133
the Revised Code, and the adequacy of the rate of the firefighter	134
employers' contribution provided for by section 742.34 of the	135

Revised Code.

136

(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  
actuarial valuation required by division (A) of this section. The  
actuary shall prepare a report of the actuarial investigation. The  
report shall be prepared and any recommended changes in actuarial  
assumptions shall be made in accordance with the actuarial  
standards of practice promulgated by the actuarial standards board  
of the American academy of actuaries. The report shall include all  
of the following:

137

138

139

140

141

142

143

144

145

146

147

148

149

150

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

151

152

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

153

154

155

(3) A measurement of the financial effect of the recommended  
changes in actuarial assumptions;

156

157

(4) If the investigation required by this division includes  
the investigation required by division (F) of this section, a  
report of the result of that investigation.

158

159

160

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 last fiscal year of the period the report covers.

161

162

163

164

165

(D) The board shall have prepared by or under the supervision

166

of an actuary an actuarial analysis of any introduced legislation 167  
expected to have a measurable financial impact on the pension 168  
fund. The actuarial analysis shall be completed in accordance with 169  
the actuarial standards of practice promulgated by the actuarial 170  
standards board of the American academy of actuaries. The actuary 171  
shall prepare a report of the actuarial analysis, which shall 172  
include all of the following: 173

(1) A summary of the statutory changes that are being 174  
evaluated; 175

(2) A description of or reference to the actuarial 176  
assumptions and actuarial cost method used in the report; 177

(3) A description of the participant group or groups included 178  
in the report; 179

(4) A statement of the financial impact of the legislation, 180  
including the resulting increase, if any, in the employer normal 181  
cost percentage; the increase, if any, in actuarial accrued 182  
liabilities; and the per cent of payroll that would be required to 183  
amortize the increase in actuarial accrued liabilities as a level 184  
per cent of covered payroll for all active members of the fund 185  
over a period not to exceed thirty years; 186

(5) A statement of whether the scheduled contributions to the 187  
system after the proposed change is enacted are expected to be 188  
sufficient to satisfy the funding objectives established by the 189  
board. 190

Not later than sixty days from the date of introduction of 191  
the legislation, the board shall submit a copy of the actuarial 192  
analysis to ~~the legislative budget office~~ of the legislative 193  
service commission, the standing committees of the house of 194  
representatives and the senate with primary responsibility for 195  
retirement legislation, and the Ohio retirement study council. 196

(E) The board shall have prepared annually a report giving a 197

full accounting of the revenues and costs relating to the	198
provision of benefits under section 742.45 of the Revised Code.	199
The report shall be made as of December 31, 1997, and the	200
thirty-first day of December of each year thereafter. The report	201
shall include the following:	202
(1) A description of the statutory authority for the benefits	203
provided;	204
(2) A summary of the benefits;	205
(3) A summary of the eligibility requirements for the	206
benefits;	207
(4) A statement of the number of participants eligible for	208
the benefits;	209
(5) A description of the accounting, asset valuation, and	210
funding method used to provide the benefits;	211
(6) A statement of the net assets available for the provision	212
of the benefits as of the last day of the fiscal year;	213
(7) A statement of any changes in the net assets available	214
for the provision of benefits, including participant and employer	215
contributions, net investment income, administrative expenses, and	216
benefits provided to participants, as of the last day of the	217
fiscal year;	218
(8) For the last six consecutive fiscal years, a schedule of	219
the net assets available for the benefits, the annual cost of	220
benefits, administrative expenses incurred, and annual employer	221
contributions allocated for the provision of benefits;	222
(9) A description of any significant changes that affect the	223
comparability of the report required under this division;	224
(10) A statement of the amount paid under division (C) of	225
section 742.45 of the Revised Code.	226



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.

(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 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. The firefighter and police officers employers' contributions shall not be increased to offset any negative financial impact of 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. If the report of the actuarial investigation required by this division is not included in the report required by division (C) of this section, the board shall submit the report required by this division to the Ohio retirement study council and the standing committees of the house

of representatives and the senate with primary responsibility for 259  
retirement legislation not later than the first day of November 260  
following the last fiscal year of the period the report covers. 261

**Sec. 742.351.** (A) On receipt of written notice of a member's 262  
election to retire under division (C) of section 742.37 of the 263  
Revised Code or to terminate active service as described in 264  
division (B) of section 742.444 of the Revised Code, the Ohio 265  
police and fire pension fund shall request from the employer 266  
verification of the member's termination date and any other 267  
information the fund determines necessary to calculate and pay a 268  
pension under ~~that~~ division (C) of section 742.37 of the Revised 269  
Code. The request shall be on a form created by the fund and 270  
specify the date by which the information must be received by the 271  
fund, which shall be sixty days after the form is sent by the 272  
fund. 273

(B)(1) On receipt of a request for information under division 274  
(A) of this section, the employer shall complete the form and 275  
return it to the fund not later than the date specified by the 276  
fund. 277

