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Sub HB 194

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Sec. 742.3718. (A) Except as otherwise provided in this division, each person who on September 9, 1988, is receiving a pension or benefit of less than five thousand dollars annually under division (A) or (B) of section 742.37 of the Revised Code on the basis of disability or service of twenty-five years or more, under division (C)(1) of that section, or under division (C)(2) or (5) of former section 742.37 of the Revised Code shall have the pension or benefit increased to five thousand dollars a year, effective July 1, 1988. This division does not apply to any person receiving a pension or benefit based on funded volunteer or funded part-time service.

(B) On and after July 1, 1988:

(1) The pension of each person receiving a pension or benefit under division (D) of section 742.37 of the Revised Code shall be increased to four hundred ten dollars a month.

(2) The pension of each person receiving a pension or benefit under division (E) of section 742.37 of the Revised Code shall be increased to one hundred eighteen dollars a month.

(C) NOTWITHSTANDING ANY AVERAGE ANNUAL SALARY LIMITATION IN SECTION 742.37 OF THE REVISED CODE, EACH PERSON WHO ON JULY 1, 1999, IS RECEIVING AN ANNUAL PENSION OR BENEFIT DESCRIBED IN DIVISION (A), (B), OR (C)(1) OR (3) OF THAT SECTION OF LESS THAN SIX THOUSAND SIX HUNDRED DOLLARS SHALL HAVE THE PENSION INCREASED TO THAT AMOUNT, EFFECTIVE JULY 1, 1999. THE INCREASE GRANTED UNDER THIS DIVISION SHALL BE INCLUDED IN A PERSON'S BASE FOR THE PURPOSE OF DETERMINING FUTURE INCREASES UNDER SECTION 742.3716 OF THE REVISED CODE.

(D)(1) THIS DIVISION APPLIES TO THE FOLLOWING PERSONS WHO ARE RECEIVING A PENSION UNDER DIVISION (D) OF SECTION 742.37 OF THE REVISED CODE:

(a) ON THE EFFECTIVE DATE OF THIS AMENDMENT, THE PERSON IS THE SURVIVING SPOUSE OF A DECEASED MEMBER OF THE FUND AND IS NOT RECEIVING A BENEFIT UNDER DIVISION (B) OR (D) OF SECTION 742.63 OF THE REVISED CODE.

(b) NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, THE PERSON IS THE SURVIVING SPOUSE OF A DECEASED MEMBER OF THE FUND WHO WAS RETIRED UNDER SECTION 742.37 OF THE REVISED CODE WITH AN EFFECTIVE DATE OF RETIREMENT BEFORE SEPTEMBER 16, 1998.

(2) THE MONTHLY PENSION OF EACH PERSON DESCRIBED IN DIVISION (D)(1) OF THIS SECTION SHALL BE INCREASED AS FOLLOWS:

(a) FOR THE PERIOD BEGINNING JULY 1, 1999, AND ENDING JUNE 30, 2000, TO FIVE HUNDRED FIFTY DOLLARS;

(b) FOR THE PERIOD BEGINNING JULY 1, 2000, AND THE FIRST DAY OF JULY OF EACH YEAR THEREAFTER AND CONTINUING FOR THE FOLLOWING TWELVE MONTHS, TO AN AMOUNT EQUAL TO THE MONTHLY AMOUNT PAID DURING THE PRIOR TWELVE-MONTH PERIOD PLUS AN AMOUNT DETERMINED BY MULTIPLYING FIVE HUNDRED FIFTY DOLLARS BY THE AVERAGE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX, NOT EXCEEDING THREE PER CENT, AS DETERMINED EACH YEAR BY THE BOARD OF TRUSTEES OF THE POLICE AND FIREMEN'S DISABILITY AND PENSION FUND UNDER SECTION 742.3716 OF THE REVISED CODE.

(3) IF A PERSON WHO IS RECEIVING A PENSION UNDER DIVISION (D) OF SECTION 742.37 OF THE REVISED CODE AND A BENEFIT UNDER DIVISION (B) OR (D) OF SECTION 742.63 OF THE REVISED CODE CEASES TO BE ELIGIBLE FOR A BENEFIT UNDER DIVISION (B) OR (D) OF SECTION 742.63 OF THE REVISED CODE, THE PERSON'S MONTHLY PENSION SHALL BE INCREASED, EFFECTIVE THE FIRST DAY OF THE FIRST MONTH FOLLOWING THE DATE ON WHICH THE PERSON CEASES TO BE ELIGIBLE FOR THE BENEFIT, TO THE AMOUNT IT WOULD BE UNDER DIVISION (D)(2) OF THIS SECTION HAD THE PERSON NEVER BEEN ELIGIBLE FOR A BENEFIT UNDER DIVISION (B) OR (D) OF SECTION 742.63 OF THE REVISED CODE.

(E) THE MONTHLY PENSION OF EACH PERSON RECEIVING A PENSION UNDER DIVISION (E) OF SECTION 742.37 OF THE REVISED CODE SHALL BE INCREASED TO ONE HUNDRED FIFTY DOLLARS EFFECTIVE JULY 1, 1999.

(F) EFFECTIVE JULY 1, 1999, THE MONTHLY PENSION OF EACH PERSON RECEIVING A PENSION UNDER DIVISION (F) OF SECTION 742.37 OF THE REVISED CODE SHALL BE INCREASED AS FOLLOWS:

(1) IF THERE ARE TWO DEPENDENT PARENTS, TO ONE HUNDRED DOLLARS;

(2) IF THERE IS ONE DEPENDENT PARENT, TO TWO HUNDRED DOLLARS.

eff. 7-1-99

SECTION 5. Not later than the first day of the second month after the effective date of this act, the Police and Firemen's Disability and Pension Fund shall make a one-time payment for the purpose of increasing certain pensions and benefits as if the provisions of this act had taken effect on January 1, 1998. The Fund shall make the payment to all eligible persons receiving a pension or benefit on the effective date of this act. The payment shall be made, for each month the person was or will be eligible to receive a pension or benefit during the period beginning on January 1, 1998, and ending on June 30, 1999, as follows:

(A) To a person described in division (C) of section 742.3718 or division (D) of section 742.39 of the Revised Code, as amended by this act, the payment shall be the lesser of the following:

- (1) One hundred forty dollars;
- (2) The difference between:
 - (a) Five hundred fifty dollars; and
 - (b) The amount of the person's monthly pension or benefit.

(B) To a person described in division (D)(1) of section 742.3718 of the Revised Code, as amended by this act, the payment shall be one hundred forty dollars.

(C) To a person described in division (E) of section 742.3718 of the Revised Code, as amended by this act, the payment shall be thirty-two dollars.

(D) To a person described in division (F) of section 742.3718 of the Revised Code, as amended by this act, the payment shall be:

- (1) In the case of one dependent parent, forty-two dollars;
- (2) In the case of two dependent parents, twenty-one dollars.

In the event that the recipient of a payment under this section dies prior to July 1, 1999, no part of the payment under this section shall be recovered by the Fund.