

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 787

Representative Green

A BILL

To amend section 742.63 and to enact section 1
124.824 of the Revised Code to revise the 2
payments that surviving family members receive 3
from the Ohio Public Safety Officers Death 4
Benefit Fund and to permit surviving spouses and 5
children to participate in the health, dental, 6
and vision benefits offered to state employees 7
as if the survivors were employees of this 8
state. 9

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

Section 1. That section 742.63 be amended and section 10
124.824 of the Revised Code be enacted to read as follows: 11

Sec. 124.824. (A) As used in this section, "death benefit 12
fund recipient" means any recipient of a death benefit paid 13
under section 742.63 of the Revised Code except a parent who 14
receives a death benefit paid under division (E) of that 15
section. 16

(B) (1) Except as otherwise provided under division (B) (3) 17
of this section, a death benefit fund recipient may elect to 18
participate in any health, medical, hospital, dental, surgical, 19

or vision benefit the department of administrative services 20
contracts for under section 124.82 of the Revised Code or 21
otherwise provides for the benefit of state employees who are 22
paid directly by warrant of the director of budget and 23
management. A death benefit fund recipient who elects to 24
participate in a benefit under this section shall do both of the 25
following: 26

(a) File a notice with the department of the death benefit 27
fund recipient's election to participate that specifies the 28
benefits or combination of benefits in which the recipient 29
elects to participate. 30

(b) Pay to the department the percentage of the premium or 31
cost for the applicable benefits that would be paid by a state 32
employee who elects that coverage. 33

(2) A parent, guardian, custodian, or other person 34
responsible for the care of a death benefit fund recipient who 35
is under eighteen years of age or who is a surviving child 36
entitled to extended benefits under division (H) (3) of section 37
742.63 of the Revised Code due to disability may file the 38
election required by division (B) (1) of this section on the 39
death benefit fund recipient's behalf. 40

(3) A death benefit fund recipient is ineligible to 41
participate in a health, medical, hospital, dental, surgical, or 42
vision benefit under division (B) (1) of this section if the 43
recipient is eligible to enroll in the medicare program 44
established by Title XVIII of the "Social Security Act," 79 45
Stat. 291 (1965), 42 U.S.C. 1395c, as amended. 46

(C) For each death benefit fund recipient who participates 47
in health, medical, hospital, dental, surgical, or vision 48

benefits under division (B) of this section, the department 49
shall pay the percentage of the premium or cost for the 50
applicable benefits that would be paid by a state employer for a 51
state employee who elects that coverage. 52

(D) The director of administrative services shall 53
prescribe procedures for the administration of benefits for 54
death benefit fund recipients under this section, including the 55
development of required forms for death benefit fund recipients 56
to enroll, disenroll, or re-enroll in benefits under this 57
section. 58

(E) The board of trustees of the Ohio police and fire 59
pension fund shall provide any information to the department 60
that the department requires to provide benefits under this 61
section, including information regarding the identities, ages, 62
and family relationships of death benefit fund recipients. 63

Sec. 742.63. The board of trustees of the Ohio police and 64
fire pension fund shall adopt rules for the management of the 65
Ohio public safety officers death benefit fund and for 66
disbursements of benefits as set forth in this section. 67

(A) As used in this section: 68

(1) "Member" means all of the following: 69

(a) A member of the Ohio police and fire pension fund, 70
including a member of the fund who has elected to participate in 71
the deferred retirement option plan established under section 72
742.43 of the Revised Code or a member of or contributor to a 73
police or firemen's relief and pension fund established under 74
former Chapter 521. or 741. of the Revised Code; 75

(b) A member of the state highway patrol retirement 76
system, including a member who is participating in the deferred 77

retirement option plan established under section 5505.50 of the Revised Code;	78 79
(c) A member of the public employees retirement system who at the time of the member's death was one of the following:	80 81
(i) A county sheriff or deputy sheriff;	82
(ii) A full-time regular police officer in a municipal corporation or township;	83 84
(iii) A full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision;	85 86 87 88
(iv) A full-time park district ranger or patrol trooper;	89
(v) A full-time law enforcement officer of the department of natural resources;	90 91
(vi) A full-time department of public safety enforcement agent;	92 93
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	94 95 96
(viii) A full-time law enforcement officer of a conservancy district;	97 98
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	99 100 101
(x) A state university law enforcement officer;	102
(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent	103 104