(2) If the fund does not receive the completed form by the 278  
specified date, the fund shall send notice by certified mail to 279  
the employer that unless the completed form is received not later 280  
than thirty days after the specified date a penalty will be 281  
imposed. 282

(C) The fund shall assess against an employer that fails to 283  
return the completed form by the end of the period described in 284  
division (B)(2) of this section a penalty determined under section 285  
742.353 of the Revised Code. 286

(D) The fund shall make one or more monthly payments to a 287  
member whose pension does not commence by the ninety-first day 288  
after the fund sends a request for information under division (A) 289

of this section due to the employer's failure to return the 290  
completed form required under this section. Payment under this 291  
division shall commence on the first day of the second month 292  
following a month that includes a day for which an assessment 293  
against the employer is required under division (C) of this 294  
section. The payment shall be an amount equal to the penalty 295  
assessed under division (C) of this section less any 296  
administrative costs incurred by the fund in complying with this 297  
section. Payment shall continue on a monthly basis until the 298  
member receives the total amount attributable to the required 299  
penalty for an employer's failure to return the form that was 300  
requested for that member's information. 301

**Sec. 742.37.** The board of trustees of the Ohio police and 302  
fire pension fund shall adopt rules for the management of the fund 303  
and for the disbursement of benefits and pensions as set forth in 304  
this section and section 742.39 of the Revised Code. Any payment 305  
of a benefit or pension under this section is subject to the 306  
provisions of section 742.461 of the Revised Code. Notwithstanding 307  
any other provision of this section, no pension or benefit paid or 308  
determined under division (B) or (C) of this section or section 309  
742.39 of the Revised Code shall exceed the limit established by 310  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 311  
2085, 26 U.S.C.A. 415, as amended. 312

(A) Persons who were receiving benefit or pension payments 313  
from a police relief and pension fund established under former 314  
section 741.32 of the Revised Code, or from a firemen's relief and 315  
pension fund established under former section 521.02 or 741.02 of 316  
the Revised Code, at the time the assets of the fund were 317  
transferred to the Ohio police and fire pension fund, known at 318  
that time as the police and firemen's disability and pension fund, 319  
shall receive benefit and pension payments from the Ohio police 320  
and fire pension fund in the same amount and subject to the same 321

conditions as such payments were being made from the former fund  
on the date of the transfer.

322  
323

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

324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336

(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:

337  
338  
339  
340  
341

(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

342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353

twenty-fifth years the member was in the active service of the 354  
department, plus one and one-half per cent for each year in excess 355  
of twenty-five years the member was in the active service of the 356  
department. The annual pension shall not exceed seventy-two per 357  
cent of the member's average annual salary. 358

A member who completed twenty-five years of active service, 359  
has resigned or been discharged, and has left the sum deducted 360  
from the member's salary on deposit in the pension fund shall, 361  
upon attaining forty-eight years of age, be entitled to receive a 362  
normal service pension benefit computed and paid under division 363  
(C)(1) of this section. 364

(2) A member of the fund who has served fifteen or more years 365  
as an active member of a police or fire department and who 366  
voluntarily resigns or is discharged from the department for any 367  
reason other than dishonesty, cowardice, intemperate habits, or 368  
conviction of a felony, shall receive an annual pension, payable 369  
in twelve monthly installments, in an amount equal to one and 370  
one-half per cent of the member's average annual salary multiplied 371  
by the number of full years the member was in the active service 372  
of the department. The pension payments shall not commence until 373  
the member has attained the age of forty-eight years and until 374  
twenty-five years have elapsed from the date on which the member 375  
became a full-time regular police officer or firefighter in the 376  
department. 377

(3) A member of the fund who has completed fifteen or more 378  
years of active service in a police or fire department and who has 379  
attained sixty-two years of age, may retire from the department 380  
and, upon notifying the board in writing of the election to 381  
retire, shall receive an annual pension, payable in twelve monthly 382  
installments, in an amount equal to a percentage of the member's 383  
average annual salary. The percentage shall be the sum of two and 384  
one-half per cent for each of the first twenty years the member 385

was in the active service of the department, plus two per cent for 386  
each of the twenty-first to twenty-fifth years the member was in 387  
the active service of the department, plus one and one-half per 388  
cent for each year in excess of twenty-five years the member was 389  
in the active service of the department. The annual pension shall 390  
not exceed seventy-two per cent of the member's average annual 391  
salary. 392

(4) With the exception of those persons who may make 393  
application for benefits as provided in section 742.26 of the 394  
Revised Code, no person receiving a pension or other benefit under 395  
division (C) of this section on or after July 24, 1986, shall be 396  
entitled to apply for any new, changed, or different benefit. 397

If a member covered by division (C) of this section or 398  
section 742.38 of the Revised Code dies prior to the time the 399  
member has received a payment and leaves a surviving spouse or 400  
dependent child, the surviving spouse or dependent child shall 401  
receive a pension under division (D) or (E) of this section. 402

