

# As Reported by the House Retirement and Aging Committee

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REPRESENTATIVES Willamowski, Carmichael, Rhine, Hartnett, Allen,  
Redfern, DePiero, Boccieri, Young, Woodard, Lendrum, Manning, Brown,  
Barrett, Key, Schneider, Schuring

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## A B I L L

To amend sections 145.01 and 145.33 of the Revised 1  
Code to include municipal park rangers and township 2  
police cadets in the law enforcement division of 3  
the Public Employees Retirement System (PERS) and 4  
to provide for conversion of regular PERS service 5  
credit to PERS law enforcement service credit by 6  
municipal park rangers and township police cadets. 7

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 145.01 and 145.33 of the Revised 8  
Code be amended to read as follows: 9

**Sec. 145.01.** As used in this chapter: 10

(A) "Public employee" means: 11

(1) Any person holding an office, not elective, under the 12  
state or any county, township, municipal corporation, park 13  
district, conservancy district, sanitary district, health 14  
district, metropolitan housing authority, state retirement board, 15  
Ohio historical society, public library, county law library, union 16  
cemetery, joint hospital, institutional commissary, state 17  
university, or board, bureau, commission, council, committee, 18

authority, or administrative body as the same are, or have been,  
created by action of the general assembly or by the legislative  
authority of any of the units of local government named in  
division (A)(1) of this section, or employed and paid in whole or  
in part by the state or any of the authorities named in division  
(A)(1) of this section in any capacity not covered by section  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

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(2) A person who is a member of the public employees  
retirement system and who continues to perform the same or similar  
duties under the direction of a contractor who has contracted to  
take over what before the date of the contract was a publicly  
operated function. The governmental unit with which the contract  
has been made shall be deemed the employer for the purposes of  
administering this chapter.

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(3) Any person who is an employee of a public employer,  
notwithstanding that the person's compensation for that employment  
is derived from funds of a person or entity other than the  
employer. Credit for such service shall be included as total  
service credit, provided that the employee makes the payments  
required by this chapter, and the employer makes the payments  
required by sections 145.48 and 145.51 of the Revised Code.

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(4) A person who elects in accordance with section 145.015 of  
the Revised Code to remain a contributing member of the public  
employees retirement system.

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In all cases of doubt, the public employees retirement board  
shall determine whether any person is a public employee, and its  
decision is final.

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(B) "Member" means any public employee, other than a public  
employee excluded or exempted from membership in the retirement  
system by section 145.03, 145.031, 145.032, 145.033, 145.034,  
145.035, or 145.38 of the Revised Code. "Member" includes a PERS

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retirant who becomes a member under division (C) of section 145.38  
of the Revised Code. "Member" also includes a disability benefit  
recipient.

(C) "Head of the department" means the elective or appointive  
head of the several executive, judicial, and administrative  
departments, institutions, boards, and commissions of the state  
and local government as the same are created and defined by the  
laws of this state or, in case of a charter government, by that  
charter.

(D) "Employer" or "public employer" means the state or any  
county, township, municipal corporation, park district,  
conservancy district, sanitary district, health district,  
metropolitan housing authority, state retirement board, Ohio  
historical society, public library, county law library, union  
cemetery, joint hospital, institutional commissary, state medical  
college, state university, or board, bureau, commission, council,  
committee, authority, or administrative body as the same are, or  
have been, created by action of the general assembly or by the  
legislative authority of any of the units of local government  
named in this division not covered by section 742.01, 3307.01,  
3309.01, or 5505.01 of the Revised Code. In addition, "employer"  
means the employer of any public employee.

