

4123-21-03.1 Rule to transfer funds from Pneumoconiosis Fund to Mine Safety Fund.

- (A) Pursuant to section 4131.03(B)(2) of the Revised Code, the administrator of workers' compensation may transfer a portion of the investment earnings credited to the coal-workers pneumoconiosis fund to the mine safety fund created in section 1561.24 of the Revised Code for the purposes specified in that section.
- (B) The administrator may transfer a portion of the investment earnings credited to the coal-workers' pneumoconiosis fund to the mine safety fund only if the ratio of net assets to liabilities of the coal-workers' pneumoconiosis fund is greater than or equal to 1.5. If such ratio falls below 1.5, the administrator shall suspend any transfer of investment earnings to the mine safety fund. The administrator may only resume the transfer of funds after the ratio of net assets to liabilities rises above 1.5 and a qualified actuary has determined that this ratio is not likely to fall below 1.5 over an acceptable defined period.
- (C) The administrator may not transfer more than \$5,528,000 to fund the mine safety fund created in section 1561.24 of the Revised Code in the first twelve-month period of the program.
- (D) The administrator shall include a discussion and analysis by a qualified actuary regarding the actuarial soundness in continuing this program as a portion of the reserve audit conducted under section 4123.47 of the Revised Code if either of the following occurs:
 - (1) The ratio of net assets to liabilities of the coal-workers' pneumoconiosis fund falls below 2.0.
 - (2) In the second year of the program or beyond, the total expenses, including this program, incurred by the coal-workers' pneumoconiosis fund exceed seventy per cent of the interest and dividend income of the fund earned over the second twelve-month period from program inception and subsequent twelve-month periods.

Effective Date: 9/22/08