(D)(1) Except as provided in division (D)(2) of this section, 403  
a surviving spouse of a deceased member of the fund or a surviving 404  
spouse described in division (D)(4) of this section shall receive 405  
a monthly pension as follows: 406

(a) For the period beginning July 1, 1999, and ending June 407  
30, 2000, five hundred fifty dollars; 408

(b) For the period beginning July 1, 2000, and the first day 409  
of July of each year thereafter and continuing for the following 410  
twelve months, an amount equal to the monthly amount paid during 411  
the prior twelve-month period plus sixteen dollars and fifty 412  
cents. 413

(2) A surviving spouse of a deceased member of the fund shall 414  
receive a monthly pension of four hundred ten dollars if the 415  
surviving spouse is eligible for a benefit under division (B) or 416

(D) of section 742.63 of the Revised Code. If the surviving spouse ceases to be eligible for a benefit under division (B) or (D) of section 742.63 of the Revised Code, the pension shall be increased, effective the first day of the first month following the day on which the surviving spouse ceases to be eligible for the benefit, to the amount it would be under division (D)(1) of this section had the spouse never been eligible for a benefit under division (B) or (D) of section 742.63 of the Revised Code.

417  
418  
419  
420  
421  
422  
423  
424

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

425  
426  
427  
428  
429  
430  
431

(4) A surviving spouse of a deceased member of or contributor to a fund established under former Chapter 521. or 741. of the Revised Code whose benefit or pension was terminated or not paid due to remarriage shall receive a monthly pension under division (D)(1) of this section.

432  
433  
434  
435  
436

The pension shall commence on the first day of the month immediately following receipt by the board of a completed application on a form provided by the board and evidence acceptable to the board that at the time of death the deceased spouse was a member of or contributor to a police or firemen's relief and pension fund established under former Chapter 521. or 741. of the Revised Code and that the surviving spouse's benefits were terminated or not granted due to remarriage.

437  
438  
439  
440  
441  
442  
443  
444

(E)(1) Each surviving child of a deceased member of the fund shall receive a monthly pension 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

445  
446  
447  
448

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.

449  
450  
451  
452  
453  
454  
455  
456  
457  
458

(2) An eligible surviving child shall receive a monthly  
pension as follows:

459  
460

(a) For the period beginning July 1, 2002, and ending June  
30, 2003, one hundred sixty-three dollars and fifty cents;

461  
462

(b) For the period beginning July 1, 2003, and the first day  
of each July thereafter and continuing for the following twelve  
months, an amount equal to the monthly amount paid during the  
prior twelve-month period plus four dollars and fifty cents.

463  
464  
465  
466

(F)(1) If a deceased member of the fund leaves no surviving  
spouse or surviving children, but leaves one or two parents  
dependent upon the deceased member for support, each parent shall  
be paid a monthly pension. 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.

467  
468  
469  
470  
471  
472  
473

(2) Each eligible surviving parent shall be paid a monthly  
pension as follows:

474  
475

(a) For the period ending June 30, 2002, one hundred six  
dollars for each parent or two hundred twelve dollars for a sole  
dependent parent;

476  
477  
478

(b) For the period beginning July 1, 2002, and ending June

479



30, 2003, one hundred nine dollars for each parent or two hundred  
eighteen dollars for a sole dependent parent;

(c) For the period beginning July 1, 2003, and the first day  
of each July thereafter and continuing for the following twelve  
months, an amount equal to the monthly amount paid during the  
prior twelve-month period plus three dollars for each parent or  
six dollars for a sole dependent parent.

(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

480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510

parent under division (F) of this section shall be increased by  
thirty dollars for each parent receiving a pension on December 31,  
1969.

511  
512  
513

(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.

514  
515  
516  
517  
518  
519

(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:

520  
521  
522  
523  
524

(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.

525  
526  
527

(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.

528  
529  
530

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

531  
532

(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;

533  
534  
535  
536  
537

(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;

538  
539  
540  
541

(c) A member of the fund who is receiving a pension under 542  
division (C)(1) of this section, based on funded volunteer or 543  
funded part-time service. 544

(J) On and after July 1, 1977, a member of the fund who was 545  
receiving an annual pension or benefit on December 31, 1973, 546  
pursuant to division (B) of this section, based upon partial 547  
disability, off-duty disability, or early vested service, or 548  
pursuant to former division (C)(3), (5), or (6) of this section, 549  
shall have such annual pension or benefit increased by three 550  
hundred dollars. 551

The following are not eligible to receive the increase 552  
provided by this division: 553

(1) A member of the fund who is receiving a pension or 554  
benefit in accordance with the rules in force on April 1, 1947, 555  
governing the granting of pensions and benefits, which provide an 556  
increase in the original pension or benefit from time to time 557  
pursuant to changes in the salaries of active members; 558

(2) A member of the fund who is receiving a pension or 559  
benefit under division (B) or (C)(2) of this section or former 560  
division (C)(3), (5), or (6) of this section based on volunteer or 561  
part-time service. 562