(E) "Prior service" means all service as a public employee  
rendered before January 1, 1935, and all service as an employee of  
any employer who comes within the state teachers retirement system  
or of the school employees retirement system or of any other  
retirement system established under the laws of this state  
rendered prior to January 1, 1935, provided that if the employee  
claiming the service was employed in any capacity covered by that  
other system after that other system was established, credit for  
the service may be allowed by the public employees retirement  
system only when the employee has made payment, to be computed on

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the salary earned from the date of appointment to the date  
membership was established in the public employees retirement  
system, at the rate in effect at the time of payment, and the  
employer has made payment of the corresponding full liability as  
provided by section 145.44 of the Revised Code. "Prior service"  
also means all service credited for active duty with the armed  
forces of the United States as provided in section 145.30 of the  
Revised Code.

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If an employee who has been granted prior service credit by  
the public employees retirement system for service rendered prior  
to January 1, 1935, as an employee of a board of education  
establishes, before retirement, one year or more of contributing  
service in the state teachers retirement system or school  
employees retirement system, then the prior service ceases to be  
the liability of this system.

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If the board determines that a position of any member in any  
calendar year prior to January 1, 1935, was a part-time position,  
the board shall determine what fractional part of a year's credit  
shall be allowed by the following formula:

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(1) When the member has been either elected or appointed to  
an office the term of which was two or more years and for which an  
annual salary is established, the fractional part of the year's  
credit shall be computed as follows:

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First, when the member's annual salary is one thousand  
dollars or less, the service credit for each such calendar year  
shall be forty per cent of a year.

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Second, for each full one hundred dollars of annual salary  
above one thousand dollars, the member's service credit for each  
such calendar year shall be increased by two and one-half per  
cent.

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(2) When the member is paid on a per diem basis, the service

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credit for any single year of the service shall be determined by 113  
using the number of days of service for which the compensation was 114  
received in any such year as a numerator and using two hundred 115  
fifty days as a denominator. 116

(3) When the member is paid on an hourly basis, the service 117  
credit for any single year of the service shall be determined by 118  
using the number of hours of service for which the compensation 119  
was received in any such year as a numerator and using two 120  
thousand hours as a denominator. 121

(F) "Contributor" means any person who has an account in the 122  
employees' savings fund created by section 145.23 of the Revised 123  
Code. When used in the sections listed in division (B) of section 124  
145.82 of the Revised Code, "contributor" includes any person 125  
participating in a plan established under section 145.81 of the 126  
Revised Code. 127

(G) "Beneficiary" or "beneficiaries" means the estate or a 128  
person or persons who, as the result of the death of a member, 129  
contributor, or retirant, qualify for or are receiving some right 130  
or benefit under this chapter. 131

(H)(1) "Total service credit," except as provided in section 132  
145.37 of the Revised Code, means all service credited to a member 133  
of the retirement system since last becoming a member, including 134  
restored service credit as provided by section 145.31 of the 135  
Revised Code; credit purchased under sections 145.293 and 145.299 136  
of the Revised Code; all the member's prior service credit; all 137  
the member's military service credit computed as provided in this 138  
chapter; all service credit established pursuant to section 139  
145.297 of the Revised Code; and any other service credited under 140  
this chapter. In addition, "total service credit" includes any 141  
period, not in excess of three years, during which a member was 142  
out of service and receiving benefits under Chapters 4121. and 143  
4123. of the Revised Code. For the exclusive purpose of satisfying 144

the service credit requirement and of determining eligibility for 145  
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 146  
and 145.361 of the Revised Code, "five or more years of total 147  
service credit" means sixty or more calendar months of 148  
contributing service in this system. 149

(2) "One and one-half years of contributing service credit," 150  
as used in division (B) of section 145.45 of the Revised Code, 151  
also means eighteen or more calendar months of employment by a 152  
municipal corporation that formerly operated its own retirement 153  
plan for its employees or a part of its employees, provided that 154  
all employees of that municipal retirement plan who have eighteen 155  
or more months of such employment, upon establishing membership in 156  
the public employees retirement system, shall make a payment of 157  
the contributions they would have paid had they been members of 158  
this system for the eighteen months of employment preceding the 159  
date membership was established. When that payment has been made 160  
by all such employee members, a corresponding payment shall be 161  
paid into the employers' accumulation fund by that municipal 162  
corporation as the employer of the employees. 163

