

Sec. 742.63. The board of trustees of the police and firemen's disability and pension fund shall adopt rules for the management of the firemen and policemen's death benefit fund and for disbursements of benefits as set forth in this section.

(A) As used in this section:

(1) "Member" means a member of the police and firemen's disability and pension fund or the state highway patrol retirement system, or a member of the public employees retirement system who at the time of his death was a county sheriff or deputy sheriff, a full-time regular police officer in a municipal corporation or township, a full-time regular fireman employed by the state, an instrumentality of the state, a municipal corporation, A township, A joint fire district, or ~~other~~ ANOTHER political subdivision, a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time liquor control investigator of the enforcement division or the intelligence division of the department of liquor control, 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, A group of counties, A municipal corporation, or the department of rehabilitation and correction, a state university law enforcement officer, or a member of a retirement system operated by a municipal corporation who at the time of his death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.

(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, the security force of liquor control investigators of the enforcement division and the intelligence division of the department of liquor control, 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 police force of a state university.

(3) "Fireman or policeman" includes a state highway patrol trooper, a county sheriff or deputy sheriff, 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, a policeman employed by a township or municipal corporation, a fireman employed by the state, an instrumentality of the state, a municipal corporation, A township, A joint fire district, or ~~other~~ ANOTHER political subdivision, a full-time park district ranger or patrolman, a full-time law enforcement officer of the department of natural resources, a full-time liquor control investigator of

the enforcement division or the intelligence division of the department of liquor control, 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, and a state university law enforcement officer.

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

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

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

(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.

(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.

(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 ~~game protector~~ 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, ~~or~~ AND a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had he lived, for the retirement pension provided under section 145.33, 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.

(B) A spouse of a deceased member shall receive a death benefit each month equal to the full monthly salary received by the deceased member prior to the member's 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, and ~~shall~~ also SHALL receive any increases in salary ~~which~~ THAT would have been granted to the deceased, provided THAT the deceased member was a fireman or policeman killed in the line of duty or who died of injuries sustained in the line of duty. The spouse of such a deceased member shall receive this benefit during the spouse's natural life, until the earlier of the deceased member's retirement eligibility date or the spouse's remarriage, on which date the benefit provided under this division shall terminate.

(C)(1) If a member dies in the line of duty as a fireman or policeman or from injuries sustained in the line of duty as a fireman or policeman including heart attacks or other fatal injuries or illnesses caused while in the line of duty, and is survived only by child or children, the

children shall receive a benefit each month equal to the full monthly salary received by the deceased member prior to the member's death minus an amount equal to the benefit or benefits received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit or benefits received from a retirement system operated by a municipal corporation; and ~~shall~~ also SHALL receive any increases in salary which would have been granted to the deceased. If there is more than one surviving child, ~~then~~ the benefit shall be divided equally among these children. When the child reaches the age of eighteen, the benefit shall terminate; unless ~~such~~ THE child, because of physical or mental disability, is unable to support himself, ~~then~~ IN WHICH CASE THE BENEFIT SHALL CONTINUE until ~~such~~ THE disability is removed. Benefits under this division, however, shall continue to be paid to an unmarried child under age twenty-two who is a student in and 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~~ THE institution, as determined by the ~~pension~~ board OF TRUSTEES OF THE FUND.

(2) Notwithstanding division (C)(1) of this section, all death benefits paid under this division shall terminate on the deceased member's retirement eligibility date.

(D) If a member dies in the line of duty as a fireman or policeman or from injuries sustained in the line of duty as a fireman or policeman, and is survived by both a spouse and a child or children, then the monthly benefit provided shall be as follows:

(1) If there is a surviving spouse and one surviving child, then the spouse receives an amount equal to one-half of the full monthly salary received by the deceased member prior to the member's death, plus any increases in the salary which would have been granted to the deceased, 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, and the child receives an amount equal to one-half of the full monthly salary received by the deceased member prior to the member's death, plus any increases in salary which would have been granted to the deceased, 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.

(2) If there is a surviving spouse and more than one child, then the spouse receives an amount equal to one-third of the full monthly salary received by the deceased member prior to the member's death, plus any increases in salary which would have been granted to the deceased, 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, and the children receive a benefit, which is equally divided among them, equal to two-thirds of the full monthly salary received by the deceased member prior to the member's death, plus any increases in salary which would have been granted to the deceased, minus an amount equal to the benefits received

under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefits received from a retirement system operated by a municipal corporation.

(3) Notwithstanding divisions (D)(1) and (2) of this section, death benefits paid under this division to a surviving spouse shall terminate at the earlier of the member's retirement eligibility date or the spouse's remarriage. Death benefits paid to a surviving child or children shall terminate on the deceased member's retirement eligibility date unless earlier terminated pursuant to division (C) of this section.

(E) If a member dies on or after January 1, 1980, in the line of duty as a fireman or policeman or from injury sustained in the line of duty as a fireman or policeman, including heart attacks or other fatal injuries or illnesses caused while in the line of duty, and is survived ~~only~~ by ONLY a parent or parents dependent upon him for support, then the parent or parents shall receive a benefit each month equal to the full monthly salary received by the deceased member prior to the member's death minus an amount equal to the benefit or benefits received under section 145.45, 742.37, or 5505.17 of the Revised Code or the benefit or benefits received from a retirement system operated by a municipal corporation, and ~~shall~~ also SHALL receive any increases in salary which would have been granted to the deceased. If there is more than one surviving parent dependent upon the deceased member for support, then the benefit shall be divided equally among the surviving parents.

