

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 620

Representative Huffman

Cosponsor: Representative Pelanda

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A B I L L

To amend sections 145.01, 145.43, 145.45, 145.571, 1
742.462, 742.50, 3105.80, 3105.82, 3105.89, 2
3305.21, 3307.371, 3307.562, 3307.66, 3309.44, 3
3309.45, 3309.671, 5505.21, and 5505.261 of the 4
Revised Code to provide for payment to an 5
ex-spouse of part of any survivor benefits or 6
return of contributions payable to the surviving 7
spouse of a state retirement system member who 8
dies prior to retirement and to modify eligibility 9
requirements for benefits provided to survivors of 10
deceased members of the State Teachers Retirement 11
System and the Public Employees Retirement System. 12

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

Section 1. That sections 145.01, 145.43, 145.45, 145.571, 13
742.462, 742.50, 3105.80, 3105.82, 3105.89, 3305.21, 3307.371, 14
3307.562, 3307.66, 3309.44, 3309.45, 3309.671, 5505.21, and 15
5505.261 of the Revised Code be amended to read as follows: 16

Sec. 145.01. As used in this chapter: 17

(A) "Public employee" means: 18

(1) Any person holding an office, not elective, under the 19

state or any county, township, municipal corporation, park 20
district, conservancy district, sanitary district, health 21
district, metropolitan housing authority, state retirement board, 22
Ohio historical society, public library, county law library, union 23
cemetery, joint hospital, institutional commissary, state 24
university, or board, bureau, commission, council, committee, 25
authority, or administrative body as the same are, or have been, 26
created by action of the general assembly or by the legislative 27
authority of any of the units of local government named in 28
division (A)(1) of this section, or employed and paid in whole or 29
in part by the state or any of the authorities named in division 30
(A)(1) of this section in any capacity not covered by section 31
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 32

(2) A person who is a member of the public employees 33
retirement system and who continues to perform the same or similar 34
duties under the direction of a contractor who has contracted to 35
take over what before the date of the contract was a publicly 36
operated function. The governmental unit with which the contract 37
has been made shall be deemed the employer for the purposes of 38
administering this chapter. 39

(3) Any person who is an employee of a public employer, 40
notwithstanding that the person's compensation for that employment 41
is derived from funds of a person or entity other than the 42
employer. Credit for such service shall be included as total 43
service credit, provided that the employee makes the payments 44
required by this chapter, and the employer makes the payments 45
required by sections 145.48 and 145.51 of the Revised Code. 46

(4) A person who elects in accordance with section 145.015 of 47
the Revised Code to remain a contributing member of the public 48
employees retirement system. 49

(5) A person who is an employee of the legal rights service 50
on September 30, 2012, and continues to be employed by the 51

nonprofit entity established under Section 319.20 of Am. Sub. H.B. 52
153 of the 129th general assembly. The nonprofit entity is the 53
employer for the purpose of this chapter. 54

In all cases of doubt, the public employees retirement board 55
shall determine under section 145.036, 145.037, or 145.038 of the 56
Revised Code whether any person is a public employee, and its 57
decision is final. 58

(B) "Member" means any public employee, other than a public 59
employee excluded or exempted from membership in the retirement 60
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 61
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 62
retirant who becomes a member under division (C) of section 145.38 63
of the Revised Code. "Member" also includes a disability benefit 64
recipient. 65

(C) "Head of the department" means the elective or appointive 66
head of the several executive, judicial, and administrative 67
departments, institutions, boards, and commissions of the state 68
and local government as the same are created and defined by the 69
laws of this state or, in case of a charter government, by that 70
charter. 71

(D) "Employer" or "public employer" means the state or any 72
county, township, municipal corporation, park district, 73
conservancy district, sanitary district, health district, 74
metropolitan housing authority, state retirement board, Ohio 75
historical society, public library, county law library, union 76
cemetery, joint hospital, institutional commissary, state medical 77
university, state university, or board, bureau, commission, 78
council, committee, authority, or administrative body as the same 79
are, or have been, created by action of the general assembly or by 80
the legislative authority of any of the units of local government 81
named in this division not covered by section 742.01, 3307.01, 82
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 83

means the employer of any public employee. 84

(E) "Prior military service" also means all service credited 85
for active duty with the armed forces of the United States as 86
provided in section 145.30 of the Revised Code. 87

(F) "Contributor" means any person who has an account in the 88
employees' savings fund created by section 145.23 of the Revised 89
Code. When used in the sections listed in division (B) of section 90
145.82 of the Revised Code, "contributor" includes any person 91
participating in a PERS defined contribution plan. 92

(G) "Beneficiary" or "beneficiaries" means the estate or a 93
person or persons who, as the result of the death of a member, 94
contributor, or retirant, qualify for or are receiving some right 95
or benefit under this chapter. 96

(H)(1) "Total service credit," except as provided in section 97
145.37 of the Revised Code, means all service credited to a member 98
of the retirement system since last becoming a member, including 99
restored service credit as provided by section 145.31 of the 100
Revised Code; credit purchased under sections 145.293 and 145.299 101
of the Revised Code; all the member's military service credit 102
computed as provided in this chapter; all service credit 103
established pursuant to section 145.297 of the Revised Code; and 104
any other service credited under this chapter. For the exclusive 105
purpose of satisfying the service credit requirement and of 106
determining eligibility for benefits under sections 145.32, 107
145.33, 145.331, 145.332, 145.35, 145.36, ~~and 145.361,~~ and 145.45 108
of the Revised Code, "five or more years of total service credit" 109
means sixty or more calendar months of contributing service in 110
this system. 111

(2) ~~"One and one half years of contributing service credit,"~~ 112
~~as used in division (B) of section 145.45 of the Revised Code,~~ 113
~~also means eighteen or more calendar months of employment by a~~ 114

~~municipal corporation that formerly operated its own retirement 115
plan for its employees or a part of its employees, provided that 116
all employees of that municipal retirement plan who have eighteen 117
or more months of such employment, upon establishing membership in 118
the public employees retirement system, shall make a payment of 119
the contributions they would have paid had they been members of 120
this system for the eighteen months of employment preceding the 121
date membership was established. When that payment has been made 122
by all such employee members, a corresponding payment shall be 123
paid into the employers' accumulation fund by that municipal 124
corporation as the employer of the employees. 125~~

~~(3) Where a member also is a member of the state teachers 126
retirement system or the school employees retirement system, or 127
both, except in cases of retirement on a combined basis pursuant 128
to section 145.37 of the Revised Code or as provided in section 129
145.383 of the Revised Code, service credit for any period shall 130
be credited on the basis of the ratio that contributions to the 131
public employees retirement system bear to total contributions in 132
all state retirement systems. 133~~

~~(4)(3) Not more than one year of credit may be given for any 134
period of twelve months. 135~~

~~(5)(4) "Ohio service credit" means credit for service that 136
was rendered to the state or any of its political subdivisions or 137
any employer. 138~~

~~(I) "Regular interest" means interest at any rates for the 139
respective funds and accounts as the public employees retirement 140
board may determine from time to time. 141~~

~~(J) "Accumulated contributions" means the sum of all amounts 142
credited to a contributor's individual account in the employees' 143
savings fund together with any interest credited to the 144
contributor's account under section 145.471 or 145.472 of the 145~~

Revised Code.	146
(K)(1) "Final average salary" means the greater of the following:	147 148
(a) The sum of the member's earnable salaries for the appropriate number of calendar years of contributing service, determined under section 145.017 of the Revised Code, in which the member's earnable salary was highest, divided by the same number of calendar years or, if the member has fewer than the appropriate number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of the member's contributing service;	149 150 151 152 153 154 155 156 157
(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided by the appropriate number of years or, if the time between the first and final months of service is less than the appropriate number of consecutive months, the total of the member's earnable salary for all months of contributing service divided by the number of years between the first and final months of contributing service, including any fraction of a year, except that the member's final average salary shall not exceed the member's highest earnable salary for any twelve consecutive months.	158 159 160 161 162 163 164 165 166 167 168 169
(2) If contributions were made in only one calendar year, "final average salary" means the member's total earnable salary.	170 171
(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.	172 173 174 175
(M) "Annuity reserve" means the present value, computed upon	176

the basis of the mortality and other tables adopted by the board, 177
of all payments to be made on account of any annuity, or benefit 178
in lieu of any annuity, granted to a retirant as provided in this 179
chapter. 180

(N)(1) "Disability retirement" means retirement as provided 181
in section 145.36 of the Revised Code. 182

(2) "Disability allowance" means an allowance paid on account 183
of disability under section 145.361 of the Revised Code. 184

(3) "Disability benefit" means a benefit paid as disability 185
retirement under section 145.36 of the Revised Code, as a 186
disability allowance under section 145.361 of the Revised Code, or 187
as a disability benefit under section 145.37 of the Revised Code. 188

(4) "Disability benefit recipient" means a member who is 189
receiving a disability benefit. 190

(O) "Age and service retirement" means retirement as provided 191
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 192
and former section 145.34 of the Revised Code. 193

(P) "Pensions" means annual payments for life derived from 194
contributions made by the employer that at the time of retirement 195
are credited into the annuity and pension reserve fund from the 196
employers' accumulation fund and paid from the annuity and pension 197
reserve fund as provided in this chapter. All pensions shall be 198
paid in twelve equal monthly installments. 199

(Q) "Retirement allowance" means the pension plus that 200
portion of the benefit derived from contributions made by the 201
member. 202

(R)(1) Except as otherwise provided in division (R) of this 203
section, "earnable salary" means all salary, wages, and other 204
earnings paid to a contributor by reason of employment in a 205
position covered by the retirement system. The salary, wages, and 206

other earnings shall be determined prior to determination of the 207
amount required to be contributed to the employees' savings fund 208
under section 145.47 of the Revised Code and without regard to 209
whether any of the salary, wages, or other earnings are treated as 210
deferred income for federal income tax purposes. "Earnable salary" 211
includes the following: 212

(a) Payments made by the employer in lieu of salary, wages, 213
or other earnings for sick leave, personal leave, or vacation used 214
by the contributor; 215

(b) Payments made by the employer for the conversion of sick 216
leave, personal leave, and vacation leave accrued, but not used if 217
the payment is made during the year in which the leave is accrued, 218
except that payments made pursuant to section 124.383 or 124.386 219
of the Revised Code are not earnable salary; 220

(c) Allowances paid by the employer for maintenance, 221
consisting of housing, laundry, and meals, as certified to the 222
retirement board by the employer or the head of the department 223
that employs the contributor; 224

(d) Fees and commissions paid under section 507.09 of the 225
Revised Code; 226

(e) Payments that are made under a disability leave program 227
sponsored by the employer and for which the employer is required 228
by section 145.296 of the Revised Code to make periodic employer 229
and employee contributions; 230

(f) Amounts included pursuant to former division (K)(3) and 231
former division (Y) of this section and section 145.2916 of the 232
Revised Code. 233

(2) "Earnable salary" does not include any of the following: 234

(a) Fees and commissions, other than those paid under section 235
507.09 of the Revised Code, paid as sole compensation for personal 236

services and fees and commissions for special services over and	237
above services for which the contributor receives a salary;	238
(b) Amounts paid by the employer to provide life insurance,	239
sickness, accident, endowment, health, medical, hospital, dental,	240
or surgical coverage, or other insurance for the contributor or	241
the contributor's family, or amounts paid by the employer to the	242
contributor in lieu of providing the insurance;	243
(c) Incidental benefits, including lodging, food, laundry,	244
parking, or services furnished by the employer, or use of the	245
employer's property or equipment, or amounts paid by the employer	246
to the contributor in lieu of providing the incidental benefits;	247
(d) Reimbursement for job-related expenses authorized by the	248
employer, including moving and travel expenses and expenses	249
related to professional development;	250
(e) Payments for accrued but unused sick leave, personal	251
leave, or vacation that are made at any time other than in the	252
year in which the sick leave, personal leave, or vacation was	253
accrued;	254
(f) Payments made to or on behalf of a contributor that are	255
in excess of the annual compensation that may be taken into	256
account by the retirement system under division (a)(17) of section	257
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	258
U.S.C.A. 401(a)(17), as amended;	259
(g) Payments made under division (B), (C), or (E) of section	260
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill	261
No. 3 of the 119th general assembly, Section 3 of Amended	262
Substitute Senate Bill No. 164 of the 124th general assembly, or	263
Amended Substitute House Bill No. 405 of the 124th general	264
assembly;	265
(h) Anything of value received by the contributor that is	266
based on or attributable to retirement or an agreement to retire,	267

except that payments made on or before January 1, 1989, that are 268
based on or attributable to an agreement to retire shall be 269
included in earnable salary if both of the following apply: 270

(i) The payments are made in accordance with contract 271
provisions that were in effect prior to January 1, 1986; 272

(ii) The employer pays the retirement system an amount 273
specified by the retirement board equal to the additional 274
liability resulting from the payments. 275

(i) The portion of any amount included in section 145.2916 of 276
the Revised Code that represents employer contributions. 277

(3) The retirement board shall determine by rule whether any 278
compensation not enumerated in division (R) of this section is 279
earnable salary, and its decision shall be final. 280

(S) "Pension reserve" means the present value, computed upon 281
the basis of the mortality and other tables adopted by the board, 282
of all payments to be made on account of any retirement allowance 283
or benefit in lieu of any retirement allowance, granted to a 284
member or beneficiary under this chapter. 285

(T) "Contributing service" means both of the following: 286

(1) All service credited to a member of the system since 287
January 1, 1935, for which contributions are made as required by 288
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 289
year subsequent to 1934, credit for any service shall be allowed 290
in accordance with section 145.016 of the Revised Code. 291

(2) Service credit received by election of the member under 292
section 145.814 of the Revised Code. 293

(U) "State retirement board" means the public employees 294
retirement board, the school employees retirement board, or the 295
state teachers retirement board. 296

(V) "Retirant" means any former member who retires and is 297

receiving a monthly allowance as provided in sections 145.32, 298
145.33, 145.331, 145.332, and 145.46 and former section 145.34 of 299
the Revised Code. 300

(W) "Employer contribution" means the amount paid by an 301
employer as determined under section 145.48 of the Revised Code. 302

(X) "Public service terminates" means the last day for which 303
a public employee is compensated for services performed for an 304
employer or the date of the employee's death, whichever occurs 305
first. 306