of the bureau of criminal identification and investigation;	105
(xii) A drug agent, as defined in section 145.01 of the Revised Code;	106 107
(xiii) A gaming agent, as defined in section 3772.01 of the Revised Code;	108 109
(xiv) An employee of the department of taxation who has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.	110 111 112 113
(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.	114 115 116 117
(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal corporation, and the	118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133

police force of a state university. 134

(3) "Firefighter or police officer" includes a state 135
highway patrol trooper, a county sheriff or deputy sheriff, a 136
correction officer at an institution under the control of a 137
county, a group of counties, a municipal corporation, or the 138
department of rehabilitation and correction, a police officer 139
employed by a township or municipal corporation, a firefighter 140
employed by the state, an instrumentality of the state, a 141
municipal corporation, a township, a joint fire district, or 142
another political subdivision, a full-time park district ranger 143
or patrol trooper, a full-time law enforcement officer of the 144
department of natural resources, a full-time department of 145
public safety enforcement agent, a full-time law enforcement 146
officer of parks, waterway lands, or reservoir lands under the 147
control of a municipal corporation, a full-time law enforcement 148
officer of a conservancy district, and a state university law 149
enforcement officer. 150

(4) "Correction officer" includes, in addition to any 151
correction officer, any correction corporal, sergeant, 152
lieutenant, or captain, and the equivalents of all such persons. 153

(5) "A park district ranger or patrol trooper" means a 154
peace officer commissioned to make arrests, execute warrants, 155
and preserve the peace upon lands under the control of a board 156
of park commissioners of a metropolitan, county, or township 157
park district. 158

(6) "Metropolitan, county, or township park district" 159
means a park district created under the authority of Chapter 160
511. or 1545. of the Revised Code. 161

(7) "Conservancy district" means a conservancy district 162

created under the authority of Chapter 6101. of the Revised Code.	163 164
(8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.	165 166 167 168
(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.	169 170 171 172 173 174 175 176
(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.332, Chapter 145., 521., or 741., division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.	177 178 179 180 181 182 183
(11) "Death benefit amount" means an amount equal to the full monthly salary received by a deceased member prior to death, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, plus any increases in salary that would have been granted the deceased member.	184 185 186 187 188 189 190
(12) "Killed in the line of duty" means either of the	191

following:	192
(a) Death in the line of duty;	193
(b) Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty.	194 195 196
<u>(13) "Maximum pension eligibility date" means the date on which a deceased member would have become eligible for the maximum annual retirement allowance or pension that may be paid to a member from the member's retirement system, as specified in section 145.33, 145.332, 742.37, or 5505.17 of the Revised Code or as provided by a retirement system operated by a municipal corporation, had the member continued to accrue service credit from that system.</u>	197 198 199 200 201 202 203 204
(B) A spouse of a deceased member shall receive a death benefit each month equal to the full death benefit amount, provided that the deceased member was a firefighter or police officer killed in the line of duty and there are no surviving children eligible for a benefit under this section. The spouse shall receive this benefit during the spouse's natural life until the deceased member's retirement <u>maximum pension</u> eligibility date, on which date the benefit provided under this division shall terminate.	205 206 207 208 209 210 211 212 213
(C) (1) If a member killed in the line of duty as a firefighter or police officer is survived only by a child or children, the child or children shall receive a benefit each month equal to the full death benefit amount. If there is more than one surviving child, the benefit shall be divided equally among these children.	214 215 216 217 218 219
(2) If the death benefit paid under this division is	220

divided among two or more surviving children and any of the 221
children become ineligible to continue receiving a portion of 222
the benefit as provided in division (H) of this section, the 223
full death benefit amount shall be paid to the remaining 224
eligible child or divided among the eligible children so that 225
the benefit paid to the remaining eligible child or children 226
equals the full death benefit amount. 227

(3) Notwithstanding divisions (C) (1) and (2) of this 228
section, all death benefits paid under this division shall 229
terminate on the deceased member's ~~retirement~~ maximum pension 230
eligibility date. 231

