

S. B 502

133 O.L

Pg 1 of 8

Sec. 145.45. In lieu of accepting the payment of the accumulated contributions of a member, except a member employed by a public transportation utility or system, or a member who has withdrawn an exemption and has not completed three years of contributing service credit, who dies before superannuation or commuted superannuation retirement, a survivor, if designated as a sole beneficiary, may elect to forfeit the accumulated contributions and to substitute certain other benefits either under division (A) or division (B) of this section.

(A) If the deceased member was eligible for a superannuation or commuted superannuation retirement allowance as provided in sections 145.33 and 145.34 of the Revised Code, a surviving

E F F E C T I V E S e p t e m b e r 4 , 1 9 7 0

Pg 2 of 8

spouse, or other sole dependent designated beneficiary, may elect to receive a monthly benefit computed as the joint-survivor allowance designated as Option 1 in section 145.46 of the Revised Code, which the member would have received had he retired as of the last day of the month of death and had he at that time selected such joint-survivor plan. Payment shall begin with the month subsequent to the member's death.

(B) If the deceased member had at least one and one-half years of contributing service credit, with at least one-quarter year of contributing service credit within the two years prior to the date of death, or was receiving at the time of death a disability retirement allowance as provided in section 145.36 of the Revised Code, certain designated beneficiaries may elect to receive monthly benefits, provided they meet the following requirements:

(1) (A) A widow sixty-two years of age, or a widower sixty-five years of age, married to the member at least three years, and not remarried subsequent to the member's death, shall be paid ninety dollars per month or a monthly amount which on an annual basis shall not exceed seventy-five per cent of the member's earnings during his last twelve calendar months of employment as a member, whichever is the lesser; provided, that the benefit payable under this paragraph shall not be less than seventy-five dollars per month.

Such benefits shall be payable the month subsequent to the death of the member, or thereafter upon attainment of the age requirement by the beneficiary. Such benefit shall terminate upon the remarriage or death of such beneficiary. Such spouse may qualify for this benefit in addition to any payments received as provided by division (B) (3) of this section, but such spouse shall not receive the benefit provided by this paragraph while receiving benefits under division (B) (2) or (B) (3) of this section.

(B) A WIDOW OR WIDOWER OF A MEMBER WHO DIES ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, REGARDLESS OF AGE, MARRIED TO THE MEMBER AT LEAST THREE YEARS, AND NOT REMARRIED AFTER THE MEMBER'S DEATH, ADJUDGED PHYSICALLY OR MENTALLY INCOMPETENT BY A COURT HAVING JURISDICTION, OR BY A PHYSICIAN APPOINTED BY THE PUBLIC EMPLOYEES RETIREMENT BOARD, SHALL RECEIVE THE BENEFIT PROVIDED IN DIVISION (B) (1) (A) OF THIS SECTION. BENEFITS SHALL BEGIN THE FIRST DAY OF THE MONTH AFTER THE FILING OF AN APPLICATION BY OR ON BEHALF OF THE APPLICANT. BENEFITS SHALL TERMINATE UPON THE BENEFICIARY'S REMARRIAGE OR DEATH, OR WHEN A COURT HAVING JURISDICTION OR A PHYSICIAN APPOINTED BY THE BOARD DETERMINES THAT

Pg 3 of 8

SUCH WIDOW OR WIDOWER IS NO LONGER PHYSICALLY OR MENTALLY INCOMPETENT.

(2) A widow, or a dependent widower, fifty or more years of age, married to the member at least three years, and not remarried subsequent to the member's death, shall be paid one hundred dollars per month, if the deceased member had fifteen or more years of service credit at the time of death. IF A MEMBER WITH TEN OR MORE YEARS OF OHIO SERVICE CREDIT DIES AFTER THE EFFECTIVE DATE OF THIS SECTION, A BENEFICIARY MEETING THE OTHER REQUIREMENTS OF THIS SUBDIVISION SHALL QUALIFY FOR THIS BENEFIT. A WIDOWER IS A "DEPENDENT" ONLY IF HE RECEIVED AT LEAST ONE-HALF OF HIS SUPPORT FROM THE MEMBER DURING THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE MEMBER'S DEATH. Such benefit shall be payable the month subsequent to the death of the member, or thereafter upon attainment of age fifty by the beneficiary. Such benefit shall terminate upon the remarriage or death of such beneficiary. Such widow or dependent widower may qualify for this benefit in addition to any payments received as provided by division (B) (3) of this section, but such widow, or dependent widower, shall not receive the benefit provided by this paragraph while receiving benefits under division (B) (3) of this section.

