

**Rule Summary and Fiscal Analysis (Part A)****Ohio Police and Fire Pension Fund**

Agency Name

Division

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**742-3-23**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Spousal consent/designation of multiple beneficiaries.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB98**General Assembly: **125**Sponsor: **Rep. Willamowski**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **111.15**

4. Statute(s) authorizing agency to adopt the rule: **742.10**

5. Statute(s) the rule, as filed, amplifies or implements: **742.3711**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This new rule is established due to passage of H.B. 98.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

H.B. 98 continues existing law that requires a member who is married at the time of retirement to have a 50% joint and survivor annuity as his or her plan of payment

with the member's spouse designated as beneficiary, unless the spouse consents to another plan of payment or the board waives the consent. The rule clarifies that this consent will not be required if a member is required to elect the multiple beneficiary annuity plan and designate a former spouse as beneficiary pursuant to a court order and the member designates his or her current spouse as a beneficiary of at least a 50% JSA. The rule also clarifies that the consent of member's current spouse will be required for the election of the multiple beneficiary annuity plan (1) when the member is ordered to designate the former spouse as beneficiary, but also designates beneficiaries other than the current spouse under the multiple beneficiary plan; and (2) when the member selects the multiple beneficiary annuity plan of payment, but is not required by court order to do so.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Materials are generally available.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Materials are generally available.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Deleted language that required the current spouse to be designated as a 50% JSA in cases where there are court orders that require the member to name a former spouse as a beneficiary.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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N/A

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

N/A

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**