(Y) "Five years of service credit," for the exclusive purpose 307
of satisfying the service credit requirements and of determining 308
eligibility under section 145.33 or 145.332 of the Revised Code, 309
means employment covered under this chapter or under a former 310
retirement plan operated, recognized, or endorsed by the employer 311
prior to coverage under this chapter or under a combination of the 312
coverage. 313

(Z) "Deputy sheriff" means any person who is commissioned and 314
employed as a full-time peace officer by the sheriff of any 315
county, and has been so employed since on or before December 31, 316
1965; any person who is or has been commissioned and employed as a 317
peace officer by the sheriff of any county since January 1, 1966, 318
and who has received a certificate attesting to the person's 319
satisfactory completion of the peace officer training school as 320
required by section 109.77 of the Revised Code; or any person 321
deputized by the sheriff of any county and employed pursuant to 322
section 2301.12 of the Revised Code as a criminal bailiff or court 323
constable who has received a certificate attesting to the person's 324
satisfactory completion of the peace officer training school as 325
required by section 109.77 of the Revised Code. 326

(AA) "Township constable or police officer in a township 327
police department or district" means any person who is 328

commissioned and employed as a full-time peace officer pursuant to 329
Chapter 505. or 509. of the Revised Code, who has received a 330
certificate attesting to the person's satisfactory completion of 331
the peace officer training school as required by section 109.77 of 332
the Revised Code. 333

(BB) "Drug agent" means any person who is either of the 334
following: 335

(1) Employed full time as a narcotics agent by a county 336
narcotics agency created pursuant to section 307.15 of the Revised 337
Code and has received a certificate attesting to the satisfactory 338
completion of the peace officer training school as required by 339
section 109.77 of the Revised Code; 340

(2) Employed full time as an undercover drug agent as defined 341
in section 109.79 of the Revised Code and is in compliance with 342
section 109.77 of the Revised Code. 343

(CC) "Department of public safety enforcement agent" means a 344
full-time employee of the department of public safety who is 345
designated under section 5502.14 of the Revised Code as an 346
enforcement agent and who is in compliance with section 109.77 of 347
the Revised Code. 348

(DD) "Natural resources law enforcement staff officer" means 349
a full-time employee of the department of natural resources who is 350
designated a natural resources law enforcement staff officer under 351
section 1501.013 of the Revised Code and is in compliance with 352
section 109.77 of the Revised Code. 353

(EE) "Park officer" means a full-time employee of the 354
department of natural resources who is designated a park officer 355
under section 1541.10 of the Revised Code and is in compliance 356
with section 109.77 of the Revised Code. 357

(FF) "Forest officer" means a full-time employee of the 358
department of natural resources who is designated a forest officer 359

under section 1503.29 of the Revised Code and is in compliance 360
with section 109.77 of the Revised Code. 361

(GG) "Preserve officer" means a full-time employee of the 362
department of natural resources who is designated a preserve 363
officer under section 1517.10 of the Revised Code and is in 364
compliance with section 109.77 of the Revised Code. 365

(HH) "Wildlife officer" means a full-time employee of the 366
department of natural resources who is designated a wildlife 367
officer under section 1531.13 of the Revised Code and is in 368
compliance with section 109.77 of the Revised Code. 369

(II) "State watercraft officer" means a full-time employee of 370
the department of natural resources who is designated a state 371
watercraft officer under section 1547.521 of the Revised Code and 372
is in compliance with section 109.77 of the Revised Code. 373

(JJ) "Park district police officer" means a full-time 374
employee of a park district who is designated pursuant to section 375
511.232 or 1545.13 of the Revised Code and is in compliance with 376
section 109.77 of the Revised Code. 377

(KK) "Conservancy district officer" means a full-time 378
employee of a conservancy district who is designated pursuant to 379
section 6101.75 of the Revised Code and is in compliance with 380
section 109.77 of the Revised Code. 381

(LL) "Municipal police officer" means a member of the 382
organized police department of a municipal corporation who is 383
employed full time, is in compliance with section 109.77 of the 384
Revised Code, and is not a member of the Ohio police and fire 385
pension fund. 386

(MM) "Veterans' home police officer" means any person who is 387
employed at a veterans' home as a police officer pursuant to 388
section 5907.02 of the Revised Code and is in compliance with 389
section 109.77 of the Revised Code. 390

(NN) "Special police officer for a mental health institution"	391
means any person who is designated as such pursuant to section	392
5119.08 of the Revised Code and is in compliance with section	393
109.77 of the Revised Code.	394
(OO) "Special police officer for an institution for the	395
developmentally disabled" means any person who is designated as	396
such pursuant to section 5123.13 of the Revised Code and is in	397
compliance with section 109.77 of the Revised Code.	398
(PP) "State university law enforcement officer" means any	399
person who is employed full time as a state university law	400
enforcement officer pursuant to section 3345.04 of the Revised	401
Code and who is in compliance with section 109.77 of the Revised	402
Code.	403
(QQ) "House sergeant at arms" means any person appointed by	404
the speaker of the house of representatives under division (B)(1)	405
of section 101.311 of the Revised Code who has arrest authority	406
under division (E)(1) of that section.	407
(RR) "Assistant house sergeant at arms" means any person	408
appointed by the house sergeant at arms under division (C)(1) of	409
section 101.311 of the Revised Code.	410
(SS) "Regional transit authority police officer" means a	411
person who is employed full time as a regional transit authority	412
police officer under division (Y) of section 306.35 of the Revised	413
Code and is in compliance with section 109.77 of the Revised Code.	414
(TT) "State highway patrol police officer" means a special	415
police officer employed full time and designated by the	416
superintendent of the state highway patrol pursuant to section	417
5503.09 of the Revised Code or a person serving full time as a	418
special police officer pursuant to that section on a permanent	419
basis on October 21, 1997, who is in compliance with section	420
109.77 of the Revised Code.	421

(UU) "Municipal public safety director" means a person who 422
serves full time as the public safety director of a municipal 423
corporation with the duty of directing the activities of the 424
municipal corporation's police department and fire department. 425

(VV) Notwithstanding section 2901.01 of the Revised Code, 426
"PERS law enforcement officer" means a sheriff or any of the 427
following whose primary duties are to preserve the peace, protect 428
life and property, and enforce the laws of this state: a deputy 429
sheriff, township constable or police officer in a township police 430
department or district, drug agent, department of public safety 431
enforcement agent, natural resources law enforcement staff 432
officer, park officer, forest officer, preserve officer, wildlife 433
officer, state watercraft officer, park district police officer, 434
conservancy district officer, veterans' home police officer, 435
special police officer for a mental health institution, special 436
police officer for an institution for the developmentally 437
disabled, state university law enforcement officer, municipal 438
police officer, house sergeant at arms, assistant house sergeant 439
at arms, regional transit authority police officer, or state 440
highway patrol police officer. "PERS law enforcement officer" also 441
includes a person serving as a municipal public safety director at 442
any time during the period from September 29, 2005, to March 24, 443
2009, if the duties of that service were to preserve the peace, 444
protect life and property, and enforce the laws of this state. 445

(WW) "Hamilton county municipal court bailiff" means a person 446
appointed by the clerk of courts of the Hamilton county municipal 447
court under division (A)(3) of section 1901.32 of the Revised Code 448
who is employed full time as a bailiff or deputy bailiff, who has 449
received a certificate attesting to the person's satisfactory 450
completion of the peace officer basic training described in 451
division (D)(1) of section 109.77 of the Revised Code. 452

(XX) "PERS public safety officer" means a Hamilton county 453

municipal court bailiff, or any of the following whose primary 454
duties are other than to preserve the peace, protect life and 455
property, and enforce the laws of this state: a deputy sheriff, 456
township constable or police officer in a township police 457
department or district, drug agent, department of public safety 458
enforcement agent, natural resources law enforcement staff 459
officer, park officer, forest officer, preserve officer, wildlife 460
officer, state watercraft officer, park district police officer, 461
conservancy district officer, veterans' home police officer, 462
special police officer for a mental health institution, special 463
police officer for an institution for the developmentally 464
disabled, state university law enforcement officer, municipal 465
police officer, house sergeant at arms, assistant house sergeant 466
at arms, regional transit authority police officer, or state 467
highway patrol police officer. "PERS public safety officer" also 468
includes a person serving as a municipal public safety director at 469
any time during the period from September 29, 2005, to March 24, 470
2009, if the duties of that service were other than to preserve 471
the peace, protect life and property, and enforce the laws of this 472
state. 473

(YY) "Fiduciary" means a person who does any of the 474
following: 475

(1) Exercises any discretionary authority or control with 476
respect to the management of the system or with respect to the 477
management or disposition of its assets; 478

(2) Renders investment advice for a fee, direct or indirect, 479
with respect to money or property of the system; 480

(3) Has any discretionary authority or responsibility in the 481
administration of the system. 482

(ZZ) "Actuary" means an individual who satisfies all of the 483
following requirements: 484

(1) Is a member of the American academy of actuaries;	485
(2) Is an associate or fellow of the society of actuaries;	486
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	487 488
(AAA) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	489 490
(BBB) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	491 492
Sec. 145.43. (A) As used in this section and in section 145.45 of the Revised Code:	493 494
(1) "Child" means a biological or legally adopted child of a deceased member. If a court hearing for an interlocutory decree for adoption was held prior to the member's death, "child" includes the child who was the subject of the hearing notwithstanding the fact that the final decree of adoption, adjudging the surviving spouse as the adoptive parent, is made subsequent to the member's death.	495 496 497 498 499 500 501
(2) "Parent" is a parent or legally adoptive parent of a deceased member.	502 503
(3) "Dependent" means a beneficiary who receives one-half of the beneficiary's support from a member during the twelve months prior to the member's death.	504 505 506
(4) "Surviving spouse" means an individual who establishes a valid marriage to a member at the time of the member's death by marriage certificate or pursuant to division (E) of this section.	507 508 509
(5) "Survivor" means a surviving spouse, child, or parent.	510
(6) "Accumulated contributions" has the meaning given in section 145.01 of the Revised Code, except that, notwithstanding that section, it does not include additional amounts deposited in	511 512 513

the employees' savings fund pursuant to the version of division 514
(C) of section 145.23 of the Revised Code as it existed 515
immediately prior to April 6, 2007, or pursuant to section 145.62 516
of the Revised Code. 517

(B) ~~Except~~ Subject to division (G) of section 145.571 and 518
except as provided in division (C)(1) of section 145.45 of the 519
Revised Code, should a member die before age and service 520
retirement, the member's accumulated contributions and any 521
applicable amount calculated under section 145.401 of the Revised 522
Code, shall be paid to the person or persons the member has 523
designated under section 145.431 of the Revised Code. A member may 524
designate two or more persons as beneficiaries to be paid the 525
accumulated account in a lump sum. Subject to rules adopted by the 526
public employees retirement board, a member who designates two or 527
more persons as beneficiaries shall specify the percentage of the 528
lump sum that each beneficiary is to be paid. If the member has 529
not specified the percentages, the lump sum shall be divided 530
equally among the beneficiaries. 531

The last designation of any beneficiary revokes all previous 532
designations. The member's marriage, divorce, marriage 533
dissolution, legal separation, or withdrawal of account, or the 534
birth of the member's child, or adoption of a child, shall 535
constitute an automatic revocation of the member's previous 536
designation. If a deceased member was also a member of the school 537
employees retirement system or the state teachers retirement 538
system, the beneficiary last established among the systems shall 539
be the sole beneficiary in all the systems. 540

If the accumulated contributions of a deceased member are not 541
claimed by a beneficiary or by the estate of the deceased member 542
within five years after the death, the contributions shall remain 543
in the employees' savings fund or may be transferred to the income 544
fund and thereafter shall be paid to the beneficiary or to the 545

member's estate upon application to the board. The board shall 546
formulate and adopt the necessary rules governing all designations 547
of beneficiaries. 548

(C) ~~Except~~ Subject to division (G) of section 145.571 of the 549
Revised Code and except as provided in division (C)(1) of section 550
145.45 of the Revised Code, if a member dies before age and 551
service retirement and is not survived by a designated 552
beneficiary, the following shall qualify, with all attendant 553
rights and privileges, in the following order of precedence, the 554
member's: 555

(1) Surviving spouse; 556

(2) Children, share and share alike; 557

(3) A dependent parent, if that parent takes survivor 558
benefits under division (B) of section 145.45 of the Revised Code; 559

(4) Parents, share and share alike; 560

(5) Estate. 561

If the beneficiary is deceased or is not located within 562
ninety days, the beneficiary ceases to qualify for any benefit and 563
the beneficiary next in order of precedence shall qualify as a 564
beneficiary. 565

Any payment made to a beneficiary as determined by the board 566
shall be a full discharge and release to the board from any future 567
claims. 568

(D) Any amount due a retirant or disability benefit recipient 569
receiving a monthly benefit and unpaid to the retirant or 570
recipient at death shall be paid to the beneficiary designated 571
under section 145.431 of the Revised Code. If no such designation 572
has been filed, or if the designated beneficiary is not located 573
within ninety days, any amounts payable under this chapter due to 574
the death of the retirant or recipient shall be paid in the 575

following order of precedence to the retirant's or recipient's:	576
(1) Surviving spouse;	577
(2) Children, share and share alike;	578
(3) Parents, share and share alike;	579
(4) Estate.	580
The payment shall be a full discharge and release to the	581
board from any future claim for the payment.	582
Any amount due a beneficiary receiving a monthly benefit and	583
unpaid to the beneficiary at the beneficiary's death shall be paid	584
to the beneficiary's estate.	585
(E) If the validity of marriage cannot be established to the	586
satisfaction of the board for the purpose of disbursing any amount	587
due under this section or section 145.45 of the Revised Code, the	588
board may accept a decision rendered by a court having	589
jurisdiction in the state in which the member was domiciled at the	590
time of death that the relationship constituted a valid marriage	591
at the time of death, or the "spouse" would have the same status	592
as a widow or widower for purposes of sharing the distribution of	593
the member's intestate personal property.	594
(F) As used in this division, "recipient" means an individual	595
who is receiving or may be eligible to receive an allowance or	596
benefit under this chapter based on the individual's service to a	597
public employer.	598
If the death of a member, a recipient, or any individual who	599
would be eligible to receive an allowance or benefit under this	600
chapter by virtue of the death of a member or recipient is caused	601
by one of the following beneficiaries, no amount due under this	602
chapter to the beneficiary shall be paid to the beneficiary in the	603
absence of a court order to the contrary filed with the board:	604
(1) A beneficiary who is convicted of, pleads guilty to, or	605

is found not guilty by reason of insanity of a violation of or 606
complicity in the violation of either of the following: 607