(3) Where a member also is a member of the state teachers 164  
retirement system or the school employees retirement system, or 165  
both, except in cases of retirement on a combined basis pursuant 166  
to section 145.37 of the Revised Code or as provided in section 167  
145.383 of the Revised Code, service credit for any period shall 168  
be credited on the basis of the ratio that contributions to the 169  
public employees retirement system bear to total contributions in 170  
all state retirement systems. 171

(4) Not more than one year of credit may be given for any 172  
period of twelve months. 173

(5) "Ohio service credit" means credit for service that was 174  
rendered to the state or any of its political subdivisions or any 175  
employer. 176

(I) "Regular interest" means interest at any rates for the 177  
respective funds and accounts as the public employees retirement 178  
board may determine from time to time. 179

(J) "Accumulated contributions" means the sum of all amounts 180  
credited to a contributor's individual account in the employees' 181  
savings fund together with any interest credited to the 182  
contributor's account under section 145.471 or 145.472 of the 183  
Revised Code. 184

(K)(1) "Final average salary" means the quotient obtained by 185  
dividing by three the sum of the three full calendar years of 186  
contributing service in which the member's earnable salary was 187  
highest, except that if the member has a partial year of 188  
contributing service in the year the member's employment 189  
terminates and the member's earnable salary for the partial year 190  
is higher than for any comparable period in the three years, the 191  
member's earnable salary for the partial year shall be substituted 192  
for the member's earnable salary for the comparable period during 193  
the three years in which the member's earnable salary was lowest. 194

(2) If a member has less than three years of contributing 195  
service, the member's final average salary shall be the member's 196  
total earnable salary divided by the total number of years, 197  
including any fraction of a year, of the member's contributing 198  
service. 199

(3) For the purpose of calculating benefits payable to a 200  
member qualifying for service credit under division (Z) of this 201  
section, "final average salary" means the total earnable salary on 202  
which contributions were made divided by the total number of years 203  
during which contributions were made, including any fraction of a 204  
year. If contributions were made for less than twelve months, 205  
"final average salary" means the member's total earnable salary. 206

(L) "Annuity" means payments for life derived from 207

contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant as provided in this chapter.

(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.

(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for full maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	269 270 271 272 273
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	274 275 276 277 278
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	279 280 281 282
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	283 284 285
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	286 287 288 289
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	290 291 292 293 294
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general	295 296 297 298 299

assembly; 300

(h) Anything of value received by the contributor that is 301  
based on or attributable to retirement or an agreement to retire, 302  
except that payments made on or before January 1, 1989, that are 303  
based on or attributable to an agreement to retire shall be 304  
included in earnable salary if both of the following apply: 305

(i) The payments are made in accordance with contract 306  
provisions that were in effect prior to January 1, 1986; 307

(ii) The employer pays the retirement system an amount 308  
specified by the retirement board equal to the additional 309  
liability resulting from the payments. 310

(3) The retirement board shall determine by rule whether any 311  
compensation not enumerated in division (R) of this section is 312  
earnable salary, and its decision shall be final. 313

(S) "Pension reserve" means the present value, computed upon 314  
the basis of the mortality and other tables adopted by the board, 315  
of all payments to be made on account of any retirement allowance 316  
or benefit in lieu of any retirement allowance, granted to a 317  
member or beneficiary under this chapter. 318

(T)(1) "Contributing service" means all service credited to a 319  
member of the system since January 1, 1935, for which 320  
contributions are made as required by sections 145.47, 145.48, and 321  
145.483 of the Revised Code. In any year subsequent to 1934, 322  
credit for any service shall be allowed by the following formula: 323

(a) For each month for which the member's earnable salary is 324  
two hundred fifty dollars or more, allow one month's credit. 325

(b) For each month for which the member's earnable salary is 326  
less than two hundred fifty dollars, allow a fraction of a month's 327  
credit. The numerator of this fraction shall be the earnable 328  
salary during the month, and the denominator shall be two hundred 329

fifty dollars, except that if the member's annual earnable salary is less than six hundred dollars, the member's credit shall not be reduced below twenty per cent of a year for a calendar year of employment during which the member worked each month. Division (T)(1)(b) of this section shall not reduce any credit earned before January 1, 1985.

