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Amendment G-135-0710-2

October 9, 2025

Staff Recommendation

Staff Contact
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Summary of G-135-0710-2

G-135-0710-2 is a generic amendment changing certain surviving spouse and survivor child benefits in the State Highway Patrol Retirement System (HPRS).

The amendment would remove the ability of future spouses of members who retired prior to May 11, 2018, to be eligible for a 50% surviving spouse benefit. This would standardize a prior surviving spouse change that the ORSC approved in its recommendation of H.B. 362 of the 132nd General Assembly.

For child survivor benefits, the amendment would:

- 1) Increase the child survivor pension amount from \$150 to \$225 per month;
- 2) Provide for an annual increase of pension amount of \$5 per month; and
- 3) Provide survivor benefits until age 19 (rather than 18), regardless of adoption, marriage, school, etc.).

Surviving Spouse Background: H.B. 362/132nd General Assembly

Prior to H.B. 362 of the 132nd General Assembly, if an HPRS member predeceases a spouse, active or retired, the spouse was eligible to collect the greater of either a survivor benefit of \$900 a month or 50% of the computed monthly pension of the deceased member. If the member had retired, the survivor also received any benefit based on the annuity selected by the deceased member. Because HPRS members often selected the higher single life annuity, the law prior to H.B. 362 allowed members to maximize both their own retirement income and provide a maximum survivor benefit, which was not funded through the normal annuity benefit.

H.B. 362 eliminated the automatic 50% survivor benefit. Retired members continued to have the option to elect a joint survivor annuity (JSA) at retirement to maximize the benefit to a survivor. The ORSC recommended approval for this change as it eliminated a situation in which a survivor benefit did not accurately reflect the actuarial cost.

However, that bill effectively grandfathered *future* spouses of those members who retired prior to May 11, 2018.

ORSC Staff Comments: Surviving Spouse

By grandfathering members who retired prior to the effective date of H.B. 362 (May 11, 2018), the bill inadvertently treated future spouses of members who retired prior to May 11, 2018, differently than future spouses of member who retired after May 11, 2018. The amendment would prospectively treat all future marriages the same, irrespective of when the member retired (i.e., the changes will apply to future marriages and are not retroactive). Consistent with the ORSC's recommendation on H.B. 362,

ORSC staff would recommend approval of the survivor spouse changes.

Background: Child Survivor Benefits

The amendment makes three changes to child survivor benefits:

- 1) Increase the child survivor pension amount from \$150 to \$225 per month;
- 2) Provide for an annual increase of \$5 per month;
- 3) Provides survivor benefits until age 19 (rather than 18), but eliminates benefits to age 23 if the child is attending an institution of learning or training.

The monthly benefit provided to child survivors was last increased in 1996 under H.B. 308 (from \$100 to \$150). The establishment of an annual increase of \$5 per month would eliminate the need to periodically change this amount in the future. While changes to the HPRS child survivor benefit are uncommon, they have been increased in the past. The last increase was approximately 30 years ago.

Under existing law, the monthly child survivor benefit is available until 18 or, if the child is a student attending an institution of learning or training, 23. Under the amendment, child survivors will receive benefits to age 19, regardless of if they are a student or receiving training. As a result of the amendment, all surviving children will be treated the same. The age at which child survivor benefits cease is not standardized between the systems, but the changes in the amendment are consistent with changes made to the School Employees Retirement System in pension reform (A.M. Sub. S.B. 341 of the 130th General Assembly).

According to HPRS staff, the total impact of the change would be minimal. The net effect of the changes to surviving child benefits would be to increase the monthly cost from \$2,506 to \$3,181.

ORSC Staff Recommendation

ORSC staff recommend that the ORSC recommend that the 136th General Assembly approve G-135-0710-2 for the following reasons:

- 1) Consistent with the ORSC's recommendation in H.B. 362 of the 132nd General Assembly, G-135-0710-2 eliminates a situation in which a spousal survivor benefit did not accurately reflect the actuarial cost.
- 2) An increase of HPRS monthly child survivor benefit from a flat \$150 to \$225 is consistent with a 50% increase made in 1996 (from \$100 to \$150) and an annual \$5 increase may eliminate the need to revisit this amount in the future;
- 3) Consistent with changes made to the law governing SERS under pension

reform, provide child survivor benefits until age 19 (rather than 18), but eliminate the monthly benefits to age 23 if the child is a student attending an institution of learning or training.

Please note the amendment was drafted for the 135th General Assembly and will need to be redrafted for the 136th General Assembly.