(K)(1) Except as otherwise provided in this division, every 563  
person who on July 24, 1986, is receiving an age and service or 564  
disability pension, allowance, or benefit pursuant to this chapter 565  
in an amount less than thirteen thousand dollars a year that is 566  
based upon an award made effective prior to February 28, 1984, 567  
shall receive an increase of six hundred dollars a year or the 568  
amount necessary to increase the pension or benefit to four 569  
thousand two hundred dollars after all adjustments required by 570  
this section, whichever is greater. 571

(2) Division (K)(1) of this section does not apply to the 572

following:

573

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

574

575

576

577

578

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

579

580

(L) On and after July 24, 1986:

581

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

582

583

584

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

585

586

587

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

588

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

589

590

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

591

592

593

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

594

595

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

596

597

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

598

599

600

601

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

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

634  
635  
636  
637  
638  
639

(C)(1) The board of trustees of the Ohio police and fire  
pension fund shall annually increase all benefits payable to  
eligible persons by three per cent, except that no benefit shall  
exceed the limit established by section 415 of the "Internal  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as  
amended.

640  
641  
642  
643  
644  
645

The first increase is payable to all eligible persons who on  
July 1, 1988, have been receiving a pension or benefit for twelve  
months or longer. The increase is payable for the ensuing  
twelve-month period or until the next increase is granted under  
this section, whichever is later.

646  
647  
648  
649  
650

The date of the first increase paid under this section shall  
be the anniversary date for future increases. The pension or  
benefit used in the first calculation of an increase under this  
section shall remain as the base for all future increases paid  
under this section, unless a new base is established by law.

651  
652  
653  
654  
655

(2) Increases paid in years subsequent to the year of the  
first increase paid under this section shall be paid to all  
eligible persons who, on the date that the increase is authorized  
by the board, have been receiving a pension or benefit for twelve  
months.

656  
657  
658  
659  
660

Sec. 742.43. The board of trustees of the Ohio police and  
fire pension fund shall establish and administer a deferred  
retirement option plan. In establishing and administering the  
plan, the board shall comply with sections 742.44 to 742.446 of

661  
662  
663  
664

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.

665  
666  
667

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.

668  
669  
670  
671  
672  
673

**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.

674  
675  
676  
677  
678  
679

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.

680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690

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

691  
692  
693  
694

that is eight years after the effective date of the election to 695  
participate in the plan or be subject to the forfeiture provisions 696  
of division (C) of section 742.444 of the Revised Code. 697

The effective date of an election made under this section is 698  
the first day of the employer's first payroll period immediately 699  
following the board's receipt of the notice of election. 700

**Sec. 742.441.** A member who makes an election under section 701  
742.44 of the Revised Code shall continue in the active service of 702  
a police or fire department but shall not earn service credit 703  
under this chapter for employment after the election's effective 704  
date. While the member is in the active service of a police or 705  
fire department, the member shall contribute to the Ohio police 706  
and fire pension fund in accordance with section 742.31 of the 707  
Revised Code and the employer shall contribute and report in 708  
accordance with either section 742.33 or 742.34 of the Revised 709  
Code. 710

Neither the member nor the member's spouse and dependents are 711  
eligible for benefits under section 742.45 of the Revised Code 712  
while the member is participating in the deferred retirement 713  
option plan. 714

**Sec. 742.442.** For each member who elects to participate in 715  
the deferred retirement option plan, the Ohio police and fire 716  
pension fund shall determine under division (C)(1) of section 717  
742.37 of the Revised Code the monthly pension amount that would 718  
be payable to the member had the member elected to receive a 719  
pension under that division. In determining the pension amount, 720  
the fund shall use the member's total service credit and average 721  
annual salary as of the last day of the employer's payroll period 722  
immediately prior to the effective date of the member's election 723  
to participate in the plan. The pension amount shall be calculated 724



as a retirement allowance payable for the member's life, except 725  
that, if at the time of electing to participate in the plan the 726  
member selected another plan of payment, the pension shall be 727  
calculated using the plan of payment selected. 728

A member who participates in the plan is not eligible to make 729  
an election under division (B) of section 742.3716 of the Revised 730  
Code. 731

**Sec. 742.443.** (A) During the period beginning on the 732  
effective date of an election to participate in the deferred 733  
retirement option plan and ending on the date participation 734  
ceases, a member's monthly pension amount determined under section 735  
742.442 of the Revised Code shall accrue to the member's benefit. 736  
To this amount shall be added any benefit increases the member 737  
would be eligible for under division (C) of section 742.3716 of 738  
the Revised Code had the member, on the effective date of the 739  
member's election, retired under division (C)(1) of section 742.37 740  
of the Revised Code. 741

(B)(1) The amounts contributed under section 742.31 of the 742  
Revised Code by a member participating in the deferred retirement 743  
option plan shall accrue to the member's benefit as follows: 744

(a) During the period beginning on the first day of the first 745  
payroll period after the election's effective date and ending on 746  
the earlier of the date that is two years thereafter or the date 747  
the member ceases participation in the plan, fifty per cent of the 748  
member's contributions for that period; 749