(2) Notwithstanding division (T)(1) of this section, an elected official who prior to January 1, 1980, was granted a full year of credit for each year of service as an elected official shall be considered to have earned a full year of credit for each year of service regardless of whether the service was full-time or part-time. The public employees retirement board has no authority to reduce the credit.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.34, and 145.46 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) When a member has been elected or appointed to an office, the term of which is two or more years, for which an annual salary is established, and in the event that the salary of the office is increased and the member is denied the additional salary by reason of any constitutional provision prohibiting an increase in salary during a term of office, the member may elect to have the amount

of the member's contributions calculated upon the basis of the  
increased salary for the office. At the member's request, the  
board shall compute the total additional amount the member would  
have contributed, or the amount by which each of the member's  
contributions would have increased, had the member received the  
increased salary for the office the member holds. If the member  
elects to have the amount by which the member's contribution would  
have increased withheld from the member's salary, the member shall  
notify the employer, and the employer shall make the withholding  
and transmit it to the retirement system. A member who has not  
elected to have that amount withheld may elect at any time to make  
a payment to the retirement system equal to the additional amount  
the member's contribution would have increased, plus interest on  
that contribution, compounded annually at a rate established by  
the board and computed from the date on which the last  
contribution would have been withheld from the member's salary to  
the date of payment. A member may make a payment for part of the  
period for which the increased contribution was not withheld, in  
which case the interest shall be computed from the date the last  
contribution would have been withheld for the period for which the  
payment is made. Upon the payment of the increased contributions  
as provided in this division, the increased annual salary as  
provided by law for the office for the period for which the member  
paid increased contributions thereon shall be used in determining  
the member's earnable salary for the purpose of computing the  
member's final average salary.

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(Z) "Five years of service credit," for the exclusive purpose  
of satisfying the service credit requirements and of determining  
eligibility for benefits under section 145.33 of the Revised Code,  
means employment covered under this chapter or under a former  
retirement plan operated, recognized, or endorsed by the employer  
prior to coverage under this chapter or under a combination of the

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coverage.

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(AA) "Deputy sheriff" means any person who is commissioned  
and employed as a full-time peace officer by the sheriff of any  
county, and has been so employed since on or before December 31,  
1965, and whose primary duties are to preserve the peace, to  
protect life and property, and to enforce the laws of this state;  
any person who is or has been commissioned and employed as a peace  
officer by the sheriff of any county since January 1, 1966, and  
who has received a certificate attesting to the person's  
satisfactory completion of the peace officer training school as  
required by section 109.77 of the Revised Code and whose primary  
duties are to preserve the peace, protect life and property, and  
enforce the laws of this state; or any person deputized by the  
sheriff of any county and employed pursuant to section 2301.12 of  
the Revised Code as a criminal bailiff or court constable who has  
received a certificate attesting to the person's satisfactory  
completion of the peace officer training school as required by  
section 109.77 of the Revised Code and whose primary duties are to  
preserve the peace, protect life and property, and enforce the  
laws of this state.

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(BB) "Township constable or police officer in a township  
police department or district" means any person who is  
commissioned either of the following:

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(1) Commissioned and employed as a full-time peace officer  
pursuant to Chapter 505. or 509. of the Revised Code, who has  
received a certificate attesting to the person's satisfactory  
completion of the peace officer training school as required by  
section 109.77 of the Revised Code, and whose primary duties are  
to preserve the peace, protect life and property, and enforce the  
laws of this state;

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(2) Employed by a township and participating as a cadet in  
the township's police cadet program, including persons so employed

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on the effective date of this amendment.