(D) If a member killed in the line of duty as a 232
firefighter or police officer is survived by both a spouse and a 233
child or children, the monthly benefit provided shall be as 234
follows: 235

(1) (a) If there is a surviving spouse and one surviving 236
child, the spouse shall receive an amount each month equal to 237
one-half of the full death benefit amount and the child shall 238
receive an amount equal to one-half of the full death benefit 239
amount. 240

(b) If the surviving spouse dies or the child becomes 241
ineligible as provided in division (H) of this section, the 242
surviving spouse or child remaining eligible shall receive the 243
full death benefit amount. 244

(2) (a) If there is a surviving spouse and more than one 245
child, the spouse shall receive an amount each month equal to 246
one-third of the full death benefit amount and the children 247
shall receive an amount, equally divided among them, equal to 248
two-thirds of the full death benefit amount. 249

(b) If a spouse and more than one child each are receiving 250
a death benefit under division (D) (2) (a) of this section and the 251
spouse dies, the children shall receive an amount each month, 252
equally divided among them, equal to the full death benefit 253
amount. 254

(c) If a spouse and more than one child each are receiving 255
a benefit under division (D) (2) (a) of this section and any of 256
the children becomes ineligible to receive a benefit as provided 257
in division (H) of this section, the spouse and remaining 258
eligible child or children shall receive a death benefit as 259
follows: 260

(i) If there are two or more remaining eligible children, 261
the spouse shall receive an amount each month equal to one-third 262
of the full death benefit amount and the children shall receive 263
an amount each month, equally divided among them, equal to two- 264
thirds of the full death benefit amount; 265

(ii) If there is one remaining eligible child, the spouse 266
shall receive an amount each month equal to one-half of the full 267
death benefit amount, and the child shall receive an amount each 268
month equal to one-half of the full death benefit amount. 269

(d) If a spouse and more than one child each are receiving 270
a benefit under division (D) (2) (a) of this section and all of 271
the children become ineligible to receive a benefit as provided 272
in division (H) of this section, the spouse shall receive the 273
full death benefit amount. 274

(3) Notwithstanding divisions (D) (1) and (2) of this 275
section, death benefits paid under this division to a surviving 276
spouse shall terminate on the member's ~~retirement maximum~~ 277
pension eligibility date. Death benefits paid to a surviving 278

child or children shall terminate on the deceased member's 279
~~retirement-maximum pension~~ eligibility date unless earlier 280
terminated pursuant to division (H) of this section. 281

(E) If a member, on or after January 1, 1980, is killed in 282
the line of duty as a firefighter or police officer and is 283
survived by only a parent or parents dependent upon the member 284
for support, the parent or parents shall receive an amount each 285
month equal to the full death benefit amount. If there is more 286
than one surviving parent dependent upon the deceased member for 287
support, the death benefit amount shall be divided equally among 288
the surviving parents. On the death of one of the surviving 289
parents, the full death benefit amount shall be paid to the 290
other parent. 291

(F) (1) The following shall receive a monthly death benefit 292
under this division: 293

(a) A surviving spouse whose benefits are terminated in 294
accordance with division (B) or (D) (3) of this section on the 295
deceased member's ~~retirement-maximum pension~~ eligibility date, 296
or who would qualify for a benefit under division (B) or (D) of 297
this section except that the deceased member reached the 298
member's ~~retirement-maximum pension~~ eligibility date prior to 299
the member's death; 300

(b) A qualified surviving spouse of a deceased member of 301
or contributor to a police or firemen's relief and pension fund 302
established under former Chapter 521. or 741. of the Revised 303
Code who was a firefighter or police officer killed in the line 304
of duty. 305

(2) The monthly death benefit shall be ~~one-half-seventy-~~ 306
five per cent of an amount equal to the monthly salary received 307

by the deceased member prior to the member's death, plus any 308
salary increases the deceased member would have received prior 309
to the member's ~~retirement~~ maximum pension eligibility date. The 310
benefit shall terminate on the surviving spouse's death. ~~A death-~~ 311
~~benefit payable under this division shall be reduced by an-~~ 312
~~amount equal to any allowance or benefit payable to the-~~ 313
~~surviving spouse under section 742.3714 of the Revised Code.~~ 314