(b) During the period beginning on the date that is two years 750  
and one day after accruals begin under this division and ending on 751  
the earlier of the date that is three years thereafter or the date 752  
the member ceases participation in the plan, seventy-five per cent 753  
of the member's contributions for that period; 754

(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 retirement option plan ceases on the occurrence of the earliest of the following:

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

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

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

755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784

(4) The member's death. 785

(B) If a member terminates active service in a police or fire department not later than eight years after the effective date of the member's election to participate in the plan, all of the following apply: 786  
787  
788  
789

(1) The member shall notify the Ohio police and fire pension fund of the date of termination on a form prescribed by the fund. The member is not eligible to make another election under section 742.44 of the Revised Code. 790  
791  
792  
793

(2) If the member's termination of active service occurs on or after the date that is the first day of the fourth year after the effective date of the election to participate in the plan, the entire amount that has accrued to the member's benefit under the deferred retirement option plan shall be distributed to the member pursuant to the member's selection under division (B)(3) of this section. If the termination of active service occurs before the date that is four years after the effective date of the election to participate, the member shall forfeit the total amount of the interest credited under division (C) of section 742.443 of the Revised Code. 794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804

(3) The member shall select one of the following as the method of distribution of the amount to be distributed to the member: 805  
806  
807

(a) A single payment; 808

(b) Periodic payments as determined by the board. 809

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. 810  
811  
812  
813

The board shall afford a member who selects periodic payments 814

the opportunity at least once during each calendar year to change  
the member's selection.

815  
816

(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.

817  
818  
819  
820

(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.

821  
822  
823  
824  
825  
826  
827

(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:

828  
829  
830  
831

(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.

832  
833  
834  
835  
836  
837

(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.

838  
839  
840  
841  
842

(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.

843  
844  
845

Sec. 742.445. If a member ceases participation in the 846  
deferred retirement option plan due to acceptance by the member of 847  
a disability benefit awarded by the board of trustees of the Ohio 848  
police and fire pension fund, both of the following apply: 849

(A) The member shall forfeit all amounts that have accrued 850  
under section 742.443 of the Revised Code to the member's benefit 851  
under the deferred retirement option plan, and those amounts shall 852  
be treated as if the member had continued in the active service of 853  
a police or fire department and not participated in the plan. 854

(B) The member shall be granted service credit for the period 855  
the member was participating in the plan. 856

Sec. 742.446. (A) As used in this section, "killed in the 857  
line of duty" has the same meaning as in section 742.63 of the 858  
Revised Code. 859

(B) If a member dies while participating in the deferred 860  
retirement option plan, all of the following apply: 861

(1) The amounts accrued to the member's benefit shall be paid 862  
to the member's surviving spouse or, if there is no surviving 863  
spouse, the beneficiary designated by the member on a form 864  
provided by the Ohio police and fire pension fund. If there is no 865  
surviving spouse or designated beneficiary, the amounts accrued to 866  
the member's benefit shall be paid to the member's estate. A 867  
surviving spouse or designated beneficiary may select a method of 868  
distribution described in division (B)(3) of section 742.444 of 869  
the Revised Code. Any amount payable to the member's estate shall 870  
be paid in a single payment. 871

(2) The surviving spouse shall receive a pension or benefit 872  
determined under division (D) of section 742.37 of the Revised 873  
Code and, if the member was killed in the line of duty, division 874  
(F) of section 742.63 of the Revised Code. 875

(3) If eligible, each surviving child shall receive a pension 876  
or benefit determined under division (E) of section 742.37 of the 877  
Revised Code and, if the member was killed in the line of duty, 878  
division (G) of section 742.63 of the Revised Code. 879

(4) If the member has no surviving spouse or surviving 880  
children, but has a parent or parents dependent on the member for 881  
support, the parent or parents shall receive a pension or benefit 882  
determined under division (F) of section 742.37 of the Revised 883  
Code and, if the member was killed in the line of duty, division 884  
(E) of section 742.63 of the Revised Code. 885

(5) The member's surviving spouse or contingent dependent 886  
beneficiary shall receive the greater of a retirement allowance 887  
under section 742.3714 of the Revised Code or the retirement 888  
allowance resulting from an election made by the member under 889  
section 742.3711 of the Revised Code. 890

(C) A pension, benefit, or allowance described in division 891  
(B) of this section is effective on the first day of the month 892  
after the member's date of death. Payments shall not commence 893  
until the board receives any documentation it requires pursuant to 894  
rules adopted by the board. 895

**Sec. 742.447.** On receipt of written notice under division (B) 896  
of section 742.444 of the Revised Code of a member's termination 897  
of active service, the Ohio police and fire pension fund shall 898  
request from the employer verification of the member's termination 899  
date and any other information the fund determines necessary to 900  
calculate and pay a pension under that division. The verification 901  
of termination shall be filed in accordance with section 742.351 902  
of the Revised Code. 903