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(CC) "Drug agent" means any person who is either of the following:

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(1) Employed full-time as a narcotics agent by a county narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

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(2) Employed full-time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

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(DD) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code.

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(EE) "Natural resources law enforcement staff officer" means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

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(FF) "Park officer" means a full-time employee of the department of natural resources who is designated a park officer under section 1541.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

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(GG) "Forest officer" means a full-time employee of the department of natural resources who is designated a forest officer under section 1503.29 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

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(HH) "Preserve officer" means a full-time employee of the

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department of natural resources who is designated a preserve  
officer under section 1517.10 of the Revised Code and is in  
compliance with section 109.77 of the Revised Code.

(II) "Wildlife officer" means a full-time employee of the  
department of natural resources who is designated a wildlife  
officer under section 1531.13 of the Revised Code and is in  
compliance with section 109.77 of the Revised Code.

(JJ) "State watercraft officer" means a full-time employee of  
the department of natural resources who is designated a state  
watercraft officer under section 1547.521 of the Revised Code and  
is in compliance with section 109.77 of the Revised Code.

(KK) "Park district police officer" means a full-time  
employee of a park district who is designated pursuant to section  
511.232 or 1545.13 of the Revised Code and is in compliance with  
section 109.77 of the Revised Code.

(LL) "Conservancy district officer" means a full-time  
employee of a conservancy district who is designated pursuant to  
section 6101.75 of the Revised Code and is in compliance with  
section 109.77 of the Revised Code.

(MM) "Municipal police officer" means a member of the  
organized police department of a municipal corporation who is  
employed full-time, is in compliance with section 109.77 of the  
Revised Code, and is not a member of the Ohio police and fire  
pension fund.

(NN) "Ohio veterans' home police officer" means any person  
who is employed at the Ohio veterans' home as a police officer  
pursuant to section 5907.02 of the Revised Code and is in  
compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for a mental health institution"  
means any person who is designated as such pursuant to section  
5119.14 of the Revised Code and is in compliance with section

109.77 of the Revised Code. 487

(PP) "Special police officer for an institution for the 488  
mentally retarded and developmentally disabled" means any person 489  
who is designated as such pursuant to section 5123.13 of the 490  
Revised Code and is in compliance with section 109.77 of the 491  
Revised Code. 492

(QQ) "State university law enforcement officer" means any 493  
person who is employed full-time as a state university law 494  
enforcement officer pursuant to section 3345.04 of the Revised 495  
Code and who is in compliance with section 109.77 of the Revised 496  
Code. 497

(RR) "House sergeant at arms" means any person appointed by 498  
the speaker of the house of representatives under division (B)(1) 499  
of section 101.311 of the Revised Code who has arrest authority 500  
under division (E)(1) of that section. 501

(SS) "Assistant house sergeant at arms" means any person 502  
appointed by the house sergeant at arms under division (C)(1) of 503  
section 101.311 of the Revised Code. 504

(TT) "Regional transit authority police officer" means a 505  
person who is employed full time as a regional transit authority 506  
police officer under division (Y) of section 306.35 of the Revised 507  
Code and is in compliance with section 109.77 of the Revised Code. 508

(UU) "State highway patrol police officer" means a special 509  
police officer employed full time and designated by the 510  
superintendent of the state highway patrol pursuant to section 511  
5503.09 of the Revised Code or a person serving full time as a 512  
special police officer pursuant to that section on a permanent 513  
basis on October 21, 1997, who is in compliance with section 514  
109.77 of the Revised Code. 515

(VV) "Municipal park ranger" means a full-time employee of a 516  
municipal corporation who is commissioned to secure the peace and 517

enforce the laws in a municipal park and has been awarded a 518  
certificate attesting to satisfactory completion of an approved 519  
state, county, municipal, or department of natural resources peace 520  
officer basic training program pursuant to Chapter 109. of the 521  
Revised Code. 522