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 608

(b) An existing or former law of any other state, the United 609
States, or a foreign nation that is substantially equivalent to 610
section 2903.01, 2903.02, or 2903.03 of the Revised Code. 611

(2) A beneficiary who is indicted for a violation of or 612
complicity in the violation of the sections or laws described in 613
division (F)(1)(a) or (b) of this section and is adjudicated 614
incompetent to stand trial; 615

(3) A beneficiary who is a juvenile found to be a delinquent 616
child by reason of committing an act that, if committed by an 617
adult, would be a violation of or complicity in the violation of 618
the sections or laws described in division (F)(1)(a) or (b) of 619
this section. 620

Sec. 145.45. ~~Except~~ Subject to division (G) of section 621
145.571 of the Revised Code and except as provided in division 622
(C)(1) of this section, in lieu of accepting the payment of the 623
accumulated account of a member who dies before service 624
retirement, a beneficiary, as determined in this section or 625
section 145.43 of the Revised Code, may elect to forfeit the 626
accumulated contributions and to substitute certain other benefits 627
under division (A) or (B) of this section. 628

(A)(1) If a deceased member was eligible for a service 629
retirement benefit as provided in section 145.33, 145.331, or 630
145.332 of the Revised Code, a surviving spouse or other sole 631
dependent beneficiary may elect to receive a monthly benefit 632
computed as ~~the joint survivor benefit designated as "plan A" in~~ 633
~~section 145.46 of the Revised Code, which~~ the joint-life plan 634
under which the spouse or beneficiary would receive one hundred 635

per cent of the actuarial equivalent of the deceased member's 636
lesser retirement allowance payable for the member's life that the 637
member would have received had the member retired on the last day 638
of the month of death and ~~had the member~~ at that time selected 639
~~such joint survivor~~ that joint-life plan. Payment shall begin with 640
the month subsequent to the member's death, except that a 641
surviving spouse who is less than sixty-five years old may defer 642
receipt of such benefit. Upon receipt, the benefit shall be 643
calculated based upon the spouse's age at the time of first 644
payment, and shall accrue regular interest during the time of 645
deferral. 646

(2) Beginning on a date selected by the public employees 647
retirement board, which shall be not later than July 1, 2004, a 648
surviving spouse or other sole dependent beneficiary may elect, in 649
lieu of a monthly payment under division (A)(1) of this section, a 650
plan of payment consisting of both of the following: 651

(a) A lump sum in an amount the surviving spouse or other 652
sole dependent beneficiary designates that constitutes a portion 653
of the allowance that would be payable under division (A)(1) of 654
this section; 655

(b) The remainder of that allowance in monthly payments. 656

The total amount paid as a lump sum and a monthly benefit 657
shall be the actuarial equivalent of the amount that would have 658
been paid had the lump sum not been selected. 659

The lump sum amount designated by the surviving spouse or 660
other sole dependent beneficiary under division (A)(2)(a) of this 661
section shall be not less than six times and not more than 662
thirty-six times the monthly amount that would be payable to the 663
surviving spouse or other sole dependent beneficiary under 664
division (A)(1) of this section and shall not result in a monthly 665
payment that is less than fifty per cent of that monthly amount. 666

(B) If a deceased member had, except as provided in division 667
 (B)(7) of this section, ~~at least one and one half~~ five or more 668
 years of ~~contributing total~~ service credit, with, except as 669
 provided in division (B)(7) of this section, at least one-quarter 670
 year of contributing service credit within the two and one-half 671
 years prior to the date of death, or was receiving at the time of 672
 death a disability benefit as provided in section 145.36, 145.361, 673
 or 145.37 of the Revised Code, qualified survivors who elect to 674
 receive monthly benefits shall receive the greater of the benefits 675
 provided in division (B)(1)(a) or (b) and (4) of this section as 676
 allocated in accordance with division (B)(5) of this section. 677

(1)(a) Number		Or	678
of Qualified		Monthly	679
survivors	Annual Benefit as a Per	Benefit	680
affecting	Cent of Decedent's Final	shall not be	681
the benefit	Average Salary	less than	682
1	25%	\$250	683
2	40	400	684
3	50	500	685
4	55	500	686
5 or more	60	500	687
(b) Years of	Annual Benefit as a Per Cent		688
Service	of Member's Final Average		689
	Salary		690
20	29%		691
21	33		692
22	37		693
23	41		694
24	45		695
25	48		696
26	51		697
27	54		698
28	57		699

29 or more 60 700

(2) Benefits shall begin as qualified survivors meet 701
eligibility requirements as follows: 702

(a) A qualified spouse is the surviving spouse of the 703
deceased member, who is age sixty-two, or regardless of age meets 704
one of the following qualifications: 705

(i) Except as provided in division (B)(7) of this section, 706
the deceased member had ten or more years of Ohio service credit. 707

(ii) The spouse is caring for a qualified child. 708

(iii) The spouse is adjudged physically or mentally 709
incompetent. 710

A spouse of a member who died prior to August 27, 1970, whose 711
eligibility was determined at the member's death, and who is 712
physically or mentally incompetent on or after August 20, 1976, 713
shall be paid the monthly benefit which that person would 714
otherwise receive when qualified by age. 715

(b) A qualified child is any child of the deceased member who 716
has never been married and to whom one of the following applies: 717

(i) ~~Is under age eighteen, or under age twenty-two if the 718
child is attending an institution of learning or training pursuant 719
to a program designed to complete in each school year the 720
equivalent of at least two thirds of the full-time curriculum 721
requirements of such institution and as further determined by 722
board policy;~~ 723

(ii) Regardless of age, is adjudged physically or mentally 724
incompetent at the time of the member's death. 725

(c) A qualified parent is a dependent parent aged sixty-five 726
or older or regardless of age if physically or mentally 727
incompetent, a dependent parent whose eligibility was determined 728
by the member's death prior to August 20, 1976, and who is 729

physically or mentally incompetent on or after August 20, 1976, 730
shall be paid the monthly benefit for which that person would 731
otherwise qualify. 732

(3) "Physically or mentally incompetent" as used in this 733
section may be determined by a court of jurisdiction, or by a 734
physician appointed by the retirement board. Incapability of 735
making a living because of a physically or mentally disabling 736
condition shall meet the qualifications of this division. 737

(4) Benefits to a qualified survivor shall terminate upon 738
ceasing to meet eligibility requirements as provided in this 739
division, a first marriage, abandonment, adoption, or during 740
active military service. Benefits to a deceased member's surviving 741
spouse that were terminated under a former version of this section 742
that required termination due to remarriage and were not resumed 743
prior to September 16, 1998, shall resume on the first day of the 744
month immediately following receipt by the board of an application 745
on a form provided by the board. 746

Benefits to a qualified child at least age eighteen but under 747
age twenty-two that were terminated under a former version of this 748
section due to a lack of attendance at an institution of learning 749
or training and not resumed prior to the effective date of this 750
amendment shall resume on the first day of the month immediately 751
following receipt by the board of an application on a form 752
provided by the board if the application is received on or before 753
the date that is one year after the effective date of this 754
amendment. These benefits terminate on the child attaining age 755
twenty-two. 756

Upon the death of any subsequent spouse who was a member of 757
the public employees retirement system, state teachers retirement 758
system, or school employees retirement system, the surviving 759
spouse of such member may elect to continue receiving benefits 760
under this division, or to receive survivor's benefits, based upon 761

the subsequent spouse's membership in one or more of the systems, 762
for which such surviving spouse is eligible under this section or 763
section 3307.66 or 3309.45 of the Revised Code. If the surviving 764
spouse elects to continue receiving benefits under this division, 765
such election shall not preclude the payment of benefits under 766
this division to any other qualified survivor. 767

Benefits shall begin or resume on the first day of the month 768
following the attainment of eligibility and shall terminate on the 769
first day of the month following loss of eligibility. 770

(5)(a) If a benefit is payable under division (B)(1)(a) of 771
this section, benefits to a qualified spouse shall be paid in the 772
amount determined for the first qualifying survivor in division 773
(B)(1)(a) of this section. All other qualifying survivors shall 774
share equally in the benefit or remaining portion thereof. 775

(b) All qualifying survivors shall share equally in a benefit 776
payable under division (B)(1)(b) of this section, except that if 777
there is a surviving spouse, the surviving spouse shall receive 778
not less than the amount determined for the first qualifying 779
survivor in division (B)(1)(a) of this section. 780

(6) The beneficiary of a member who is also a member of the 781
state teachers retirement system or of the school employees 782
retirement system, must forfeit the member's accumulated 783
contributions in those systems and in the public employees 784
retirement system, if the beneficiary takes a survivor benefit. 785
Such benefit shall be exclusively governed by section 145.37 of 786
the Revised Code. 787

(7) The following restrictions do not apply if the deceased 788
member was contributing toward benefits under section 145.332 of 789
the Revised Code at the time of death: 790

(a) That the deceased member have had ~~at least one and~~ 791
~~one-half~~ five or more years of ~~contributing~~ total service credit, 792

with at least one-quarter year of contributing service within the 793
two and one-half years prior to the date of death; 794

(b) If the deceased member was killed in the line of duty, 795
that the deceased member have had ten or more years of Ohio 796
service credit as described in division (B)(2)(a)(i) of this 797
section. 798

For the purposes of division (B)(7)(b) of this section, 799
"killed in the line of duty," means either that death occurred in 800
the line of duty or that death occurred as a result of injury 801
sustained in the line of duty. 802

(C)(1) Regardless of whether the member is survived by a 803
spouse or designated beneficiary, if the public employees 804
retirement system receives notice that a deceased member described 805
in division (A) or (B) of this section has one or more qualified 806
children, all persons who are qualified survivors under division 807
(B) of this section shall receive monthly benefits as provided in 808
division (B) of this section. 809

If, after determining the monthly benefits to be paid under 810
division (B) of this section, the system receives notice that 811
there is a qualified survivor who was not considered when the 812
determination was made, the system shall, notwithstanding section 813
145.561 of the Revised Code, recalculate the monthly benefits with 814
that qualified survivor included, even if the benefits to 815
qualified survivors already receiving benefits are reduced as a 816
result. The benefits shall be calculated as if the qualified 817
survivor who is the subject of the notice became eligible on the 818
date the notice was received and shall be paid to qualified 819
survivors effective on the first day of the first month following 820
the system's receipt of the notice. 821

If the retirement system did not receive notice that a 822
deceased member has one or more qualified children prior to making 823

payment under section 145.43 of the Revised Code to a beneficiary 824
as determined by the retirement system, the payment is a full 825
discharge and release of the system from any future claims under 826
this section or section 145.43 of the Revised Code. 827

(2) If benefits under division (C)(1) of this section to all 828
persons, or to all persons other than a surviving spouse or other 829
sole beneficiary, terminate, there are no children under the age 830
of twenty-two years, and the surviving spouse or beneficiary 831
qualifies for benefits under division (A) of this section, the 832
surviving spouse or beneficiary may elect to receive benefits 833
under division (A) of this section. The benefits shall be 834
effective on the first day of the month immediately following the 835
termination. 836

(D) The final average salary used in the calculation of a 837
benefit payable pursuant to division (A) or (B) of this section to 838
a survivor or beneficiary of a disability benefit recipient shall 839
be adjusted for each year between the disability benefit's 840
effective date and the recipient's date of death by the lesser of 841
three per cent or the actual average percentage increase in the 842
consumer price index prepared by the United States bureau of labor 843
statistics (U.S. city average for urban wage earners and clerical 844
workers: "all items 1982-84=100"). 845

(E) If the survivor benefits due and paid under this section 846
are in a total amount less than the member's accumulated account 847
that was transferred from the public employees' savings fund to 848
the survivors' benefit fund, then the difference between the total 849
amount of the benefits paid shall be paid to the beneficiary under 850
section 145.43 of the Revised Code. 851

Sec. 145.571. (A) As used in this section: 852

(1) "~~alternate~~ Alternate payee," "benefit," "lump sum 853

payment," "participant," and "public retirement program" have the 854
same meanings as in section 3105.80 of the Revised Code. 855

(2) "Qualified child" has the same meaning as in section 856
145.45 of the Revised Code. 857

(B) On receipt of an order issued under section 3105.171 or 858
3105.65 of the Revised Code, the public employees retirement 859
system shall determine whether the order meets the requirements of 860
sections 3105.80 to 3105.90 of the Revised Code. The system shall 861
retain in the participant's record an order the system determines 862
meets the requirements. Not later than sixty days after receipt, 863
the system shall return to the court that issued the order any 864
order the system determines does not meet the requirements. 865

(C) The system shall comply with an order retained under 866
division (B) of this section at the following times as 867
appropriate: 868

(1) If the participant has applied for or is receiving a 869
benefit or has applied for but not yet received a lump sum 870
payment, as soon as practicable; 871

(2) If the participant has not applied for a benefit or lump 872
sum payment, on application by the participant for a benefit or 873
lump sum payment. 874

(D) If the system transfers a participant's service credit or 875
contributions made by or on behalf of a participant to a public 876
retirement program that is not named in the order, the system 877
shall do both of the following: 878

(1) Notify the court that issued the order by sending the 879
court a copy of the order and the name and address of the public 880
retirement program to which the transfer was made; 881

(2) Send a copy of the order to the public retirement program 882
to which the transfer was made. 883

(E) If it receives a participant's service credit or 884
contributions and a copy of an order as provided in division (D) 885
of this section, the system shall administer the order as if it 886
were the public retirement program named in the order. 887

(F) If a participant's benefit or lump sum payment is or will 888
be subject to more than one order described in section 3105.81 of 889
the Revised Code or to an order described in section 3105.81 of 890
the Revised Code and a withholding order under section 3111.23 or 891
3113.21 of the Revised Code, the system shall, after determining 892
that the amounts that are or will be withheld will cause the 893
benefit or lump sum payment to fall below the limits described in 894
section 3105.85 of the Revised Code, do all of the following: 895

(1) Establish, in accordance with division ~~(G)~~(H) of this 896
section and subject to the limits described in section 3105.85 of 897
the Revised Code, the priority in which the orders are or will be 898
paid by the system; 899

(2) Reduce the amount paid to an alternate payee based on the 900
priority established under division (F)(1) of this section; 901

(3) Notify, by regular mail, a participant and alternate 902
payee of any action taken under this division. 903

(G)(1) Should a participant die prior to age and service 904
retirement, a benefit or payment determined as follows shall be 905
paid to the alternate payee under any order retained by the system 906
under this section: 907

(a) If an amount is to be paid under division (B) or (C) of 908
section 145.43 of the Revised Code to a person other than a 909
qualified child of the participant, a percentage of that amount 910
shall be paid to the alternate payee. 911

(b) If a monthly benefit is to be paid under division (A)(1) 912
of section 145.45 of the Revised Code to a person other than a 913
qualified child of the participant, a percentage of the benefit 914

shall be paid to the alternate payee; 915

(c) If a lump sum amount and monthly payments are to be paid 916
under division (A)(2) of section 145.45 of the Revised Code to a 917
person other than a qualified child of the participant, a 918
percentage of the lump sum amount and a percentage of the monthly 919
benefit shall be paid to the alternate payee. 920

(d) If a monthly benefit is to be paid under division (B) of 921
section 145.45 of the Revised Code and the qualified survivors 922
include the surviving spouse, a percentage of the portion of the 923
benefit attributable to the surviving spouse shall be paid to the 924
alternate payee. 925

(e) If a payment is to be made under division (E) of section 926
145.45 of the Revised Code to a person other than a qualified 927
child of the participant, a percentage of the payment shall be 928
paid to the alternate payee. 929

(2)(a) If the order retained by the system specifies the 930
amount to be paid to the alternate payee as a percentage of a 931
fraction, the percentage is the percentage specified in the order 932
and the fraction is the fraction determined as follows: 933

(i) The numerator is the number of years during which the 934
participant was both a contributing member of the retirement 935
system and married to the alternate payee. 936

(ii) The denominator is the participant's total years of 937
service credit or, in the case of a participant in a retirement 938
plan established under section 145.81 of the Revised Code, years 939
of participation in the plan. 940

(b) If the order retained by the system specifies the amount 941
to be paid to the alternate payee as a monthly dollar amount from 942
a benefit or as a one-time payment from a lump sum payment, the 943
percentage used to determine the amount payable to the alternate 944
payee shall be computed as follows: 945

(i) If, at the time of death, the participant was eligible for retirement under section 145.32, 145.331, or 145.332 of the Revised Code, the percentage is a percentage equal to a fraction in which the numerator is the monthly dollar amount specified in the order and the denominator is the monthly benefit the participant would have received had the participant retired on the first day of the month following the date of death.