(F) A surviving spouse whose benefits are terminated in accordance with division (B) or (D)(3) of this section on the deceased member's retirement eligibility date, or who would qualify for a benefit under division (B) or (D) of this section except that the deceased member reached his retirement eligibility date prior to his death, shall receive a monthly death benefit under this division. The monthly death benefit shall be one-half of an amount equal to the monthly salary received by the deceased member prior to his death plus any increases in salary he would have received prior to his retirement eligibility date. The benefit shall terminate on the surviving spouse's remarriage. A death benefit payable under this division shall be reduced by an amount equal to any allowance or benefit payable to the surviving spouse under section 742.3714 of the Revised Code.

(G) If a deceased member did not have a surviving spouse or the surviving spouse is deceased, a surviving child or children whose benefits under division (C) or (D) of this section are terminated pursuant to division (C)(2) or (D)(3) of this section, or who would qualify for a benefit under division (C) or (D) of this section except that the deceased member reached his retirement eligibility date prior to his death, shall receive a monthly death benefit under this division. The monthly death benefit shall be one-half of an amount equal to the monthly salary received by the deceased member prior to his death plus any increases in salary he would have received prior to his retirement eligibility date. If there is more than one surviving child, the benefit shall be divided equally among the surviving children. When a child reaches the age of eighteen the portion of the benefit payable to that child shall terminate, unless EITHER OF THE FOLLOWING APPLIES:

(1) ~~Such~~ THE child, because of a physical or mental disability, is unable to support himself, in which case the benefit shall continue until ~~such~~ THE disability is removed.

(2) ~~Such~~ THE child is an unmarried child under age twenty-two and a student in and 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~~ THE institution, as determined by the board of trustees of the fund.

A death benefit, or portion of a death benefit, payable to a surviving child under this division shall be reduced by an amount equal to any allowance or benefit payable to that child under section 742.3714 of the Revised Code, but ~~such~~ THE reduction in that child's benefit shall not affect the amount payable to any other surviving child entitled to a portion of the death benefit.

(H) The termination, or reduction in amount of, any survivor's portion of a death benefit that has been divided among two or more survivors pursuant to division (C), (D), or (G) of this section shall not affect the amount payable to the other survivors entitled to a portion of the death benefit.

(I) Acceptance of any death benefit under this section does not prohibit a spouse or child from receiving other benefits provided under the police and firemen's disability and pension fund, the state highway patrol retirement system, the public employees retirement system, or a retirement system operated by a municipal corporation.

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

(1) The person fails to exercise the right to a monthly survivor benefit under division (A) or (B) of section 145.45, division (D), (E), or (F) of section 742.37, or division (A)(3), (4), or (7) 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., ~~742.~~, 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) In the case of a full-time park district ranger or patrolman, 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 his 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) In the case of a full-time liquor control investigator of the enforcement division or the intelligence division of the department of liquor control, the member died prior to December 23, 1986.

Sec. 955.51. (A) Any owner of horses, sheep, cattle, swine, mules, goats, domestic rabbits, or domestic fowl or poultry that have an aggregate fair market value of ten dollars or more and that have been injured or killed by a coyote shall notify the dog warden within three days after the loss or injury has been discovered. The dog warden PROMPTLY shall investigate the loss or injury promptly, and shall determine whether or not the loss or injury was made by a coyote. If the dog warden finds that the loss or injury was not made by a coyote, the owner has no claim under sections 955.51 to 955.53 of the Revised Code. If the dog warden finds that the loss or injury was made by a coyote, he shall promptly SHALL notify the ~~game protector~~ WILDLIFE OFFICER of that finding. The ~~game protector shall~~ WILDLIFE OFFICER then SHALL confirm THE FINDING, disaffirm IT, or state that he is uncertain about ~~such~~ THE finding. If the ~~game protector~~ WILDLIFE OFFICER affirms the finding of the dog warden or states that he is uncertain about that finding, the owner may proceed with his claim under sections 955.51 to 955.53 of the Revised Code, and the dog warden shall provide the owner with duplicate copies of the claim form provided for in section 955.53 of the Revised Code and assist him in filling it out. The owner shall set forth the kind, grade, quality, and what he has determined is the fair market value of the animals, fowl, or poultry, the nature and amount of the loss or injury, the place where the loss or injury occurred, and all other pertinent facts in the possession of the claimant. If the animals, fowl, or poultry die as a result of their injuries, their fair market value is the market value of uninjured animals, fowl, or poultry on the date of the death of the injured animals, fowl, or poultry. If the animals, fowl, or poultry do not die as a result of their injuries, their fair market value is their market value on the date on which they received their injuries.

(B) If the dog warden finds all the statements that the owner made on the form to be correct and agrees with the owner as to the fair market value of the animals, fowl, or poultry, he shall promptly SHALL so certify and send both copies of the form, together with whatever other documents, testimony, or information he has received relating to the loss or injury, to the department of agriculture.

(C) If the dog warden does not find all the statements to be correct or does not agree with the owner as to the fair market value, the owner may appeal to the department of agriculture for a determination of his claim. In that case the owner shall secure statements as to the nature and amount of the loss or injury from at least two witnesses who viewed the results of the killing or injury and who can testify about the results, and SHALL submit both copies of the form to the department no later than twenty days after the loss or injury was discovered. The dog warden shall submit to the department whatever documents, testimony, and other information he has received relating to the loss or injury. The department shall receive any