(3) A benefit granted to a surviving spouse under division 315
(F) (1) (b) of this section shall commence on the first day of the 316
month immediately following receipt by the board of a completed 317
application on a form provided by the board and any evidence the 318
board may require to establish that the deceased spouse was 319
killed in the line of duty. 320

(G) (1) If there is not a surviving spouse eligible to 321
receive a death benefit under division (F) of this section or 322
the surviving spouse receiving a death benefit under that 323
division dies, a surviving child or children whose benefits 324
under division (C) or (D) of this section are or have been 325
terminated pursuant to division (C) (3) or (D) (3) of this section 326
or who would qualify for a benefit under division (C) or (D) of 327
this section except that the deceased member reached the 328
member's ~~retirement~~ maximum pension eligibility date prior to 329
the member's death shall receive a monthly death benefit under 330
this division. The monthly death benefit shall be ~~one-half-~~ 331
seventy-five per cent of an amount equal to the monthly salary 332
received by the deceased member prior to the member's death, 333
plus any salary increases the member would have received prior 334
to the member's ~~retirement~~ maximum pension eligibility date. If 335
there is more than one surviving child, the benefit shall be 336
divided equally among the surviving children. 337

(2) If two or more surviving children each are receiving a 338
benefit under this division and any of those children becomes 339
ineligible to continue receiving a benefit as provided in 340
division (H) of this section, the remaining eligible child or 341
children shall receive an amount equal to ~~one-half~~ seventy-five 342
per cent of the monthly salary received by the deceased member 343
prior to death, plus any salary increases the deceased member 344
would have received prior to the ~~retirement~~ member's maximum 345
pension eligibility date. If there is more than one remaining 346
eligible child, the benefit shall be divided equally among the 347
eligible children. 348

~~(3) A death benefit, or portion of a death benefit, 349
payable to a surviving child under this division shall be 350
reduced by an amount equal to any allowance or benefit payable 351
to that child under section 742.3714 of the Revised Code, but 352
the reduction in that child's benefit shall not affect the 353
amount payable to any other surviving child entitled to a 354
portion of the death benefit. 355~~

(H) (1) Except as provided in division (H) (3) of this 356
section, before January 1, 2017, a death benefit paid to a 357
surviving child under division (C), (D), or (G) of this section 358
shall terminate on the earlier of the death of the child or the 359
child attaining age eighteen, unless the child is unmarried, 360
under age twenty-two, and is attending an institution of 361
learning or training pursuant to a program designed to complete 362
in each school year the equivalent of at least two-thirds of the 363
full-time curriculum requirements of the institution, as 364
determined by the trustees of the fund. 365

(2) Except as provided in division (H) (3) of this section, 366
effective January 1, 2017, a death benefit paid to a surviving 367

child under division (C), (D), or (G) of this section shall 368
terminate on the earlier of the death of the child, the child 369
attaining twenty-two years of age, or marriage. 370

Benefits to a surviving child who is at least eighteen 371
years of age but under twenty-two years of age that under a 372
former version of this section never commenced or were 373
terminated due to a lack of attendance at an institution of 374
learning or training and not commenced or resumed before January 375
1, 2017, shall commence or resume on the first day of the month 376
immediately following receipt by the board of an application on 377
a form provided by the board if the application is received on 378
or before December 31, 2017. These benefits terminate on the 379
child attaining twenty-two years of age. 380

(3) If, regardless of age, a surviving child who at the 381
time of the member's death because of physical or mental 382
disability is totally dependent upon the deceased member for 383
support at the time of death, the death benefit shall terminate 384
on the child's death or when the child has recovered from the 385
disability. 386

(I) Acceptance of any death benefit under this section 387
does not prohibit a spouse or child from receiving other 388
benefits provided under the Ohio police and fire pension fund, 389
the state highway patrol retirement system, the public employees 390
retirement system, or a retirement system operated by a 391
municipal corporation. 392

(J) No person shall receive a benefit under this section 393
if any of the following occur: 394

~~(1) The person fails to exercise the right to a monthly 395
survivor benefit under division (A) or (B) of section 145.45, 396~~

~~division (D), (E), or (F) of section 742.37, or division (A)(3),
(4), or (6) of section 5505.17 of the Revised Code; to a monthly
survivor benefit from a retirement system operated by a
municipal corporation; or to a retirement allowance under
section 742.3714 of the Revised Code.~~