(ii) If, at the time of death, the participant was not eligible for retirement, the percentage is a percentage equal to a fraction in which the numerator is the one-time payment specified in the order and the denominator is the lump sum payment the participant would have been eligible to receive under section 145.40 of the Revised Code had the participant satisfied the requirements for a payment of accumulated contributions under that section.

(3) A lump sum payment or a benefit paid under section 145.43 or 145.45 of the Revised Code shall be reduced by the amount of any payment or benefit paid to an alternate payee under this division.

(4) Division (G) of this section applies to both of the following:

(a) An order retained by the system under this section on or after the effective date of this amendment;

(b) An order retained by the system prior to the effective date of this amendment unless prior to that date the participant received a return of accumulated contributions under section 145.40 of the Revised Code or died.

(H) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section 3115.32 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support

enforcement laws. All other orders are entitled to priority in 977
order of earliest retention by the system. The system is not to 978
retain an order that provides for the division of property unless 979
the order is filed in a court with jurisdiction in this state. 980

~~(H)~~(I) The system is not liable in civil damages for loss 981
resulting from any action or failure to act in compliance with 982
this section. 983

Sec. 742.462. (A) As used in this section: 984

(1) "alternate Alternate payee," "benefit," "lump sum 985
payment," "participant," and "public retirement program" have the 986
same meanings as in section 3105.80 of the Revised Code. 987

(2) "Qualified child" means a surviving child eligible to 988
receive a monthly pension under division (E)(1) of section 742.37 989
of the Revised Code. 990

(B) On receipt of an order issued under section 3105.171 or 991
3105.65 of the Revised Code, the Ohio police and fire pension fund 992
shall determine whether the order meets the requirements of 993
sections 3105.80 to 3105.90 of the Revised Code. The fund shall 994
retain in the participant's record an order the fund determines 995
meets the requirements. Not later than sixty days after receipt, 996
the fund shall return to the court that issued the order any order 997
the fund determines does not meet the requirements. 998

(C) The fund shall comply with an order retained under 999
division (B) of this section at the following times as 1000
appropriate: 1001

(1) If the participant has applied for or is receiving a 1002
benefit or has applied for but not yet received a lump sum 1003
payment, as soon as practicable; 1004

(2) If the participant has not applied for a benefit or lump 1005

sum payment, on application by the participant for a benefit or 1006
lump sum payment. 1007

(D) If the fund transfers a participant's service credit or 1008
contributions made by or on behalf of a participant to a public 1009
retirement program that is not named in the order, the fund shall 1010
do both of the following: 1011

(1) Notify the court that issued the order by sending the 1012
court a copy of the order and the name and address of the public 1013
retirement program to which the transfer was made; 1014

(2) Send a copy of the order to the public retirement program 1015
to which the transfer was made. 1016

(E) If it receives a participant's service credit or 1017
contributions and a copy of an order as provided in division (D) 1018
of this section, the fund shall administer the order as if it were 1019
the public retirement program named in the order. 1020

(F) If a participant's benefit or lump sum payment is or will 1021
be subject to more than one order described in section 3105.81 of 1022
the Revised Code or to an order described in section 3105.81 of 1023
the Revised Code and a withholding order under section 3111.23 or 1024
3113.21 of the Revised Code, the fund shall, after determining 1025
that the amounts that are or will be withheld will cause the 1026
benefit or lump sum payment to fall below the limits described in 1027
section 3105.85 of the Revised Code, do all of the following: 1028

(1) Establish, in accordance with division ~~(G)~~(H) of this 1029
section and subject to the limits described in section 3105.85 of 1030
the Revised Code, the priority in which the orders are or will be 1031
paid by the fund in accordance with division ~~(G)~~(H) of this 1032
section; 1033

(2) Reduce the amount paid to an alternate payee based on the 1034
priority established under division (F)(1) of this section; 1035

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division. 1036
1037

(G)(1) If a payment is to be made under section 742.50 of the Revised Code to any estate or to any person other than a qualified child of the participant, a percentage of the payment shall be paid to an alternate payee under any order retained by the fund under this section. 1038
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(2)(a) If the order retained by the fund specifies the amount to be paid to the alternate payee as a percentage of a fraction, the percentage is the percentage specified in the order and the fraction is the fraction determined as follows: 1043
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1045
1046

(i) The numerator is the number of years during which the participant was both a contributing member of the fund and married to the alternate payee. 1047
1048
1049

(ii) The denominator is the participant's total years of service credit. 1050
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(b) If the order retained by the fund specifies the amount to be paid to the alternate payee as a monthly dollar amount from a benefit or as a one-time payment from a lump sum payment, the percentage used to determine the amount payable to the alternate payee shall be computed as follows: 1052
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(i) If, at the time of death, the participant was eligible for retirement under division (C) of section 742.37 of the Revised Code, the percentage is a percentage equal to a fraction in which the numerator is the monthly dollar amount specified in the order and the denominator is the monthly benefit the participant would have received had the participant retired on the first day of the month following the date of death. 1057
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(ii) If, at the time of death, the participant was not eligible for retirement, the percentage is a percentage equal to a fraction in which the numerator is the one-time payment specified 1064
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in the order and the denominator is the lump sum payment the 1067
participant would have been eligible to receive under division (G) 1068
of section 742.37 of the Revised Code had the participant 1069
satisfied the requirements for a payment of accumulated 1070
contributions under that section. 1071

(3) A payment under section 742.50 of the Revised Code shall 1072
be reduced by the amount of any allowance or payment paid to an 1073
alternate payee under division (G) of this section. 1074

(4) Division (G) of this section applies to both of the 1075
following: 1076

(a) An order retained by the fund under this section on or 1077
after the effective date of this amendment; 1078

(b) An order retained by the fund prior to the effective date 1079
of this amendment unless prior to that date the participant 1080
received a refund of accumulated contributions or died. 1081

(H) A withholding or deduction notice issued under section 1082
3111.23 or 3113.21 of the Revised Code or an order described in 1083
section 3115.32 of the Revised Code has priority over all other 1084
orders and shall be complied with in accordance with child support 1085
enforcement laws. All other orders are entitled to priority in 1086
order of earliest retention by the fund. The fund is not to retain 1087
an order that provides for the division of property unless the 1088
order is filed in a court with jurisdiction in this state. 1089

~~(H)~~(I) The fund is not liable in civil damages for loss 1090
resulting from any action or failure to act in compliance with 1091
this section. 1092

Sec. 742.50. As used in this section, "member's contribution" 1093
means the total amount deducted from the salary of a member of the 1094
Ohio police and fire pension fund and credited to the member's 1095
account in the fund. 1096

~~If~~ Subject to division (G) of section 742.462 of the Revised Code, if a member of the fund dies before receiving pension and benefit payments from the fund in an amount equal to the member's contribution and leaves no surviving spouse, surviving children, or dependent parent eligible for monthly pension payments under section 742.37 of the Revised Code, the board of trustees of the Ohio police and fire pension fund shall pay to the estate of such deceased member an amount equal to the member's contribution, less the total amount received by such member as benefit or pension payments from such fund.

~~If~~ Subject to division (G) of section 742.462 of the Revised Code, if a member who dies before receiving pension and benefit payments from the fund in an amount equal to the member's contribution leaves one or more survivors eligible for monthly pension payments under section 742.37 of the Revised Code but the total amount paid all survivors under that section is less than the member's contribution, the fund shall pay to the survivors or their estates, in equal shares, an amount equal to the member's contribution, less the total amount received by the member and all survivors as benefit or pension payments from the fund.

Sec. 3105.80. As used in this section and sections 3105.81 to 3105.90 of the Revised Code:

(A) "Alternate payee" means a party in an action for divorce, legal separation, annulment, or dissolution of marriage who is to receive one or more payments from a benefit or lump sum payment under an order issued under section 3105.171 or 3105.65 of the Revised Code that is in compliance with sections 3105.81 to 3105.90 of the Revised Code.

(B) "Benefit" means a periodic payment under a pension, annuity, allowance, or other type of benefit, ~~other than a survivor benefit,~~ that has been or may be granted to a participant

under sections 742.01 to 742.61 or Chapter 145., 3307., 3309., or 1128
5505. of the Revised Code or any payment that is to be made under 1129
a contract a participant has entered into for the purposes of an 1130
alternative retirement plan. "Benefit" also includes all amounts 1131
received or to be received under a plan of payment elected under 1132
division (E)(1) of section 145.46, division (B) of section 1133
3307.60, or division (B)(4) of section 3309.46 of the Revised 1134
Code. Except as provided in sections 145.571, 3307.371, and 1135
3309.671 of the Revised Code, "benefit" does not include a 1136
survivor benefit. 1137

(C) "Lump sum payment" means a payment of accumulated 1138
contributions standing to a participant's credit under sections 1139
742.01 to 742.61 or Chapter 145., 3307., 3309., or 5505. of the 1140
Revised Code or pursuant to a contract a participant has entered 1141
into for the purposes of an alternative retirement plan and any 1142
other payment made or that may be made to a participant under 1143
those sections or chapters on withdrawal of a participant's 1144
contributions. "Lump sum payment" includes a lump sum payment 1145
under section 145.384, 742.26, 3307.352, or 3309.344 of the 1146
Revised Code. 1147

(D) "Participant" means a member, contributor, retirant, or 1148
disability benefit recipient who is or will be entitled to a 1149
benefit or lump sum payment under sections 742.01 to 742.61 or 1150
Chapter 145., 3307., 3309., or 5505. of the Revised Code or an 1151
employee who elects to participate in an alternative retirement 1152
plan under Chapter 3305. of the Revised Code. 1153

(E) "Personal history record" has the same meaning as in 1154
sections 145.27, 742.41, 3305.20, 3307.20, 3309.22, and 5505.04 of 1155
the Revised Code. 1156

(F) "Public retirement program" means the public employees 1157
retirement system, Ohio police and fire pension fund, school 1158
employees retirement system, state teachers retirement system, 1159

state highway patrol retirement system, or an entity providing an 1160
alternative retirement plan under Chapter 3305. of the Revised 1161
Code. 1162

Sec. 3105.82. An order described in section 3105.81 of the 1163
Revised Code shall meet all of the following requirements: 1164

(A) Be on the form created under section 3105.90 of the 1165
Revised Code; 1166

(B) Set forth the name and address of the public retirement 1167
program subject to the order or, if the court determines that the 1168
participant has contributions on deposit with more than one public 1169
retirement program, the name and address of each public retirement 1170
program that is potentially subject to the order; 1171

(C) Set forth the names, social security numbers, and current 1172
addresses of the participant and alternate payee; 1173

(D) Specify the amount to be paid to the alternate payee as 1174
one of the following: 1175

(1) As both a monthly dollar amount should the participant 1176
elect a benefit and as a one-time payment should the participant 1177
elect a lump sum payment; 1178

(2) As a percentage of a fraction determined as follows of a 1179
monthly benefit or lump sum payment: 1180

(a) The numerator of the fraction shall be the number of 1181
years during which the participant was both a contributing member 1182
of a public retirement program and married to the alternate payee. 1183

(b) The denominator, which shall be determined by the public 1184
retirement program at the time the participant elects to take the 1185
benefit or payment, shall be the participant's total years of 1186
service credit or, in the case of a participant in a retirement 1187
plan established under section 145.81, 3307.81, or 3309.81 or 1188
Chapter 3305. of the Revised Code, years of participation in the 1189

plan.	1190
(E) If the participant is eligible for more than one benefit or lump sum payment, specify in accordance with division (D) of this section the amount, if any, to be paid to the alternate payee from each benefit or lump sum payment.	1191 1192 1193 1194
(F) Require an individual who is a participant or alternate payee to notify the public retirement program in writing of a change in the individual's mailing address;	1195 1196 1197
(G) Notify the alternate payee of the following:	1198
(1) The payee's right to payment under the order is conditional on the participant's right to a benefit payment or lump sum payment;	1199 1200 1201
(2) The possible reduction under section 145.571, 742.462, 3307.371, 3309.671, or 5505.261 of the Revised Code of the amount paid to the alternate payee;	1202 1203 1204
(3) The possible termination of the payee's rights as described in section 3105.86 of the Revised Code.	1205 1206
(H) Apply to payments made by the public retirement program after retention of an order under section 145.571, 742.462, 3305.21, 3307.371, 3309.671, or 5505.261 of the Revised Code.	1207 1208 1209
<u>(I) Notify the participant and the alternate payee that the terms of the order cannot be modified by the court or by an agreement of the parties.</u>	1210 1211 1212
Sec. 3105.89. Notwithstanding division (I) of section 3105.171 of the Revised Code:	1213 1214
(A) The court shall retain jurisdiction to modify, supervise, or enforce the implementation of an order described in section 3105.81 of the Revised Code.	1215 1216 1217
(B) The <u>the</u> court may modify an order issued under section	1218

3105.171 or 3105.65 of the Revised Code that was effective prior 1219
to ~~the effective date of this section~~ January 1, 2002, for the 1220
purpose of enforcing the order or carrying into effect the 1221
manifest intentions of the parties. A modified order must meet the 1222
requirements of section 3105.82 of the Revised Code. 1223

Sec. 3305.21. (A) As used in this section, "alternate payee," 1224
"benefit," "lump sum payment," and "participant" have the same 1225
meanings as in section 3105.80 of the Revised Code. 1226

(B) On receipt of an order issued under section 3105.171 or 1227
3105.65 of the Revised Code, an entity providing a participant's 1228
alternative retirement plan shall determine whether the order 1229
meets the requirements of sections 3105.80 to 3105.90 of the 1230
Revised Code, ~~the.~~ The entity shall retain in the ~~participant's~~ 1231
participant's record an order the entity determines meets the 1232
requirements. Not later than ten days after receipt, the entity 1233
shall return to the court that issued the order any order the 1234
entity determines does not meet the requirements. 1235

(C) The entity shall comply with an order retained under 1236
division (B) of this section at the following times as 1237
appropriate: 1238

(1) If the participant has applied for or is receiving a 1239
benefit or has applied for but not yet received a lump sum 1240
payment, as soon as practicable; 1241

(2) If the participant has not applied for a benefit or lump 1242
sum payment, on application by the participant for a benefit or 1243
lump sum payment. 1244

(D) If an entity providing an alternative retirement plan is 1245
required to transfer a participant's account balance to an entity 1246
providing an alternative retirement plan that is not named in the 1247
order, the transferring entity shall do both of the following: 1248

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the entity to which the transfer was made.