**Sec. 742.46.** The granting of a benefit or pension to any 904  
person under sections 742.01 to 742.61 of the Revised Code, other 905

than a person participating in the deferred retirement option plan 906  
established under section 742.43 of the Revised Code, vests a 907  
right in such person to obtain and receive the amount of such 908  
benefit or pension granted to the person subject to sections 909  
742.01 to 742.61 of the Revised Code. Subject to section 742.444 910  
of the Revised Code, a person participating in the deferred 911  
retirement option plan vests in the right to obtain and receive 912  
the amount accrued to the benefit of the person when the person 913  
ceases participating in the plan. 914

Such right may be enforced by an action in mandamus 915  
instituted in the court of common pleas in the county in which the 916  
person granted such benefit or pension resides. 917

**Sec. 742.63.** The board of trustees of the Ohio police and 918  
fire pension fund shall adopt rules for the management of the Ohio 919  
public safety officers death benefit fund and for disbursements of 920  
benefits as set forth in this section. 921

(A) As used in this section: 922

(1) "Member" means all of the following: 923

(a) A member of the Ohio police and fire pension fund, 924  
including a member of the fund who has elected to participate in 925  
the deferred retirement option plan established under section 926  
742.43 of the Revised Code or a member of or contributor to a 927  
police or firemen's relief and pension fund established under 928  
former Chapter 521. or 741. of the Revised Code; 929

(b) A member of the state highway patrol retirement system; 930

(c) A member of the public employees retirement system who at 931  
the time of the member's death was one of the following: 932

(i) A county sheriff or deputy sheriff; 933

(ii) A full-time regular police officer in a municipal 934  
corporation or township; 935

(iii) A full-time regular firefighter employed by the state,	936
an instrumentality of the state, a municipal corporation, a	937
township, a joint fire district, or another political subdivision;	938
(iv) A full-time park district ranger or patrol trooper;	939
(v) A full-time law enforcement officer of the department of	940
natural resources;	941
(vi) A full-time department of public safety enforcement	942
agent;	943
(vii) A full-time law enforcement officer of parks, waterway	944
lands, or reservoir lands under the control of a municipal	945
corporation;	946
(viii) A full-time law enforcement officer of a conservancy	947
district;	948
(ix) A correction officer at an institution under the control	949
of a county, a group of counties, a municipal corporation, or the	950
department of rehabilitation and correction;	951
(x) A state university law enforcement officer.	952
(d) A member of a retirement system operated by a municipal	953
corporation who at the time of death was a full-time law	954
enforcement officer of parks, waterway lands, or reservoir lands	955
under the control of the municipal corporation.	956
(2) Notwithstanding section 742.01 of the Revised Code, "fire	957
or police department" includes a fire department of the state or	958
an instrumentality of the state or of a municipal corporation,	959
township, joint fire district, or other political subdivision, the	960
state highway patrol, a county sheriff's office, the security	961
force of an institution under the control of the department of	962
rehabilitation and correction, the security force of a jail or	963
workhouse under the control of a county, group of counties, or	964
municipal corporation, the security force of a metropolitan,	965



county, or township park district, the security force of lands 966  
under the control of the department of natural resources, 967  
department of public safety enforcement agents, the security force 968  
of parks, waterway lands, or reservoir lands under the control of 969  
a municipal corporation, the security force of a conservancy 970  
district, the police department of a township or municipal 971  
corporation, and the police force of a state university. 972

(3) "Firefighter or police officer" includes a state highway 973  
patrol trooper, a county sheriff or deputy sheriff, a correction 974  
officer at an institution under the control of a county, a group 975  
of counties, a municipal corporation, or the department of 976  
rehabilitation and correction, a police officer employed by a 977  
township or municipal corporation, a firefighter employed by the 978  
state, an instrumentality of the state, a municipal corporation, a 979  
township, a joint fire district, or another political subdivision, 980  
a full-time park district ranger or patrol trooper, a full-time 981  
law enforcement officer of the department of natural resources, a 982  
full-time department of public safety enforcement agent, a 983  
full-time law enforcement officer of parks, waterway lands, or 984  
reservoir lands under the control of a municipal corporation, a 985  
full-time law enforcement officer of a conservancy district, and a 986  
state university law enforcement officer. 987

(4) "Correction officer" includes, in addition to any 988  
correction officer, any correction corporal, sergeant, lieutenant, 989  
or captain, and the equivalents of all such persons. 990

(5) "A park district ranger or patrol trooper" means a peace 991  
officer commissioned to make arrests, execute warrants, and 992  
preserve the peace upon lands under the control of a board of park 993  
commissioners of a metropolitan, county, or township park 994  
district. 995

(6) "Metropolitan, county, or township park district" means a 996  
park district created under the authority of Chapter 511. or 1545. 997

of the Revised Code.	998
(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.	999 1000
(8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.	1001 1002 1003 1004
(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.	1005 1006 1007 1008 1009 1010 1011 1012
(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.33, Chapter 521. or 741., division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.	1013 1014 1015 1016 1017 1018 1019
(11) "Death benefit amount" means an amount equal to the full monthly salary received by a deceased member prior to death, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, plus any increases in salary that would have been granted the deceased member.	1020 1021 1022 1023 1024 1025 1026
(12) "Killed in the line of duty" means either of the following:	1027 1028