(3) A widow, or a dependent widower, who has the care of and who pays at least fifty per cent of the support of ~~unmarried children of the deceased member under eighteen years of age, or~~ who has the care of and who pays at least fifty per cent of the support of any other financially dependent progeny of the deceased member, regardless of age, adjudged physically or mentally incompetent by a court having jurisdiction or found to be physically or mentally incompetent by a physician or physicians appointed by the board, DEPENDENT CHILDREN shall be paid as follows:

(a) Having one such child, one hundred eighty dollars per month or a monthly amount which on an annual basis shall not exceed seventy-five per cent of the member's earnings during his last twelve calendar months of employment as a member, whichever is the lesser; provided, that the benefit payable under this paragraph shall not be less than one hundred fifty dollars per month;

(b) Having two or more such children, two hundred thirty dollars per month or a monthly amount which on an annual basis shall not exceed seventy-five per cent of the member's earnings during his last twelve calendar months of employment as a member, whichever is the lesser; provided, that the benefit payable under this paragraph shall not be less than one hundred fifty dollars per month. BENEFITS PAYABLE UNDER SUBDIVISIONS

Pg 408

(3) (A) AND (3) (B) OF THIS DIVISION SHALL BEGIN THE FIRST OF THE MONTH AFTER THE MEMBER'S DEATH. SUCH BENEFITS SHALL TERMINATE UPON THE DEATH OR REMARRIAGE OF THE BENEFICIARY; OR WHEN SUCH CHILDREN ARE NO LONGER IN THE CARE OF THE BENEFICIARY BY REASON OF THE FOLLOWING: (1) ADOPTION, (2) ACTIVE MILITARY SERVICE, (3) THE ATTAINMENT OF AGE EIGHTEEN BY THE YOUNGEST CHILD, EXCEPT A FINANCIALLY DEPENDENT INCOMPETENT PROGENY, (4) RELINQUISHING FIFTY PER CENT OR MORE OF THEIR FINANCIAL SUPPORT TO AN INSTITUTIONAL AUTHORITY OR OTHER PERSON OR PERSONS. AFTER ALL BUT ONE CHILD HAVE ATTAINED AGE EIGHTEEN, THE BENEFIT SHALL BE REDUCED TO THAT PAYABLE UNDER PARAGRAPH (A) OF THIS DIVISION.

~~(C)~~ Benefits payable under paragraphs ~~(3) (a)~~ and ~~(3) (b)~~ shall commence with the month subsequent to the death of the member. Such benefits shall terminate upon the death or remarriage of the beneficiary; or when such children are no longer in the care of the beneficiary by reason of abandonment, adoption or active military service; or upon the attainment of age eighteen by the youngest child, except such benefit to a financially dependent incompetent progeny shall not terminate upon his attainment of age eighteen. After all but one child have attained age eighteen, the benefit shall be reduced to that payable under paragraph ~~(a)~~ of this division.

~~(d)~~ (C) If the beneficiary taking under paragraphs (3) (a) and (3) (b) remarries or dies, while having the care of such unmarried children under eighteen years of age, or while having the care of such financially dependent incompetent progeny, or abandons such children then benefits shall be paid such children in the amounts provided under division (B) (4) of this section.

~~(e)~~ (D) If the widower of a deceased member cannot establish dependency under this division and has the care of such unmarried DEPENDENT children under eighteen years of age, or financially dependent incompetent progeny of the deceased member, then benefits shall be paid such children AS in the amounts provided under division (B) (4) of this section. Benefits payable under this paragraph SUCH BENEFITS shall commence with BEGIN the FIRST DAY OF THE month subsequent to AFTER the death of the member MEMBER'S DEATH and shall terminate with respect to any child upon his adoption, marriage, active military service, or upon his attaining eighteen years of age, except such benefit to a financially dependent incompetent progeny shall not terminate upon attainment of age eighteen WHEN HE CEASES TO BE A DEPENDENT CHILD. Such children shall not receive the benefits payable under this paragraph while eligible for and receiving benefits in accordance with the qualifications under division (B) (4) of this section.

Pg 5 of 8

(4) (a) One dependent ~~unmarried~~ child of the deceased member WHO RECEIVED AT LEAST ONE-HALF OF HIS SUPPORT FROM THE MEMBER DURING THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE MEMBER'S DEATH ~~under eighteen years of age, or a financially dependent incompetent progeny at any age,~~ shall be paid ninety dollars per month or a monthly amount, which on an annual basis shall not exceed seventy-five per cent of the member's earnings during his last twelve calendar months of employment as a member, whichever is the lesser; provided, that such benefits shall not be less than seventy-five dollars per month.