(2) Send a copy of the order to the entity to which the transfer was made.

(E) An entity that receives a participant's account balance and a copy of an order as provided in division (D) of this section, shall administer the order as if it were the entity named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the entity providing the alternative retirement plan shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division ~~(G)~~(H) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) Should a participant die prior to retirement under an alternative retirement plan, a portion of any refund of the participant's contributions or any survivor benefit paid in lieu of a refund of those contributions, other than a payment to a child of the participant, shall be paid to the alternate payee

specified in any order retained by the entity under this section. 1280
The portion of the refund or benefit shall be the percentage or 1281
other portion of the participant's account or benefit specified in 1282
the order. 1283

(H) A withholding or deduction notice issued under section 1284
3111.23 or 3113.21 of the Revised Code or an order described in 1285
section 3115.32 of the Revised Code has priority over all other 1286
orders and shall be complied with in accordance with child support 1287
enforcement laws. All other orders are entitled to priority in 1288
order of earliest retention by the entity providing a 1289
participant's alternative retirement plan. The entity is not to 1290
retain an order that provides for the division of property unless 1291
the order is filed in a court with jurisdiction in this state. 1292

~~(H)~~(I) An entity providing an alternative retirement plan is 1293
not liable in civil damages for loss resulting from any action or 1294
failure to act in compliance with this section. 1295

Sec. 3307.371. (A) As used in this section~~7~~: 1296

(1) "~~alternate~~ Alternate payee," "benefit," "lump sum 1297
payment," "participant," and "public retirement program" have the 1298
same meanings as in section 3105.80 of the Revised Code. 1299

(2) "Qualified child" has the same meaning as in section 1300
3307.66 of the Revised Code. 1301

(B) On receipt of an order issued under section 3105.171 or 1302
3105.65 of the Revised Code, the state teachers retirement system 1303
shall determine whether the order meets the requirements of 1304
sections 3105.80 to 3105.90 of the Revised Code. The system shall 1305
retain in the participant's record an order the board determines 1306
meets the requirements. Not later than sixty days after receipt, 1307
the system shall return to the court that issued the order any 1308
order the system determines does not meet the requirements. 1309

(C) The system shall comply with an order retained under 1310
division (B) of this section at the following times as 1311
appropriate: 1312

(1) If the participant has applied for or is receiving a 1313
benefit or has applied for but not yet received a lump sum 1314
payment, as soon as practicable; 1315

(2) If the participant has not applied for a benefit or lump 1316
sum payment, on application by the participant for a benefit or 1317
lump sum payment. 1318

(D) If the system transfers a participant's service credit or 1319
contributions made by or on behalf of a participant to a public 1320
retirement program that is not named in the order, the system 1321
shall do both of the following: 1322

(1) Notify the court that issued the order by sending to the 1323
court a copy of the order and the name and address of the public 1324
retirement program to which the transfer was made. 1325

(2) Send a copy of the order to the public retirement program 1326
to which the transfer was made. 1327

(E) If it receives a participant's service credit or 1328
contributions and a copy of an order as provided in division (D) 1329
of this section, the system shall administer the order as if it 1330
were the public retirement program named in the order. 1331

(F) If a participant's benefit or lump sum payment is or will 1332
be subject to more than one order described in section 3105.81 of 1333
the Revised Code or to an order described in that section and an 1334
order issued in accordance with Chapter 3119., 3121., 3123., or 1335
3125. of the Revised Code, the system shall, after determining 1336
that the amounts that are or will be withheld will cause the 1337
benefit or lump sum payment to fall below the limits described in 1338
section 3105.85 of the Revised Code, do all of the following: 1339

(1) Establish, in accordance with division ~~(G)~~(H) of this 1340
section and subject to the limits described in section 3105.85 of 1341
the Revised Code, the priority in which the orders are or will be 1342
paid by the system in accordance with division ~~(G)~~(H) of this 1343
section; 1344

(2) Reduce the amount paid to an alternate payee based on the 1345
priority established under division (F)(1) of this section; 1346

(3) Notify, by regular mail, a participant and alternate 1347
payee of any action taken under this division. 1348

(G)(1) Should a participant die before service retirement, a 1349
benefit or payment determined as follows shall be paid to the 1350
alternate payee under any order retained by the system under this 1351
section: 1352

(a) If an amount is to be paid under division (B) or (C) of 1353
section 3307.562 of the Revised Code to a person other than a 1354
qualified child of the participant, a percentage of the payment 1355
shall be paid to the alternate payee. 1356

(b) If a monthly benefit is to be paid under division (C)(1) 1357
of section 3307.66 of the Revised Code to a person other than a 1358
qualified child of the participant, a percentage of the benefit 1359
shall be paid to the alternate payee. 1360

(c) If a monthly benefit is to be paid under division (C)(2) 1361
of section 3307.66 of the Revised Code and the qualified survivors 1362
include the surviving spouse, a percentage of the portion of the 1363
benefit attributable to the surviving spouse shall be paid to the 1364
alternate payee. 1365

(d) If a payment is made under division (H) of section 1366
3307.66 of the Revised Code to a person other than a qualified 1367
child of the participant, a percentage of the payment shall be 1368
paid to the alternate payee. 1369

(2)(a) If the order retained by the system specifies the amount to be paid to the alternate payee as a percentage of a fraction, the percentage is the percentage specified in the order and the fraction is the fraction determined as follows: 1370
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(i) The numerator is the number of years during which the participant was both a contributing member of the system and married to the alternate payee. 1374
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(ii) The denominator is the participant's total years of service credit. 1377
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(b) If the order retained by the system specifies the amount to be paid to the alternate payee as a monthly dollar amount from a benefit or as a one-time payment from a lump sum payment, the percentage used to determine the amount payable to the alternate payee shall be computed as follows: 1379
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(i) If, at the time of death, the participant was eligible for retirement under section 3307.58 or 3307.59 of the Revised Code, the percentage is a percentage equal to a fraction in which the numerator is the monthly dollar amount specified in the order and the denominator is the monthly benefit the participant would have received had the participant retired on the first day of the month following the date of death. 1384
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(ii) If, at the time of death, the participant was not eligible for retirement, the percentage is a percentage equal to a fraction in which the numerator is the one-time payment specified in the order and the denominator is the lump sum payment the participant would have been eligible to receive under section 3307.56 of the Revised Code had the participant satisfied the requirements for a payment of accumulated contributions under that section. 1391
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(3) A benefit or payment under section 3307.562 or 3307.66 of the Revised Code shall be reduced by the amount of any benefit or 1399
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payment paid to an alternate payee under division (G) of this section. 1401
1402

(4) Division (G) of this section applies to both of the following: 1403
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(a) An order retained by the system under this section on or after the effective date of this amendment; 1405
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(b) An order retained by the system prior to the effective date of this amendment unless the prior to that date the participant received a return of accumulated contributions under section 3307.56 of the Revised Code or died. 1407
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(H) A withholding or deduction notice issued in accordance with Chapter 3119., 3121., 3123., or 3125. of the Revised Code or an order described in section 3115.32 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state. 1411
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~~(H)~~(I) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section. 1420
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Sec. 3307.562. (A) As used in this section and section 3307.66 of the Revised Code: 1423
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(1) "Child" means a biological or legally adopted child of a deceased member. If a court hearing for an interlocutory decree for adoption was held prior to the member's death, "child" includes the child who was the subject of the hearing if a final decree of adoption adjudging the member's spouse as the adoptive parent is made subsequent to the member's death. 1425
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(2) "Parent" is a parent or legally adoptive parent of a 1431
deceased member. 1432

(3) "Dependent" means a beneficiary who receives one-half of 1433
the beneficiary's support from a member during the twelve months 1434
prior to the member's death. 1435

(4) "Surviving spouse" means an individual who establishes a 1436
valid marriage to a member at the time of the member's death by 1437
marriage certificate or pursuant to division (E) of this section. 1438

(5) "Survivor" means a spouse, child, or dependent parent. 1439

(B) ~~Except~~ Subject to division (G) of section 3307.371 of the 1440
Revised Code and except as provided in division (B) of section 1441
3307.563 or division (G)(1) of section 3307.66 of the Revised 1442
Code, should a member who is participating in the STRS defined 1443
benefit plan die before service retirement, the member's 1444
accumulated contributions, plus an amount calculated in accordance 1445
with section 3307.563 of the Revised Code, and any amounts owed 1446
and unpaid to a disability benefit recipient shall be paid to such 1447
beneficiaries as the member has nominated by written designation 1448
signed by the member and received by the state teachers retirement 1449
board prior to death. A member may designate two or more persons 1450
as beneficiaries to be paid the amount determined under this 1451
division. On and after July 1, 2013, and subject to rules adopted 1452
by the board, a member who designates two or more persons as 1453
beneficiaries shall specify the percentage of the amount that each 1454
beneficiary is to be paid. If the member has not specified the 1455
percentages, the amount shall be divided equally among the 1456
beneficiaries. If a designated beneficiary is deceased, the amount 1457
allocated to the deceased beneficiary shall be allocated to the 1458
remaining beneficiaries based on each remaining beneficiary's 1459
initial percentage. The nomination of beneficiary shall be on a 1460
form provided by the retirement board. The last nomination of any 1461
beneficiary revokes all previous nominations. The member's 1462

marriage, divorce, marriage dissolution, legal separation, or 1463
withdrawal of account, or the birth of the member's child, or the 1464
member's adoption of a child, shall constitute an automatic 1465
revocation of the member's previous designation. If a deceased 1466
member was also a member of the public employees retirement system 1467
or the school employees retirement system, the beneficiary last 1468
established among the systems shall be the sole beneficiary in all 1469
the systems. 1470

Any beneficiary ineligible for monthly survivor benefits as 1471
provided by section 3307.66 of the Revised Code may waive in 1472
writing all claim to any benefits and such waiver shall thereby 1473
put in effect the succession of beneficiaries under division (C) 1474
of this section, provided the beneficiary thereunder is 1475
immediately eligible and agrees in writing to accept survivor 1476
benefits as provided by section 3307.66 of the Revised Code. If 1477
the accumulated contributions of a deceased member are not claimed 1478
by a beneficiary, or by the estate of the deceased member, within 1479
ten years, they shall be transferred to the guarantee fund and 1480
thereafter paid to such beneficiary or to the member's estate upon 1481
application to the board. The board shall formulate and adopt 1482
rules governing all designations of beneficiaries. 1483

(C) ~~Except~~ Subject to division (G) of section 3307.371 of the 1484
Revised Code and except as provided in division (G)(1) of section 1485
3307.66 of the Revised Code, if a member dies before service 1486
retirement and is not survived by a designated beneficiary, any 1487
beneficiaries shall qualify, in the following order of precedence, 1488
with all attendant rights and privileges: 1489

(1) Surviving spouse; 1490

(2) Children, share and share alike; 1491

(3) A dependent parent, if that parent elects to take 1492
survivor benefits under division (C)(2) of section 3307.66 of the 1493

Revised Code;	1494
(4) Parents, share and share alike;	1495
(5) Estate.	1496
If any survivor dies before payment is made under this	1497
section or is not located prior to the ninety-first day after the	1498
board receives notification of the member's death, the survivor	1499
next in order of precedence shall qualify as a beneficiary,	1500
provided that benefits under division (C)(2) of section 3307.66 of	1501
the Revised Code are elected. In the event that the beneficiary	1502
originally determined is subsequently located, the beneficiary may	1503
qualify for benefits under division (C)(2) of section 3307.66 of	1504
the Revised Code upon meeting the conditions of eligibility set	1505
forth in division (B) of that section, but in no case earlier than	1506
the first day of the month following application by such	1507
beneficiary. Any payment made to a beneficiary as determined by	1508
the board shall be a full discharge and release to the board from	1509
any future claims.	1510
(D)(1) Any amount due any person, as an annuitant, receiving	1511
a monthly benefit, and unpaid to the annuitant at death, shall be	1512
paid to the beneficiary named by written designation signed by the	1513
annuitant and received by the state teachers retirement board	1514
prior to death. If no such designation has been filed, or if the	1515
beneficiary designated is deceased or is not located prior to the	1516
ninety-first day after the board receives notification of the	1517
annuitant's death, such amount shall be paid, in the following	1518
order of precedence to the annuitant's:	1519
(a) Surviving spouse;	1520
(b) Children, share and share alike;	1521
(c) Parents, share and share alike;	1522
(d) Estate.	1523

(2) If there is no beneficiary under division (D)(1) of this section, an amount not exceeding the cost of the annuitant's burial expenses may be paid to the person responsible for the burial expenses.