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

~~(3)~~(2) In the case of a full-time park district ranger or
patrol trooper, a full-time law enforcement officer of the
department of natural resources, a full-time law enforcement
officer of parks, waterway lands, or reservoir lands under the
control of a municipal corporation, a full-time law enforcement
officer of a conservancy district, a correction officer at an
institution under the control of a county, group of counties, or
municipal corporation, or a member of a retirement system
operated by a municipal corporation who at the time of the
member's death was a full-time law enforcement officer of parks,
waterway lands, or reservoir lands under the control of the
municipal corporation, the member died prior to April 9, 1981,
in the case of a benefit under division (B), (C), or (D) of this
section, or prior to January 1, 1980, in the case of a benefit
under division (E) of this section.

~~(4)~~(3) In the case of a full-time department of public
safety enforcement agent who prior to June 30, 1999, was a
liquor control investigator of the department of public safety,
the member died prior to December 23, 1986;

~~(5)~~(4) In the case of a full-time department of public

safety enforcement agent other than an enforcement agent who, 427
prior to June 30, 1999, was a liquor control investigator, the 428
member died prior to June 30, 1999. 429

(K) A surviving spouse whose benefit was terminated prior 430
to June 30, 1999, due to remarriage shall receive a benefit 431
under division (B), (D), or (F) of this section beginning on the 432
first day of the month following receipt by the board of an 433
application on a form provided by the board. The benefit amount 434
shall be determined as of that date. 435

(1) If the benefit will begin prior to the deceased 436
member's ~~retirement~~maximum pension eligibility date, it shall 437
be paid under division (B) or (D) of this section and shall 438
terminate as provided in those divisions. A benefit paid to a 439
surviving spouse under division (D) of this section shall be 440
determined in accordance with that division, even if benefits 441
paid to surviving children are reduced as a result. 442

(2) If the benefit will begin on or after the deceased 443
member's ~~retirement~~maximum pension eligibility date, it shall 444
be paid under division (F) of this section and shall terminate 445
as provided in that division. A benefit paid to a surviving 446
spouse under division (F) of this section shall be determined in 447
accordance with that division, even if benefits paid to 448
surviving children are terminated as a result. 449

(L) (1) If both of the following apply, death benefit 450
payments to a surviving spouse or surviving child under division 451
(B) or (C) of this section that under a former version of this 452
section terminated before the effective date of this amendment 453
shall resume in accordance with division (L) (2) of this section: 454

(a) Death benefit payments under the applicable division 455

terminated on the deceased member's retirement eligibility date 456
under division (B), (C), or (D) (3) of this section as it existed 457
at the time of the benefit termination; 458

(b) The deceased member's maximum pension eligibility date 459
is after the effective date of this amendment. 460

(2) A surviving spouse or surviving child's death benefit 461
payment that resumes under division (L) of this section shall be 462
paid as provided in division (B) or (C) of this section, as 463
applicable. The benefit shall continue until the deceased 464
member's maximum pension eligibility date, at which time the 465
benefit shall terminate. 466

A surviving spouse or surviving child is not entitled to 467
any additional payment under this division for the time between 468
the deceased member's retirement eligibility date under a former 469
version of this section and the effective date of this 470
amendment. 471

(3) Any monthly death benefit a surviving spouse or 472
surviving child receives under division (F) of this section 473
ceases during the time that the spouse or child receives benefit 474
payments under division (L) (2) of this section. The monthly 475
death benefit payable under division (F) of this section shall 476
resume following the deceased member's maximum pension 477
eligibility date in the manner specified in that division. 478

Section 2. That existing section 742.63 of the Revised 479
Code is hereby repealed. 480

Section 3. Section 742.63 of the Revised Code is presented 481
in this act as a composite of the section as amended by both Am. 482
Sub. H.B. 520 and Sub. S.B. 293 of the 131st General Assembly. 483
The General Assembly, applying the principle stated in division 484

(B) of section 1.52 of the Revised Code that amendments are to	485
be harmonized if reasonably capable of simultaneous operation,	486
finds that the composite is the resulting version of the section	487
in effect prior to the effective date of the section as	488
presented in this act.	489