(a) Death in the line of duty;	1029
(b) Death from injury sustained in the line of duty,	1030
including heart attack or other fatal injury or illness caused	1031
while in the line of duty.	1032
(B) A spouse of a deceased member shall receive a death	1033
benefit each month equal to the full death benefit amount,	1034
provided that the deceased member was a firefighter or police	1035
officer killed in the line of duty and there are no surviving	1036
children eligible for a benefit under this section. The spouse	1037
shall receive this benefit during the spouse's natural life until	1038
the deceased member's retirement eligibility date, on which date	1039
the benefit provided under this division shall terminate.	1040
(C)(1) If a member killed in the line of duty as a	1041
firefighter or police officer is survived only by a child or	1042
children, the child or children shall receive a benefit each month	1043
equal to the full death benefit amount. If there is more than one	1044
surviving child, the benefit shall be divided equally among these	1045
children.	1046
(2) If the death benefit paid under this division is divided	1047
among two or more surviving children and any of the children	1048
become ineligible to continue receiving a portion of the benefit	1049
as provided in division (H) of this section, the full death	1050
benefit amount shall be paid to the remaining eligible child or	1051
divided among the eligible children so that the benefit paid to	1052
the remaining eligible child or children equals the full death	1053
benefit amount.	1054
(3) Notwithstanding divisions (C)(1) and (2) of this section,	1055
all death benefits paid under this division shall terminate on the	1056
deceased member's retirement eligibility date.	1057
(D) If a member killed in the line of duty as a firefighter	1058
or police officer is survived by both a spouse and a child or	1059

children, the monthly benefit provided shall be as follows: 1060

(1)(a) If there is a surviving spouse and one surviving 1061  
child, the spouse shall receive an amount each month equal to 1062  
one-half of the full death benefit amount and the child shall 1063  
receive an amount equal to one-half of the full death benefit 1064  
amount. 1065

(b) If the surviving spouse dies or the child becomes 1066  
ineligible as provided in division (H) of this section, the 1067  
surviving spouse or child remaining eligible shall receive the 1068  
full death benefit amount. 1069

(2)(a) If there is a surviving spouse and more than one 1070  
child, the spouse shall receive an amount each month equal to 1071  
one-third of the full death benefit amount and the children shall 1072  
receive an amount, equally divided among them, equal to two-thirds 1073  
of the full death benefit amount. 1074

(b) If a spouse and more than one child each are receiving a 1075  
death benefit under division (D)(2)(a) of this section and the 1076  
spouse dies, the children shall receive an amount each month, 1077  
equally divided among them, equal to the full death benefit 1078  
amount. 1079

(c) If a spouse and more than one child each are receiving a 1080  
benefit under division (D)(2)(a) of this section and any of the 1081  
children becomes ineligible to receive a benefit as provided in 1082  
division (H) of this section, the spouse and remaining eligible 1083  
child or children shall receive a death benefit as follows: 1084

(i) If there are two or more remaining eligible children, the 1085  
spouse shall receive an amount each month equal to one-third of 1086  
the full death benefit amount and the children shall receive an 1087  
amount each month, equally divided among them, equal to two-thirds 1088  
of the full death benefit amount; 1089

(ii) If there is one remaining eligible child, the spouse 1090

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

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

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

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

(F)(1) The following shall receive a monthly death benefit under this division:

(a) A surviving spouse whose benefits are terminated in accordance with division (B) or (D)(3) of this section on the deceased member's retirement eligibility date, or who would qualify for a benefit under division (B) or (D) of this section except that the deceased member reached the member's retirement

eligibility date prior to the member's death; 1122

(b) A qualified surviving spouse of a deceased member of or 1123  
contributor to a police or firemen's relief and pension fund 1124  
established under former Chapter 521. or 741. of the Revised Code 1125  
who was a firefighter or police officer killed in the line of 1126  
duty. 1127

(2) The monthly death benefit shall be one-half of an amount 1128  
equal to the monthly salary received by the deceased member prior 1129  
to the member's death, plus any salary increases the deceased 1130  
member would have received prior to the member's retirement 1131  
eligibility date. The benefit shall terminate on the surviving 1132  
spouse's death. A death benefit payable under this division shall 1133  
be reduced by an amount equal to any allowance or benefit payable 1134  
to the surviving spouse under section 742.3714 of the Revised 1135  
Code. 1136

(3) A benefit granted to a surviving spouse under division 1137  
(F)(1)(b) of this section shall commence on the first day of the 1138  
month immediately following receipt by the board of a completed 1139  
application on a form provided by the board and any evidence the 1140  
board may require to establish that the deceased spouse was killed 1141  
in the line of duty. 1142