For purposes of this division an "annuitant" is the last person who received a monthly benefit pursuant to the plan of payment selected by the former member. Such payment shall be a full discharge and release to the board from any future claim for such payment.

(E) If the validity of marriage cannot be established to the satisfaction of the board for the purpose of disbursing any amount due under this section or section 3307.66 of the Revised Code, the board may accept a decision rendered by a court having jurisdiction in the state in which the member was domiciled at the time of death that the relationship constituted a valid marriage at the time of death, or the "spouse" would have the same status as a widow or widower for purposes of sharing the distribution of the member's intestate personal property.

(F) As used in this division, "recipient" means an individual who is receiving or may be eligible to receive an allowance or benefit under this chapter based on the individual's service to an employer.

If the death of a member, a recipient, or any individual who would be eligible to receive an allowance or benefit under this chapter by virtue of the death of a member or recipient is caused by one of the following beneficiaries, no amount due under this chapter to the beneficiary shall be paid to the beneficiary in the absence of a court order to the contrary filed with the board:

(1) A beneficiary who is convicted of, pleads guilty to, or is found not guilty by reason of insanity of a violation of or complicity in the violation of either of the following:

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code;	1555
(b) An existing or former law of any other state, the United States, or a foreign nation that is substantially equivalent to section 2903.01, 2903.02, or 2903.03 of the Revised Code;	1556 1557 1558
(2) A beneficiary who is indicted for a violation of or complicity in the violation of the sections or laws described in division (F)(1)(a) or (b) of this section and is adjudicated incompetent to stand trial;	1559 1560 1561 1562
(3) A beneficiary who is a juvenile found to be a delinquent child by reason of committing an act that, if committed by an adult, would be a violation of or complicity in the violation of the sections or laws described in division (F)(1)(a) or (b) of this section.	1563 1564 1565 1566 1567
Sec. 3307.66. (A) As used in this section:	1568
(1) "Physically or mentally incompetent" means incapable of earning a living because of a physically or mentally disabling condition. Physical or mental incompetency may be determined by a court or by a doctor of medicine or osteopathic medicine appointed by the state teachers retirement board.	1569 1570 1571 1572 1573
(2) "Qualifying service credit" has the same meaning as in section 3307.58 of the Revised Code.	1574 1575
(B) For the purposes of this section:	1576
(1) A qualified spouse is the surviving spouse of a deceased member of the state teachers retirement system participating in the STRS defined benefit plan who is one of the following:	1577 1578 1579
(a) Sixty-two years of age or older or any age if the deceased member had ten or more years of Ohio service credit;	1580 1581
(b) Caring for a qualified child;	1582
(c) Adjudged physically or mentally incompetent at the time	1583

of the member's death and has remained continuously incompetent; 1584

(d) Any age if the deceased member was eligible for a service 1585
retirement allowance as provided in section 3307.58 of the Revised 1586
Code and the surviving spouse elects to receive a benefit under 1587
division (C)(1) of this section. 1588

(2) A qualified child is a person who is the child of a 1589
deceased member participating in the STRS defined benefit plan to 1590
whom both of the following apply: 1591

(a) Never married; 1592

(b) Meets ~~one~~ either of the following age-related 1593
requirements: 1594

(i) Is under age ~~eighteen~~; 1595

~~(ii) Is under age twenty-two if attending an institution of 1596
learning or training pursuant to a program designed to complete in 1597
each school year the equivalent of at least two thirds of the 1598
full time curriculum requirements of such institution and as 1599
further determined by board policy; 1600~~

~~(iii)~~(ii) Is any age if adjudged physically or mentally 1601
incompetent, if the person became incompetent prior to attainment 1602
of age ~~eighteen or prior to age twenty-two if attending an 1603
institution of learning or training described in division 1604
(B)(2)(b)(ii) of this section,~~ and has remained continuously 1605
incompetent. 1606

(3) A qualified parent is a dependent parent of a deceased 1607
member participating in the STRS defined benefit plan who is age 1608
sixty-five or older. 1609

(4) A person is a "qualified survivor" if the person 1610
qualifies as a surviving spouse, child, or dependent parent. 1611

(C) ~~Except~~ Subject to division (G) of section 3307.371 of the 1612
Revised Code and except as provided in division (G)(1) of this 1613

section, in lieu of accepting the payment of the accumulated 1614
account of a member participating in the STRS defined benefit plan 1615
who dies before service retirement, a beneficiary, as determined 1616
in section 3307.562 of the Revised Code, may elect to forfeit the 1617
accumulated account and to substitute benefits under this 1618
division. 1619

(1) If a deceased member was eligible for a service 1620
retirement allowance as provided in section 3307.58 or 3307.59 of 1621
the Revised Code, a surviving spouse or an individual designated 1622
as the member's sole beneficiary pursuant to division (B) of 1623
section 3307.562 of the Revised Code who was a qualified child or 1624
dependent parent of the member or received one-half or more of 1625
support from the member during the twelve-month period preceding 1626
the member's death may elect to receive a monthly benefit computed 1627
as the joint-survivor allowance designated as option 1 in section 1628
3307.60 of the Revised Code, which the member would have received 1629
had the member retired on the last day of the month of death and 1630
had the member at that time selected such joint-survivor plan. 1631

(2)(a) A surviving spouse or other qualified survivor may 1632
elect to receive monthly benefits under division (C)(2) of this 1633
section if any of the following apply: 1634

(i) The deceased member earned service credit before July 1, 1635
2013, and had completed at least one and one-half years of 1636
qualifying service credit, with at least one-quarter year of 1637
qualifying service credit within the two and one-half years prior 1638
to the date of death, or, if the member had not earned service 1639
credit before July 1, 2013, had completed at least five years of 1640
qualifying service credit and died not later than one year after 1641
the date contributing service terminated. 1642

(ii) The member was receiving at the time of death a 1643
disability benefit as provided in section 3307.63 or 3307.631 of 1644
the Revised Code. 1645

(iii) The member was receiving, within twelve months prior to the date of death, a disability benefit as provided in section 3307.63 or 3307.631 of the Revised Code and was contributing under this chapter or Chapter 145. or 3309. of the Revised Code at the time of death.

(b) The surviving spouse or other qualified survivor shall elect one of the following methods of calculating benefits elected under division (C)(2) of this section, which shall, except as provided in division (G)(1) of this section, remain in effect without regard to any change in the number of qualified survivors:

Or

(i) Number of qualified survivors Annual benefit as a per cent of member's final average salary Monthly benefit shall not be less than

1	25%	\$ 96
2	40	186
3	50	236
4	55	236
5 or more	60	236

Annual benefit as a per cent of member's final average salary

(ii) Years of service

20	29%
21	33
22	37
23	41
24	45
25	48
26	51
27	54
28	57
29 or more	60

(3)(a) If at the time of death the deceased member was 1678
receiving a disability benefit under section 3307.63 or 3307.631 1679
of the Revised Code, the benefit elected under division (C)(1) or 1680
(2) of this section shall be increased by a percentage equal to 1681
the total of any percentage increases the member received under 1682
section 3307.67 of the Revised Code, plus any additional amount 1683
the member received under this chapter while receiving the 1684
disability benefit. The increase shall be based on the benefit 1685
determined under division (C)(1) or (2) of this section. However, 1686
the benefit used to calculate any future increases under section 1687
3307.67 of the Revised Code shall be the benefit determined under 1688
division (C)(1) or (2) of this section. 1689

(b) If eligibility for a benefit under division (C)(1) or (2) 1690
of this section is not established until more than one year after 1691
the member's death, the annual benefit shall be increased by a 1692
percentage equal to the total of the percentage increases that 1693
would have been made under section 3307.67 of the Revised Code, 1694
plus any additional amount that would have been paid under this 1695
chapter had the benefit begun in the year in which the member 1696
died. However, the benefit used to calculate any future increases 1697
under section 3307.67 of the Revised Code shall be the benefit 1698
determined under division (C)(1) or (2) of this section, plus any 1699
additional amounts added to the benefit determined under this 1700
division that established a new base benefit to the deceased 1701
member. 1702

(D) If a benefit is calculated pursuant to division 1703
(C)(2)(b)(i) of this section, benefits to a surviving spouse shall 1704
be paid in the amount determined for the first qualifying survivor 1705
in division (C)(2)(b)(i) of this section, but shall not be less 1706
than one hundred six dollars per month if the deceased member had 1707
ten or more years of qualifying service credit. All other 1708
qualifying survivors shall share equally in the benefit or 1709

remaining portion thereof. 1710

If a benefit is calculated pursuant to division (C)(2)(b)(ii) 1711
of this section and is payable to more than one qualified 1712
survivor, the benefit shall be apportioned equally among the 1713
qualified survivors, except that if there is a surviving spouse, 1714
the portion of the benefit allocated to the surviving spouse shall 1715
be as follows: 1716

Number of			1717
survivors		Spouse's share of total benefit	1718
2		62.5%	1719
3		50.0%	1720
4		45.45%	1721
5 or more		41.67%	1722

(E) A qualified survivor shall file with the board an 1723
application for benefits payable under this section. Payments 1724
shall begin on whichever of the following applies: 1725

(1) If application is received not later than one year after 1726
the date of the member's death, benefits shall begin on the first 1727
day of the month following the date of death. 1728

(2) If application is received later than one year from the 1729
date of death, benefits shall begin on the first day of the month 1730
immediately following receipt of application by the board. 1731

Benefits to a qualified survivor shall terminate upon a first 1732
marriage, abandonment, or adoption. The termination of benefits is 1733
effective on the first day of the month following the day the 1734
person ceases to be a qualified survivor. Benefits to a deceased 1735
member's surviving spouse that were terminated under a former 1736
version of this section that required termination due to 1737
remarriage and were not resumed prior to ~~the effective date of~~ 1738
~~this amendment~~ September 16, 1998, shall resume on the first day 1739
of the month immediately following receipt by the board of an 1740

application on a form provided by the board. 1741

Benefits to a qualified child at least age eighteen but under 1742
age twenty-two that were terminated under a former version of this 1743
section due to a lack of attendance at an institution of learning 1744
or training and not resumed prior to the effective date of this 1745
amendment shall resume on the first day of the month immediately 1746
following receipt by the board of an application on a form 1747
provided by the board if the application is received on or before 1748
the date that is one year after the effective date of this 1749
amendment. These benefits terminate on the child attaining age 1750
twenty-two. 1751

Upon the death of any subsequent spouse who was a member of 1752
the public employees retirement system, state teachers retirement 1753
system, or school employees retirement system, the surviving 1754
spouse of such member may elect to continue receiving benefits 1755
under this division, or to receive survivor's benefits, based upon 1756
the subsequent spouse's membership in one or more of the systems, 1757
for which such surviving spouse is eligible under this section or 1758
section 145.45 or 3309.45 of the Revised Code. If the surviving 1759
spouse elects to continue receiving benefits under this division, 1760
such election shall not preclude the payment of benefits under 1761
this division to any other qualified survivor. 1762

(F) The beneficiary of a member who is also a member of the 1763
public employees retirement system, or the school employees 1764
retirement system, must forfeit the member's accumulated 1765
contributions in those systems, if the beneficiary elects to 1766
receive a benefit under division (C) of this section. Such benefit 1767
shall be exclusively governed by section 3307.57 of the Revised 1768
Code. 1769

(G)(1) Regardless of whether the member is survived by a 1770
spouse or designated beneficiary, if the state teachers retirement 1771
system receives notice that a deceased member described in 1772

division (C)(1) or (2) of this section has one or more qualified 1773
children, all persons who are qualified survivors under division 1774
(C)(2) of this section shall receive monthly benefits as provided 1775
in division (C)(2) of this section. 1776

If, after determining the monthly benefits to be paid under 1777
division (C)(2) of this section, the system receives notice that 1778
there is a qualified survivor who was not considered when the 1779
determination was made, the system shall, notwithstanding section 1780
3307.42 of the Revised Code, recalculate the monthly benefits with 1781
that qualified survivor included, even if the benefits to 1782
qualified survivors already receiving benefits are reduced as a 1783
result. The benefits shall be calculated as if the qualified 1784
survivor who is the subject of the notice became eligible on the 1785
date the notice was received and shall be paid to qualified 1786
survivors effective on the first day of the first month following 1787
the system's receipt of the notice. 1788

If the system did not receive notice that a deceased member 1789
has one or more qualified children prior to making payment under 1790
section 3307.562 of the Revised Code to a beneficiary as 1791
determined by the system, the payment is a full discharge and 1792
release of the system from any future claims under this section or 1793
section 3307.562 of the Revised Code. 1794

(2) If benefits under division (C)(2) of this section to all 1795
persons, or to all persons other than a surviving spouse or sole 1796
beneficiary, terminate, there are no children under the age of 1797
twenty-two years, and the surviving spouse or beneficiary 1798
qualifies for benefits under division (C)(1) of this section, the 1799
surviving spouse or beneficiary may elect to receive benefits 1800
under division (C)(1) of this section. The benefit shall be 1801
calculated based on the age of the spouse or beneficiary at the 1802
time of the member's death and is effective on the first day of 1803
the month following receipt by the board of an application for 1804

benefits under division (C)(1) of this section. 1805

(H) ~~If~~ Subject to division (G) of section 3307.371 of the 1806
Revised Code, if the benefits due and paid under division (C) of 1807
this section are in a total amount less than the member's 1808
accumulated account that was transferred from the teachers' 1809
savings fund, school employees retirement fund, and public 1810
employees retirement fund, to the survivors' benefit fund, then 1811
the difference between the total amount of the benefits paid shall 1812
be paid to the beneficiary under section 3307.562 of the Revised 1813
Code. 1814

Sec. 3309.44. (A) As used in this section and in section 1815
3309.45 of the Revised Code: 1816

(1) "Child" means a biological or legally adopted child of a 1817
deceased member. If a court hearing for an interlocutory decree 1818
for adoption was held prior to the member's death, "child" 1819
includes the child who was the subject of the hearing 1820
notwithstanding the fact that the final decree of adoption, 1821
adjudging the surviving spouse as the adoptive parent, is made 1822
subsequent to the member's death. 1823

(2) "Parent" is a parent or legally adoptive parent of a 1824
deceased member. 1825

(3) "Dependent" means a beneficiary who receives one-half of 1826
the beneficiary's support from a member during the twelve months 1827
prior to the member's death. 1828

