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Sec. 145.43. (A) As used in this section:

- (1) "Dependent child" is a dependent child as defined in section 145.45 of the Revised Code.
- (2) "Dependent parent" is a person who is a dependent parent for the purposes of section 145.45 of the Revised Code.

(B) Should a member die before age and service ~~or commuted age and service~~ retirement, his accumulated contributions, any deposits for purchase of additional annuity, and any payment he has made to restore previously forfeited service credit as provided in section 145.31 of the Revised Code, shall be paid to such person or persons as he has designated in writing duly executed on a form provided by the public employees retirement board, signed by him, and filed with the board prior to his death. A member may designate two or more persons as beneficiaries jointly to be paid the accumulated account in a lump sum. The last designa-

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

If the accumulated contributions of a deceased member are not claimed by a beneficiary, or by the estate of the deceased member, within five years such contributions shall be transferred to the income fund and thereafter paid to such beneficiary or to the member's estate upon application to the board. The board shall formulate and adopt the necessary rules governing all designations of beneficiaries.

(C) If a member dies before age and service ~~or commuted age and service~~ retirement and is not survived by a designated beneficiary, any survivors shall qualify as beneficiaries in the following order of precedence, with all attendant rights and privileges:

- (1) Spouse;
- (2) Youngest dependent child of a member if such child elects to take survivor benefits under division (B) of section 145.45 of the Revised Code and the total amount of survivor benefits payable to all dependent children of the member by such election exceeds the amount of the accumulated account subject to refund;
- (3) Children share and share alike;
- (4) A dependent parent of a member, if that parent elects to take survivor benefits under division (B) of section 145.45 of the Revised Code;
- (5) Parents, share and share alike;
- (6) Estate.

IF THE BENEFICIARY IS DECEASED OR IS NOT LOCATED WITHIN NINETY DAYS, THE BENEFICIARY CEASES TO QUALIFY FOR ANY BENEFIT AND THE BENEFICIARY NEXT IN ORDER OF PRECEDENCE SHALL QUALIFY AS A BENEFICIARY.

Any payment made to a beneficiary as determined by the public employees retirement board shall be a full discharge and release to the board from any future claims.

(D) Any amount due a retirant receiving a monthly benefit and unpaid to him at his death, shall be paid to the beneficiary designated in writing on a form approved by the board, signed by the retirant and filed with the board. If no such designation has been filed, or if the beneficiary designated by the retirant is deceased or is not located within ninety days, any amounts payable under this chapter due to the death of the retirant shall be paid in the following order of precedence to the retirant's:

- (1) Surviving spouse;
- (2) Children, share and share alike;
- (3) Parents, share and share alike;
- (4) Estate.

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

Any amount due a beneficiary receiving a monthly benefit and unpaid to him at his death shall be paid to his estate.

(E) If the validity of marriage cannot be established to the satisfaction of the retirement board for the purpose of disbursing any amount due under this section or section 145.45 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) If any amount due under this chapter is payable to a beneficiary who has been found guilty by a court of law of feloniously contributing to the death of the member, then such payment shall not be paid to such beneficiary in the absence of a court order to the contrary filed with the board.

~~(G) If a beneficiary is paid any benefit to which he is not entitled under this chapter, the benefit shall be repaid to the system by the beneficiary or shall be recovered by a withholding from his subsequent benefit.~~

144 OH
Am Sec
SB346

Emergency
effective
7-29-92