(G)(1) If there is not a surviving spouse eligible to receive 1143  
a death benefit under division (F) of this section or the 1144  
surviving spouse receiving a death benefit under that division 1145  
dies, a surviving child or children whose benefits under division 1146  
(C) or (D) of this section are or have been terminated pursuant to 1147  
division (C)(3) or (D)(3) of this section or who would qualify for 1148  
a benefit under division (C) or (D) of this section except that 1149  
the deceased member reached the member's retirement eligibility 1150  
date prior to the member's death shall receive a monthly death 1151  
benefit under this division. The monthly death benefit shall be 1152  
one-half of an amount equal to the monthly salary received by the 1153

deceased member prior to the member's death, plus any salary 1154  
increases the member would have received prior to the member's 1155  
retirement eligibility date. If there is more than one surviving 1156  
child, the benefit shall be divided equally among the surviving 1157  
children. 1158

(2) If two or more surviving children each are receiving a 1159  
benefit under this division and any of those children becomes 1160  
ineligible to continue receiving a benefit as provided in division 1161  
(H) of this section, the remaining eligible child or children 1162  
shall receive an amount equal to one-half of the monthly salary 1163  
received by the deceased member prior to death, plus any salary 1164  
increases the deceased member would have received prior to the 1165  
retirement eligibility date. If there is more than one remaining 1166  
eligible child, the benefit shall be divided equally among the 1167  
eligible children. 1168

(3) A death benefit, or portion of a death benefit, payable 1169  
to a surviving child under this division shall be reduced by an 1170  
amount equal to any allowance or benefit payable to that child 1171  
under section 742.3714 of the Revised Code, but the reduction in 1172  
that child's benefit shall not affect the amount payable to any 1173  
other surviving child entitled to a portion of the death benefit. 1174

(H) A death benefit paid to a surviving child under division 1175  
(C), (D), or (G) of this section shall terminate on the death of 1176  
the child or, unless one of the following is the case, when the 1177  
child reaches age eighteen: 1178

(1) The child, because of physical or mental disability, is 1179  
unable to provide the child's own support, in which case the death 1180  
benefit shall terminate when the disability is removed; 1181

(2) The child is unmarried, under age twenty-two, and a 1182  
student in and attending an institution of learning or training 1183  
pursuant to a program designed to complete in each school year the 1184

equivalent of at least two-thirds of the full-time curriculum 1185  
requirements of the institution, as determined by the trustees of 1186  
the fund. 1187

(I) Acceptance of any death benefit under this section does 1188  
not prohibit a spouse or child from receiving other benefits 1189  
provided under the Ohio police and fire pension fund, the state 1190  
highway patrol retirement system, the public employees retirement 1191  
system, or a retirement system operated by a municipal 1192  
corporation. 1193

(J) No person shall receive a benefit under this section if 1194  
any of the following occur: 1195

(1) The person fails to exercise the right to a monthly 1196  
survivor benefit under division (A) or (B) of section 145.45, 1197  
division (D), (E), or (F) of section 742.37, or division (A)(3), 1198  
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 1199  
survivor benefit from a retirement system operated by a municipal 1200  
corporation; or to a retirement allowance under section 742.3714 1201  
of the Revised Code. 1202

(2) The member's accumulated contributions under this chapter 1203  
or Chapter 145. or 5505. of the Revised Code are refunded unless 1204  
the member had been a member of the public employees retirement 1205  
system and had fewer than eighteen months of total service credit 1206  
at the time of death. 1207

(3) In the case of a full-time park district ranger or patrol 1208  
trooper, a full-time law enforcement officer of the department of 1209  
natural resources, a full-time law enforcement officer of parks, 1210  
waterway lands, or reservoir lands under the control of a 1211  
municipal corporation, a full-time law enforcement officer of a 1212  
conservancy district, a correction officer at an institution under 1213  
the control of a county, group of counties, or municipal 1214  
corporation, or a member of a retirement system operated by a 1215



municipal corporation who at the time of the member's death was a  
full-time law enforcement officer of parks, waterway lands, or  
reservoir lands under the control of the municipal corporation,  
the member died prior to April 9, 1981, in the case of a benefit  
under division (B), (C), or (D) of this section, or prior to  
January 1, 1980, in the case of a benefit under division (E) of  
this section.

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

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

(K) A surviving spouse whose benefit was terminated prior to  
June 30, 1999, due to remarriage shall receive a benefit under  
division (B), (D), or (F) of this section beginning on the first  
day of the month following receipt by the board of an application  
on a form provided by the board. The benefit amount shall be  
determined as of that date.

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

(2) If the benefit will begin on or after the deceased  
member's retirement eligibility date, it shall be paid under  
division (F) of this section and shall terminate as provided in

that division. A benefit paid to a surviving spouse under division 1247  
(F) of this section shall be determined in accordance with that 1248  
division, even if benefits paid to surviving children are 1249  
terminated as a result. 1250

**Section 2.** That existing sections 742.03, 742.14, 742.351, 1251  
742.37, 742.3716, 742.43, 742.44, 742.46, and 742.63 of the 1252  
Revised Code are hereby repealed. 1253