(4) "Surviving spouse" means an individual who establishes a 1829
valid marriage to a member at the time of the member's death by 1830
marriage certificate or pursuant to division (F) of this section. 1831

(5) "Survivor" means a surviving spouse, child, or parent. 1832

(B) ~~Except~~ Subject to division (G) of section 3309.671 of the 1833
Revised Code and except as provided in division (C)(1) of section 1834

3309.45 of the Revised Code, should a member die before service or 1835
commuted service retirement, the member's accumulated 1836
contributions and any amounts owed and unpaid to a disability 1837
benefit recipient shall be paid to such beneficiaries as the 1838
member has designated in writing on a form provided by the school 1839
employees retirement board, signed by the member and filed with 1840
the board prior to death. The last designation of any beneficiary 1841
revokes all previous designations. The member's marriage, divorce, 1842
legal dissolution, legal separation, or withdrawal of account, or 1843
the birth of the member's child, or the member's adoption of a 1844
child, constitutes an automatic revocation of the member's last 1845
designation. If a deceased member was also a member of the public 1846
employees retirement system or the state teachers retirement 1847
system, the beneficiary last established among the systems shall 1848
be the sole beneficiary in all the systems. 1849

If the accumulated contributions of a deceased member are not 1850
claimed by a beneficiary, or by the estate of the deceased member, 1851
within ten years, they shall be transferred to the guarantee fund 1852
and thereafter paid to such beneficiary or to the member's estate 1853
upon application to the board. The board shall formulate and adopt 1854
rules governing all designations of beneficiaries. 1855

(C) ~~Except~~ Subject to division (G) of section 3309.671 of the 1856
Revised Code and except as provided in division (C)(1) of section 1857
3309.45 of the Revised Code, if a member dies before service or 1858
commuted service retirement and is not survived by a designated 1859
beneficiary, the following shall qualify, in the following order 1860
of precedence, with all attendant rights and privileges, the 1861
member's: 1862

- (1) Surviving spouse; 1863
- (2) Children share and share alike; 1864
- (3) A dependent parent who is age sixty-five or older, if 1865

that parent takes survivor benefits under division (B) of section 1866
3309.45 of the Revised Code; 1867

(4) Parents, share and share alike; 1868

(5) Estate. 1869

If a person listed in divisions (C)(1) to (4) of this section 1870
is deceased or is not located within one hundred eighty days, the 1871
person ceases to qualify for any benefit and the person next in 1872
order of precedence shall qualify. 1873

(D) Any amount due any person, as an annuitant receiving a 1874
monthly service or commuted service retirement allowance or 1875
benefit, and unpaid to the annuitant at death, shall be paid to 1876
the beneficiary designated in writing on a form provided by the 1877
retirement board, signed by the annuitant and filed with the 1878
board. If no such designation has been filed, such amount shall be 1879
paid, except as otherwise provided in section 3309.45 of the 1880
Revised Code, in the following order of precedence to the 1881
annuitant's: 1882

(1) Surviving spouse; 1883

(2) Children, share and share alike; 1884

(3) Parents, share and share alike; 1885

(4) Estate. 1886

If a person listed in divisions (D)(1) to (3) of this section 1887
is deceased or is not located within one hundred eighty days, the 1888
person ceases to qualify for any benefit and the person next in 1889
order of precedence shall qualify. 1890

For the purpose of this division, an "annuitant" is the last 1891
person who received a monthly allowance or benefit pursuant to the 1892
plan of payment selected by the retirant or designated by this 1893
chapter. 1894

(E) Any payment made under this section as determined by the 1895

board shall be a full discharge and release to the board from any 1896
future claim for payment. 1897

(F) If the validity of marriage cannot be established to the 1898
satisfaction of the retirement board for the purpose of disbursing 1899
any amount due under this section or section 3309.45 of the 1900
Revised Code, the retirement board may accept a decision rendered 1901
by a court having jurisdiction in the state in which the member 1902
was domiciled at the time of death that the relationship 1903
constituted a valid marriage at the time of death, or the "spouse" 1904
would have the same status as a widow or widower for purposes of 1905
sharing in the distribution of the member's intestate personal 1906
property. 1907

(G) As used in this division, "recipient" means an individual 1908
who is receiving or may be eligible to receive an allowance or 1909
benefit under this chapter based on the individual's service to an 1910
employer. 1911

If the death of a member, a recipient, or any individual who 1912
would be eligible to receive an allowance or benefit under this 1913
chapter by virtue of the death of a member or recipient is caused 1914
by one of the following beneficiaries, no amount due under this 1915
chapter to the beneficiary shall be paid to the beneficiary in the 1916
absence of a court order to the contrary filed with the retirement 1917
board: 1918

(1) A beneficiary who is convicted of, pleads guilty to, or 1919
is found not guilty by reason of insanity of a violation of or 1920
complicity in the violation of either of the following: 1921

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 1922

(b) An existing or former law of any other state, the United 1923
States, or a foreign nation that is substantially equivalent to 1924
section 2903.01, 2903.02, or 2903.03 of the Revised Code; 1925

(2) A beneficiary who is indicted for a violation of or 1926

complicity in the violation of the sections or laws described in 1927
division (G)(1)(a) or (b) of this section and is adjudicated 1928
incompetent to stand trial; 1929

(3) A beneficiary who is a juvenile found to be a delinquent 1930
child by reason of committing an act that, if committed by an 1931
adult, would be a violation of or complicity in the violation of 1932
the sections or laws described in division (G)(1)(a) or (b) of 1933
this section. 1934

Sec. 3309.45. ~~Except~~ Subject to division (G) of section 1935
3309.671 of the Revised Code and except as provided in division 1936
(C)(1) of this section, in lieu of accepting the payment of the 1937
accumulated account of a member who dies before service 1938
retirement, the beneficiary, as determined in section 3309.44 of 1939
the Revised Code, may elect to forfeit the accumulated account and 1940
to substitute certain other benefits either under division (A) or 1941
(B) of this section. 1942

(A)(1) If a deceased member was eligible for a service 1943
retirement allowance as provided in section 3309.36 or 3309.381 of 1944
the Revised Code, a surviving spouse or other sole dependent 1945
beneficiary may elect to receive a monthly benefit computed as the 1946
joint-survivor allowance designated as "plan D" in section 3309.46 1947
of the Revised Code, which the member would have received had the 1948
member retired on the last day of the month of death and had the 1949
member at that time selected such joint-survivor plan. Payment 1950
shall begin with the month subsequent to the member's death. 1951

(2) Beginning on a date selected by the school employees 1952
retirement board, which shall be not later than July 1, 2004, a 1953
surviving spouse or other sole dependent beneficiary may elect, in 1954
lieu of a monthly payment under division (A)(1) of this section, a 1955
plan of payment consisting of both of the following: 1956

(a) A lump sum in an amount the surviving spouse or other 1957

sole dependent beneficiary designates that constitutes a portion 1958
of the allowance that would be payable under division (A)(1) of 1959
this section; 1960

(b) The remainder of that allowance in monthly payments. 1961

The total amount paid as a lump sum and a monthly benefit 1962
shall be the actuarial equivalent of the amount that would have 1963
been paid had the lump sum not been selected. 1964

The lump sum amount designated by the surviving spouse or 1965
other sole dependent beneficiary under division (A)(2)(a) of this 1966
section shall be not less than six times and not more than 1967
thirty-six times the monthly amount that would be payable to the 1968
surviving spouse or other sole dependent beneficiary under 1969
division (A)(1) of this section and shall not result in a monthly 1970
benefit that is less than fifty per cent of that monthly amount. 1971

(B) If the deceased member had completed at least one and 1972
one-half years of credit for Ohio service, with at least 1973
one-quarter year of Ohio contributing service credit within the 1974
two and one-half years prior to the date of death, or was 1975
receiving at the time of death a disability benefit as provided in 1976
section 3309.40 or 3309.401 of the Revised Code, qualified 1977
survivors who elect to receive monthly benefits shall receive the 1978
greater of the benefits provided in division (B)(1)(a) or (b) as 1979
allocated in accordance with division (B)(5) of this section. 1980

(1)(a) Number	Or	1981	
of Qualified	Monthly	1982	
survivors	Annual Benefit as a Per	Benefit	1983
affecting	Cent of Decedent's Final	shall not be	1984
the benefit	Average Salary	less than	1985
1	25%	\$96	1986
2	40	186	1987
3	50	236	1988

4	55	236	1989
5 or more	60	236	1990
(b) Years of Service	Annual Benefit as a Per Cent of		1991
	Member's Final Average Salary		
20	29%		1992
21	33		1993
22	37		1994
23	41		1995
24	45		1996
25	48		1997
26	51		1998
27	54		1999
28	57		2000
29 or more	60		2001

(2) Benefits shall begin as qualified survivors meet 2002
eligibility requirements as follows: 2003

(a) A qualified spouse is the surviving spouse of the 2004
deceased member who is age sixty-two, or regardless of age if the 2005
deceased member had ten or more years of Ohio service credit, or 2006
regardless of age if caring for a surviving child, or regardless 2007
of age if adjudged physically or mentally incompetent. 2008

(b) A qualified child whose benefit began before ~~the~~ 2009
~~effective date of this amendment~~ January 7, 2013, is any child of 2010
the deceased member who has never been married and to whom one of 2011
the following applies: 2012

(i) Is under age eighteen, or under age twenty-two if the 2013
child is attending an institution of learning or training pursuant 2014
to a program designed to complete in each school year the 2015
equivalent of at least two-thirds of the full-time curriculum 2016
requirements of such institution and as further determined by 2017
board policy; 2018

(ii) Regardless of age, is adjudged physically or mentally 2019

incompetent if the incompetence existed prior to the member's 2020
death and prior to the child attaining age eighteen, or age 2021
twenty-two if attending an institution described in division 2022
(B)(2)(b)(i) of this section. 2023

(c) A qualified child whose benefit begins on or after ~~the~~ 2024
~~effective date of this amendment~~ January 7, 2013, is any child of 2025
the deceased member who has never been married and to whom one of 2026
the following applies: 2027

(i) Is under age nineteen; 2028

(ii) Regardless of age, is adjudged physically or mentally 2029
incompetent if the incompetence existed prior to the member's 2030
death and prior to the child attaining age nineteen. 2031

(d) A qualified parent is a dependent parent aged sixty-five 2032
or older. 2033

(3) "Physically or mentally incompetent" as used in this 2034
section may be determined by a court of jurisdiction, or by a 2035
physician appointed by the retirement board. Incapability of 2036
earning a living because of a physically or mentally disabling 2037
condition shall meet the qualifications of this division. 2038

(4) Benefits to a qualified survivor shall terminate upon a 2039
first marriage, abandonment, adoption, or during active military 2040
service. Benefits to a deceased member's surviving spouse that 2041
were terminated under a former version of this section that 2042
required termination due to remarriage and were not resumed prior 2043
to September 16, 1998, shall resume on the first day of the month 2044
immediately following receipt by the board of an application on a 2045
form provided by the board. 2046

Upon the death of any subsequent spouse who was a member of 2047
the public employees retirement system, state teachers retirement 2048
system, or school employees retirement system, the surviving 2049
spouse of such member may elect to continue receiving benefits 2050

under this division, or to receive survivor's benefits, based upon 2051
the subsequent spouse's membership in one or more of the systems, 2052
for which such surviving spouse is eligible under this section or 2053
section 145.45 or 3307.66 of the Revised Code. If the surviving 2054
spouse elects to continue receiving benefits under this division, 2055
such election shall not preclude the payment of benefits under 2056
this division to any other qualified survivor. 2057

Benefits shall begin or resume on the first day of the month 2058
following the attainment of eligibility and shall terminate on the 2059
first day of the month following loss of eligibility. 2060

(5)(a) If a benefit is payable under division (B)(1)(a) of 2061
this section, benefits to a qualified spouse shall be paid in the 2062
amount determined for the first qualifying survivor in division 2063
(B)(1)(a) of this section, but shall not be less than one hundred 2064
six dollars per month if the deceased member had ten or more years 2065
of Ohio service credit. All other qualifying survivors shall share 2066
equally in the benefit or remaining portion thereof. 2067

(b) All qualifying survivors shall share equally in a benefit 2068
payable under division (B)(1)(b) of this section, except that if 2069
there is a surviving spouse, the surviving spouse shall receive no 2070
less than the greater of the amount determined for the first 2071
qualifying survivor in division (B)(1)(a) of this section or one 2072
hundred six dollars per month. 2073

(6) The beneficiary of a member who is also a member of the 2074
public employees retirement system, or of the state teachers 2075
retirement system, must forfeit the member's accumulated 2076
contributions in those systems, if the beneficiary takes a 2077
survivor benefit. Such benefit shall be exclusively governed by 2078
section 3309.35 of the Revised Code. 2079

(C)(1) Regardless of whether the member is survived by a 2080
spouse or designated beneficiary, if the school employees 2081

retirement system receives notice that a deceased member described 2082
in division (A) or (B) of this section has one or more qualified 2083
children, all persons who are qualified survivors under division 2084
(B) of this section shall receive monthly benefits as provided in 2085
division (B) of this section. 2086

If, after determining the monthly benefits to be paid under 2087
division (B) of this section, the system receives notice that 2088
there is a qualified survivor who was not considered when the 2089
determination was made, the system shall, notwithstanding section 2090
3309.661 of the Revised Code, recalculate the monthly benefits 2091
with that qualified survivor included, even if the benefits to 2092
qualified survivors already receiving benefits are reduced as a 2093
result. The benefits shall be calculated as if the qualified 2094
survivor who is the subject of the notice became eligible on the 2095
date the notice was received and shall be paid to qualified 2096
survivors effective on the first day of the first month following 2097
the system's receipt of the notice. 2098

If the retirement system did not receive notice that a 2099
deceased member has one or more qualified children prior to making 2100
payment under section 3309.44 of the Revised Code to a beneficiary 2101
as determined by the retirement system, the payment is a full 2102
discharge and release of the system from any future claims under 2103
this section or section 3309.44 of the Revised Code. 2104

(2) If benefits under division (C)(1) of this section to all 2105
persons, or to all persons other than a surviving spouse or other 2106
sole beneficiary, terminate, there are no children under the age 2107
of twenty-two years, and the surviving spouse or beneficiary 2108
qualifies for benefits under division (A) of this section, the 2109
surviving spouse or beneficiary may elect to receive benefits 2110
under division (A) of this section. Benefits shall be effective on 2111
the first day of the month following receipt by the board of an 2112
application for benefits under division (A) of this section. 2113