(b) If such ~~child, by his~~ CHILD'S guardian elects to take under ~~paragraph~~ SUBDIVISION (4) (a), and there is another dependent ~~unmarried~~ child of the deceased member WHO RECEIVED AT LEAST ONE-HALF OF HIS SUPPORT FROM THE MEMBER DURING THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE MEMBER'S DEATH ~~under eighteen years of age, or a financially dependent incompetent progeny at any age,~~ there shall be paid a total amount of one hundred fifty dollars per month. Such benefit shall be divided equally between the DEPENDENT children.

(c) If such ~~child, by his~~ CHILD'S guardian, elects to take under ~~paragraph~~ SUBDIVISION (4) (a), and there are two or more other dependent children WHO RECEIVED AT LEAST ONE-HALF OF THEIR SUPPORT FROM THE MEMBER DURING THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE MEMBER'S DEATH ~~of the deceased member under eighteen years of age, or one other such child and a financially dependent incompetent progeny at any age,~~ there shall be paid a total amount of two hundred ten dollars per month or a monthly amount, which on an annual basis shall not exceed seventy-five per cent of the member's earnings during his last twelve calendar months of employment as a member, whichever is the lesser; provided, that such benefit shall not be less than one hundred fifty dollars per month. Such benefit shall be divided equally among all such ~~qualified~~ DEPENDENT children.

(d) Benefits payable under paragraphs (4) (a), (4) (b), and (4) (c) shall commence with the month subsequent to the death of the member, or, if payable by reason of the death or remarriage of a beneficiary who received benefits under division (B) (3) of this section, commencing the month subsequent to such death or remarriage.

A DEPENDENT child of a deceased member ~~under age eighteen or a financially dependent incompetent progeny at any age,~~ who was denied a monthly benefit after the remarriage of the primary beneficiary of such deceased member, and who otherwise qualifies for

Pg 6 of 8

the monthly benefit on or after November 1, 1961, shall receive a monthly benefit, commencing on or after November 1, 1961, in the amount provided by the law in effect at the time of such marriage. ~~Such benefit~~ BENEFITS shall terminate with respect to any child upon his adoption, death, marriage, active military service, or ~~upon his attaining eighteen years of age, except such benefit to a financially dependent incompetent progeny shall not terminate upon his attainment of age eighteen~~ WHEN HE CEASED TO BE A DEPENDENT CHILD.

(5) A dependent parent sixty-five or more years of age, and who does not remarry subsequent to the member's death, shall be paid ninety dollars per month or a monthly amount which on an annual basis shall not exceed seventy-five per cent of the member's earnings during his last twelve calendar months of employment as a member, whichever is the lesser; provided, that such benefit shall not be less than seventy-five dollars per month. If such parent elects to take under this paragraph and if the other parent of the member also meets the qualifications of this paragraph, such other parent shall also be paid the amount provided in this paragraph. Such benefit shall commence with the month subsequent to the death of the member, or thereafter upon attainment of age sixty-five by the beneficiary. Such benefit shall terminate upon the remarriage or death of the beneficiary.

(6) IN LIEU OF ACCEPTING BENEFITS UNDER SUBDIVISIONS (B) (1) TO (B) (5), INCLUSIVE, BENEFICIARIES OF MEMBERS WHO DIE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND WHO MET THE ELIGIBILITY REQUIREMENTS OF DIVISION (B) OF THIS SECTION MAY ELECT BENEFITS AS FOLLOWS:

NUMBER OF PERSONS AFFECTING THE BENEFIT	ANNUAL BENEFIT AS A PER CENT OF DECEDENT'S FINAL AVERAGE SALARY
1	25%
2	40
3	50
4	55
5 OR MORE	60

BENEFITS SHALL BEGIN AND SHALL BE TERMINATED AS PROVIDED IN DIVISIONS (B) (1) TO (B) (5), INCLUSIVE, OF THIS SECTION.

FOR THE PURPOSE OF SUBDIVISION (B) (6), IF THE MEMBER HAD AT LEAST ONE AND ONE-HALF YEARS OF OHIO SERVICE CREDIT, BUT LESS THAN FIVE YEARS,

Pg 7 of 7

SECTION 3. Notwithstanding Chapters 145., 3307., and 3309. of the Revised Code, on the effective date of this act, the public employees retirement board, the state teachers retirement board, and the school employees retirement board shall recalculate the amount of all monthly benefits elected between June 29, 1971, and the effective date of this act pursuant to former sections 145.33, 145.34, 145.36, division (A) of section 145.45, sections 3307.38, 3307.43, division (A) of section 3307.49 and sections 3309.36, 3309.38, 3309.40, and division (A) of section 3309.45 of the Revised Code, as if this act had been in effect on June 30, 1971. Any such benefit payments made after the effective date of this act shall be for the amount calculated in accordance with this section, unless such recalculation would provide a decrease in benefits, in which case the boards shall continue to pay the benefit as elected and calculated prior to the effective date of this act.