Am. H. B. 1010
136 O.L.

See also: 145.45
Am Sub HB 268 in
136 O.L.

Pg 1091

Sec. 145.45. In lieu of accepting the payment of the accumulated account of a member who dies before service retirement, a beneficiary, as determined in section 145.43 or this section of the Revised Code, may elect to forfeit the accumulated contributions and to substitute certain other benefits under division (A) or (B) of this section, EXCEPT THAT NO PERSON RECEIVING A BENEFIT UNDER SECTION 742.63 OF THE REVISED CODE SHALL AT THE SAME TIME RECEIVE EITHER THE ACCUMULATED CONTRIBUTION OR THE BENEFITS UNDER DIVISION (A) OR (B) OF THIS SECTION.

(A) If a deceased member was eligible for a service retirement benefit as provided in section 145.33 or 145.34 of the Revised Code, a surviving spouse or other sole dependent beneficiary may elect to receive a monthly benefit computed as the joint-survivor benefit designated as option 1 in section 145.46 of the Revised Code, which the member would have received had he retired on 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 a deceased member had completed at least one and one-half years of credit for Ohio service, with at least one-quarter year of Ohio contributing service credit within the two and one-half years prior to the date of death, or was receiving at the time of death a disability retirement benefit as provided in section 145.36 of the Revised Code, certain designated beneficiaries may elect to receive monthly benefits as provided in divisions (B) (1) and (B) (5) of this section.

(1)

Number of Qualified dependents affecting the benefit	Annual Benefit as a Per Cent of Decedent's Final Average Salary	Or Monthly Benefit shall not be less than
1	25%	$ 96
2	40	186
3	50	236
4	55	236
5 or more	60	236

(2) Benefits shall begin as qualified dependents meet eligibility requirements as follows:

(a) Spouse of the deceased member, who is age sixty-two, or age fifty if the deceased member had ten or more years of Ohio service credit, or regardless of age if caring for a dependent child, or regardless of age if adjudged physically or mentally incompetent.

(b) Dependent child shall be any unmarried child of the deceased member under age eighteen, or under age twenty-two if the child is attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of such institution and as further determined by board policy, or regardless of age if adjudged physically or mentally incompetent. If not domiciled in the deceased member's household at time of death, to qualify as a dependent child the deceased member must have contributed to one-half or more of the child's support during the twelve-month period prior to death. "Child" as used in this section includes a legally adopted child. If a court hearing for an interlocutory decree for adoption has been held prior to the time of the member's death, the beneficiary shall qualify for the monthly benefit notwithstanding the fact that the final decree of adoption, adjudging the surviving spouse as the adoptive parent, is made subsequent to the death of the member.

(c) A dependent parent aged sixty-five or more who received at least one-half of his support from the member during the twelve-month period immediately preceding the member's death.

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

(4) Benefits to a qualified dependent shall terminate upon marriage, remarriage, abandoment, adoption, or during active military service. Benefits shall begin or resume on the first of the month following the attainment of eligibility and shall terminate on the first of the month following loss of eligibility.

(5) Benefits to a qualified spouse shall be paid in the amount determined for the first qualifying dependent in division (B) (1) of this section, but shall not be less than one hundred six dollars per month if deceased member had ten or more years of Ohio service credit. All other qualifying dependents shall share equally in the benefit or remaining portion thereof.

(6) The beneficiary of a member who is also a member of the state teachers retirement system or of the public school employees retirement system, must forfeit the member's accumulated contributions in those systems and in the public employees retirement system, if he elects to receive a survivor benefit. Such benefit shall be exclusively governed by section 145.37 of the Revised Code.

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

Editorial Statement of the Legislative Service Comm.

Sections 145.45, 742.37, and 5505.17 of the Revised Code are amended by this act and also by Am. Sub. H. B. 268 of the 111th General Assembly. Comparison of these amendments in pursuance of section 1.52 of the Revised Code discloses that they are not irreconcilable, so that they are required by that section to be harmonized to give effect to each amendment.

Effective Aug. 27, 1976