(D) The final average salary used in the calculation of a 2114
benefit payable pursuant to division (A) or (B) of this section to 2115
a survivor or beneficiary of a disability benefit recipient shall 2116
be adjusted for each year between the disability benefit's 2117
effective date and the recipient's date of death by the lesser of 2118
three per cent or the actual average percentage increase in the 2119
consumer price index prepared by the United States bureau of labor 2120
statistics (U.S. City Average for Urban Wage Earners and Clerical 2121
Workers: "All Items 1982-84=100"). 2122

(E) If the survivor benefits due and paid under this section 2123
are in a total amount less than the member's accumulated account 2124
that was transferred from the employees' savings fund, the state 2125
teachers retirement fund, and the public employees retirement fund 2126
to the survivors' benefit fund, then the difference between the 2127
total amount of the benefits paid shall be paid to the beneficiary 2128
under section 3309.44 of the Revised Code. 2129

Sec. 3309.671. (A) As used in this section~~7~~: 2130

(1) "alternate Alternate payee," "benefit," "lump sum 2131
payment," "participant," and "public retirement program" have the 2132
same meanings as in section 3105.80 of the Revised Code. 2133

(2) "Qualified child" has the same meaning as in section 2134
3309.45 of the Revised Code. 2135

(B) On receipt of an order issued under section 3105.171 or 2136
3105.65 of the Revised Code, the school employees retirement 2137
system shall determine whether the order meets the requirements of 2138
sections 3105.80 to 3105.90 of the Revised Code. The system shall 2139
retain in the participant's record an order the system determines 2140
meets the requirements. Not later than sixty days after receipt, 2141
the system shall return to the court that issued the order any 2142
order the system determines does not meet the requirements. 2143

(C) The system shall comply with an order retained under 2144
division (B) of this section at the following times as 2145
appropriate: 2146

(1) If the participant has applied for or is receiving a 2147
benefit or has applied for but not yet received a lump sum 2148
payment, as soon as practicable; 2149

(2) If the participant has not applied for a benefit or lump 2150
sum payment, on application by the participant for a benefit or 2151
lump sum payment. 2152

(D) If the system transfers a participant's service credit or 2153
contributions made by or on behalf of a participant to a public 2154
retirement program that is not named in the order, the system 2155
shall do both of the following: 2156

(1) Notify the court that issued the order by sending the 2157
court a copy of the order and the name and address of the public 2158
retirement program to which the transfer was made. 2159

(2) Send a copy of the order to the public retirement program 2160
to which the transfer was made. 2161

(E) If it receives a participant's service credit or 2162
contributions and a copy of an order as provided in division (D) 2163
of this section, the system shall administer the order as if it 2164
were the public retirement program named in the order. 2165

(F) If a participant's benefit or lump sum payment is or will 2166
be subject to more than one order described in section 3105.81 of 2167
the Revised Code or to an order described in section 3105.81 of 2168
the Revised Code and a withholding order under section 3111.23 or 2169
3113.21 of the Revised Code, the system shall, after determining 2170
that the amounts that are or will be withheld will cause the 2171
benefit or lump sum payment to fall below the limits described in 2172
section 3105.85 of the Revised Code, do all of the following: 2173

(1) Establish, in accordance with division ~~(G)~~(H) of this 2174
section and subject to the limits described in section 3105.85 of 2175
the Revised Code, the priority in which the orders are or will be 2176
paid by the system; 2177

(2) Reduce the amount paid to an alternate payee based on the 2178
priority established under division (F)(1) of this section; 2179

(3) Notify, by regular mail, a participant and alternate 2180
payee of any action taken under this division. 2181

(G)(1) Should a participant die before service or commuted 2182
service retirement, a benefit or payment determined as follows 2183
shall be paid to the alternate payee under any order retained by 2184
the system under this section: 2185

(a) If an amount is to be paid under division (B) or (C) of 2186
section 3309.44 of the Revised Code to a person other than a 2187
qualified child of the participant, a percentage of the payment 2188
shall be paid to the alternate payee under any order retained by 2189
the fund under this section. 2190

(b) If a monthly benefit is to be paid under division (A)(1) 2191
of section 3309.45 of the Revised Code to a person other than a 2192
qualified child of the participant, a percentage of the benefit 2193
shall be paid to the alternate payee. 2194

(c) If a lump sum amount and monthly payments are paid under 2195
division (A)(2) of section 3309.45 of the Revised Code to a person 2196
other than a qualified child of the participant, a percentage of 2197
the lump sum amount and a percentage of the monthly benefit shall 2198
be paid to the alternate payee. 2199

(d) If a monthly benefit is to be paid under division (B) of 2200
section 3309.45 of the Revised Code and the qualified survivors 2201
include the surviving spouse, a percentage of the portion of the 2202
benefits attributable to the surviving spouse shall be paid to the 2203
alternate payee. 2204

(e) If a payment is made under division (E) of section 3309.45 of the Revised Code to a beneficiary other than a qualified child of the participant, a percentage of the payment shall be paid to the alternate payee. 2205
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(2)(a) If the order retained by the system specifies the amount to be paid to the alternate payee as a percentage of a fraction, the percentage is the percentage specified in the order and the fraction is the fraction determined as follows: 2209
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(i) The numerator is the number of years during which the participant was both a contributing member of the system and married to the alternate payee. 2213
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(ii) The denominator is the participant's total years of service credit. 2216
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(b) If the order retained by the system specifies the amount to be paid to the alternate payee as a monthly dollar amount from a benefit or as a one-time payment from a lump sum payment, the percentage used to determine the amount payable to the alternate payee shall be computed as follows: 2218
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(i) If, at the time of death, the participant was eligible for retirement under section 3309.34 or 3309.381 of the Revised Code, the percentage is a percentage equal to a fraction in which the numerator is the monthly dollar amount specified in the order and the denominator is the monthly benefit the participant would have received had the participant retired on the first day of the month following the date of death. 2223
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(ii) If, at the time of death, the participant was not eligible for retirement, the percentage is a percentage equal to a fraction in which the numerator is the one-time payment specified in the order and the denominator is the lump sum payment the participant would have been eligible to receive under section 3309.42 of the Revised Code had the participant satisfied the 2230
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requirements for a payment of accumulated contributions under that 2236
section. 2237

(3) A benefit or payment under section 3309.44 or 3309.45 of 2238
the Revised Code shall be reduced by the amount of any benefit or 2239
payment paid to an alternate payee under division (G) of this 2240
section. 2241

(4) Division (G) of this section applies to both of the 2242
following: 2243

(a) An order retained by the system under this section on or 2244
after the effective date of this amendment; 2245

(b) An order retained by the system prior to the effective 2246
date of this amendment unless the participant died prior to that 2247
date. 2248

(H) A withholding or deduction notice issued under section 2249
3111.23 or 3113.21 of the Revised Code or an order described in 2250
section 3115.32 of the Revised Code has priority over all other 2251
orders and shall be complied with in accordance with child support 2252
enforcement laws. All other orders are entitled to priority in 2253
order of earliest retention by the system. The system is not to 2254
retain an order that provides for the division of property unless 2255
the order is filed in a court with jurisdiction in this state. 2256

~~(H)~~(I) The system is not liable in civil damages for loss 2257
resulting from any action or failure to act in compliance with 2258
this section. 2259

Sec. 5505.21. ~~Should~~ Subject to division (G) of section 2260
5505.261 of the Revised Code, should a member of the state highway 2261
patrol retirement system die and no pension becomes payable from 2262
funds of the system on account of ~~his~~ the member's employment with 2263
the patrol, ~~his~~ the member's accumulated contributions, less 2264
interest, standing to ~~his~~ the member's credit in the employees' 2265

savings fund at the time of ~~his~~ death shall be paid to such person 2266
or persons as ~~he~~ the member has nominated by written designation 2267
duly executed and filed with the state highway patrol retirement 2268
board. If there is no such designated person or persons surviving 2269
such member, ~~his~~ the member's accumulated contributions shall be 2270
paid according to the state law of descent and distribution; 2271
provided that, if ~~his~~ the member's accumulated contributions are 2272
not claimed by an eligible person or by the estate of the deceased 2273
member within seven years, they shall be transferred to the income 2274
fund of the system and after that shall be paid from that fund to 2275
such person or estate upon application to the board. 2276

Sec. 5505.261. (A) As used in this section: 2277

(1) "alternate Alternate payee," "benefit," "lump sum 2278
payment," "participant," and "public retirement program" have the 2279
same meanings as in section 3105.80 of the Revised Code. 2280

(2) "Qualified child" means a surviving child eligible to 2281
receive a monthly pension under division (A)(4) of section 5505.17 2282
of the Revised Code. 2283

(B) On receipt of an order issued under section 3105.171 or 2284
3105.65 of the Revised Code, the state highway patrol retirement 2285
system shall determine whether the order meets the requirements of 2286
sections 3105.80 to 3105.90 of the Revised Code. The system shall 2287
retain in the participant's record an order the system determines 2288
meets the requirements. Not later than sixty days after receipt, 2289
the system shall return to the court that issued the order any 2290
order the system determines does not meet the requirements. 2291

(C) The system shall comply with an order retained under 2292
division (B) of this section at either of the following times as 2293
appropriate: 2294

(1) If the participant has applied for or is receiving a 2295

benefit or has applied for but not yet received a lump sum 2296
payment, as soon as practicable; 2297

(2) If the participant has not applied for a benefit or lump 2298
sum payment, on application by the participant for a benefit or 2299
lump sum payment. 2300

(D) If the system transfers a participant's service credit or 2301
contributions made by or on behalf of a participant to a public 2302
retirement program that is not named in the order, the system 2303
shall do both of the following: 2304

(1) Notify the court that issued the order by sending the 2305
court a copy of the order and the name and address of the public 2306
retirement program to which the transfer was made. 2307

(2) Send a copy of the order to the public retirement program 2308
to which the transfer was made. 2309

(E) If it receives a participant's service credit or 2310
contributions and a copy of an order as provided in division (D) 2311
of this section, the system shall administer the order as if it 2312
were the public retirement program named in the order. 2313

(F) If a participant's benefit or lump sum payment is or will 2314
be subject to more than one order described in section 3105.81 of 2315
the Revised Code or to an order described in section 3105.81 of 2316
the Revised Code and a withholding order under section 3111.23 or 2317
3113.21 of the Revised Code, the system shall, after determining 2318
that the amounts that are or will be withheld will cause the 2319
benefit or lump sum payment to fall below the limits described in 2320
section 3105.85 of the Revised Code, do all of the following: 2321

(1) Establish, in accordance with division ~~(G)~~(H) of this 2322
section and subject to the limits described in section 3105.85 of 2323
the Revised Code, the priority in which the orders are or will be 2324
paid by the retirement system in accordance with division ~~(G)~~(H) 2325
of this section; 2326

(2) Reduce the amount paid to an alternate payee based on the 2327
priority established under division (F)(1) of this section; 2328

(3) Notify, by regular mail, a participant and alternate 2329
payee of any action taken under this division. 2330

(G)(1) If a payment is made under section 5505.21 of the 2331
Revised Code to any estate or person other than a qualified child 2332
of the participant, a percentage of the payment shall be paid to 2333
an alternate payee under any order retained by the system under 2334
this section. 2335

(2)(a) If the order retained by the system specifies the 2336
amount to be paid to the alternate payee as a percentage of a 2337
fraction, the percentage is the percentage specified in the order 2338
and the fraction is the fraction determined as follows: 2339

(i) The numerator is the number of years during which the 2340
participant was both a contributing member of the system and 2341
married to the alternate payee. 2342

(ii) The denominator is the participant's total years of 2343
service credit. 2344

(b) If the order retained by the system specifies the amount 2345
to be paid to the alternate payee as a monthly dollar amount from 2346
a benefit or as a one-time payment from a lump sum payment, the 2347
percentage used to determine the amount payable to the alternate 2348
payee shall be computed as follows: 2349

(i) If, at the time of death, the participant was eligible 2350
for retirement under section 5505.16 of the Revised Code, the 2351
percentage is a percentage equal to a fraction in which the 2352
numerator is the monthly dollar amount specified in the order and 2353
the denominator is the monthly benefit the participant would have 2354
received had the participant retired on the first day of the month 2355
following the date of death. 2356

(ii) If, at the time of death, the participant was not 2357
eligible for retirement, the percentage is a percentage equal to a 2358
fraction in which the numerator is the one-time payment specified 2359
in the order and the denominator is the lump sum payment the 2360
participant would have been eligible to receive under section 2361
5505.19 of the Revised Code had the participant satisfied the 2362
requirements for payment of accumulated contributions under that 2363
section. 2364

(3) A payment under section 5505.21 of the Revised Code shall 2365
be reduced by the amount of any payment paid to an alternate payee 2366
under this division. 2367

(4) Division (G) of this section applies to both of the 2368
following: 2369

(a) An order retained by the system under this section on or 2370
after the effective date of this amendment; 2371

(b) An order retained by the system prior to the effective 2372
date of this amendment unless prior to that date the participant 2373
received a refund of accumulated contributions or died. 2374

(H) A withholding or deduction notice issued under section 2375
3111.23 or 3113.21 of the Revised Code or an order described in 2376
section 3115.32 of the Revised Code has priority over all other 2377
orders and shall be complied with in accordance with child support 2378
enforcement laws. All other orders are entitled to priority in 2379
order of earliest retention by the system. The system is not to 2380
retain an order that provides for the division of property unless 2381
the order is filed in a court with jurisdiction in this state. 2382

~~(H)~~(I) The system is not liable in civil damages for loss 2383
resulting from any action or failure to act in compliance with 2384
this section. 2385

Section 2. That existing sections 145.01, 145.43, 145.45, 2386

145.571, 742.462, 742.50, 3105.80, 3105.82, 3105.89, 3305.21, 2387
3307.371, 3307.562, 3307.66, 3309.44, 3309.45, 3309.671, 5505.21, 2388
and 5505.261 of the Revised Code are hereby repealed. 2389

Section 3. The Public Employees Retirement System and the 2390
State Teachers Retirement System shall continue to pay survivor 2391
benefits to all of the following individuals: 2392

(A) Qualified children who are under age eighteen and 2393
receiving survivor benefits on the effective date of the act until 2394
those qualifying children reach age twenty-two; 2395

(B) Qualified children who are between the ages of eighteen 2396
and twenty-two on the effective date of this act until those 2397
qualifying children reach age twenty-two, regardless of whether 2398
those children are attending or continue to attend an institution 2399
of learning or training. 2400