(WW) Notwithstanding section 2901.01 of the Revised Code, 523  
"law enforcement officer" means a sheriff, deputy sheriff, 524  
township constable or police officer in a township police 525  
department or district, drug agent, department of public safety 526  
enforcement agent, natural resources law enforcement staff 527  
officer, park officer, forest officer, preserve officer, wildlife 528  
officer, state watercraft officer, park district police officer, 529  
conservancy district officer, Ohio veterans' home police officer, 530  
special police officer for a mental health institution, special 531  
police officer for an institution for the mentally retarded and 532  
developmentally disabled, state university law enforcement 533  
officer, municipal police officer, municipal park ranger, house 534  
sergeant at arms, assistant house sergeant at arms, regional 535  
transit authority police officer, or state highway patrol police 536  
officer. 537

~~(WW)~~(XX) "Hamilton county municipal court bailiff" means a 538  
person appointed by the clerk of courts of the Hamilton county 539  
municipal court under division (A)(3) of section 1901.32 of the 540  
Revised Code who is employed full time as a bailiff or deputy 541  
bailiff, who has received a certificate attesting to the person's 542  
satisfactory completion of the peace officer basic training 543  
described in division (D)(1) of section 109.77 of the Revised 544  
Code, and whose primary duties are to preserve the peace, to 545  
protect life and property, and to enforce the laws of this state. 546

~~(XX)~~(YY) "Fiduciary" means a person who does any of the 547  
following: 548

(1) Exercises any discretionary authority or control with 549

respect to the management of the system or with respect to the 550  
management or disposition of its assets; 551

(2) Renders investment advice for a fee, direct or indirect, 552  
with respect to money or property of the system; 553

(3) Has any discretionary authority or responsibility in the 554  
administration of the system. 555

~~(YY)~~(ZZ) "Actuary" means an individual who satisfies all of 556  
the following requirements: 557

(1) Is a member of the American academy of actuaries; 558

(2) Is an associate or fellow of the society of actuaries; 559

(3) Has a minimum of five years' experience in providing 560  
actuarial services to public retirement plans. 561

**Sec. 145.33.** (A) Except as provided in division (B) or (C) of 562  
this section, a member with at least five years of total service 563  
credit who has attained age sixty, or who has thirty years of 564  
total Ohio service credit, may apply for age and service 565  
retirement, which shall consist of: 566

(1) An annuity having a reserve equal to the amount of the 567  
member's accumulated contributions at that time; 568

(2) A pension equal to the annuity provided by division 569  
(A)(1) of this section; 570

(3) An additional pension, if the member can qualify for 571  
prior service, equal to forty dollars multiplied by the number of 572  
years, and fraction thereof, of such prior and military service 573  
credit; 574

(4) A basic annual pension equal to one hundred eighty 575  
dollars if the member has ten or more years of total service 576  
credit as of October 1, 1956, except that the basic annual pension 577  
shall not exceed the sum of the annual benefits provided by 578

divisions (A)(1), (2), and (3) of this section. 579

(5) When a member retires on age and service retirement, the 580  
member's total annual single lifetime allowance, including the 581  
allowances provided in divisions (A)(1), (2), (3), and (4) of this 582  
section, shall be not less than a base amount adjusted in 583  
accordance with division (A)(5) of this section and determined by 584  
multiplying the member's total service credit by the greater of 585  
the following: 586

(a) Eighty-six dollars; 587

(b) Two and two-tenths per cent of the member's final average 588  
salary for each of the first thirty years of service plus two and 589  
one-half per cent of the member's final average salary for each 590  
subsequent year of service. 591

The allowance shall be adjusted by the factors of attained 592  
age or years of service to provide the greater amount as 593  
determined by the following schedule: 594

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	598
59		26	80	599
60		27	85	600
61			88	601
		28	90	602
62			91	603
63			94	604
		29	95	605
64			97	606
65		30 or more	100	607

Members shall vest the right to a benefit in accordance with 608  
the following schedule, based on the member's attained age by 609

September 1, 1976:		610
	Percentage	611
Attained	of	612
Birthday	Base Amount	613
66	102	614
67	104	615
68	106	616
69	108	617
70 or more	110	618

(6) The total annual single lifetime allowance that a member shall receive under division (A)(5) of this section shall not exceed the lesser of one hundred per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(B)(1) For the purposes of divisions (B) to ~~(H)~~(G) of this section, "total service credit as a PERS law enforcement officer" and "total service credit as a Hamilton county municipal court bailiff" include credit for military service to the extent permitted by division ~~(F)~~(E)(2) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by divisions ~~(F)~~(E)(3) and (4) of this section, and credit for service as a municipal park ranger or township police cadet to the extent permitted by division (E)(5) of this section.

(2) A member who meets the conditions in division (B)(2)(a), (b), (c), or (d) of this section may apply for an age and service retirement benefit under this division:

(a) The member has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer whose primary duties were to preserve the peace, protect life and property, and enforce the laws in the

member's jurisdiction; 642

(b) The member has attained age fifty-two, and has at least 643  
twenty-five years of total service credit as a PERS law 644  
enforcement officer, but the member's primary duties were other 645  
than to preserve the peace, protect life and property, and enforce 646  
the laws in the member's jurisdiction; 647

(c) The member has attained age fifty-two and has at least 648  
twenty-five years of total service as a Hamilton county municipal 649  
court bailiff; 650

(d) The member has attained age sixty-two and has at least 651  
fifteen years of total service credit as either of the following: 652

(i) A PERS law enforcement officer; 653

(ii) A Hamilton county municipal court bailiff. 654

(3) A benefit paid under division (B)(2) of this section 655  
shall consist of an annual single lifetime allowance equal to the 656  
sum of two and one-half per cent of the member's final average 657  
salary multiplied by the first twenty-five years of the member's 658  
total service plus two and one-tenth per cent of the member's 659  
final average salary multiplied by the number of years of the 660  
member's total service credit in excess of twenty-five years. 661

(4) A member with at least fifteen years of total service 662  
credit as a PERS law enforcement officer or Hamilton county 663  
municipal court bailiff who voluntarily resigns or is discharged 664  
for any reason except death, dishonesty, cowardice, intemperate 665  
habits, or conviction of a felony may apply for an age and service 666  
retirement benefit, which shall consist of an annual single 667  
lifetime allowance equal to one and one-half per cent of the 668  
member's final average salary multiplied by the number of years of 669  
the member's total service credit. The allowance shall commence on 670  
the first day of the calendar month following the month in which 671  
the application is filed with the public employees retirement 672

board on or after the attainment by the applicant of age  
fifty-two.

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(C)(1) A member with at least twenty-five years of total  
service credit who would be eligible to retire under division  
(B)(2)(b) or (c) of this section had the member attained age  
fifty-two and who voluntarily resigns or is discharged for any  
reason except death, dishonesty, cowardice, intemperate habits, or  
conviction of a felony, on or after the date of attaining  
forty-eight years of age, but before the date of attaining  
fifty-two years of age, may elect to receive a reduced benefit as  
determined by the following schedule:

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Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under division (B)(3) of this section
50	86% of the benefit payable under division (B)(3) of this section
51	93% of the benefit payable under division (B)(3) of this section

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(2) If a member elects to receive a reduced benefit after  
attaining age forty-eight the reduced benefit is payable from the  
later of the date of the member's most recent birthday or the date  
the member becomes eligible to receive the reduced benefit.

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(3) Once a member elects to receive a reduced benefit  
determined by the schedule in division (C)(1) of this section and  
has received a payment, the member may not reelect to change that  
election.

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(4) If a member who has resigned or been discharged has left  
on deposit the member's accumulated contributions in the  
employees' savings fund and has not elected to receive a reduced  
benefit determined by the schedule in division (C)(1) of this

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section, upon attaining fifty-two years of age, the member shall 705  
be entitled to receive a benefit computed and paid under division 706  
(B)(3) of this section. 707

(D) A benefit paid under division (B) or (C) of this section 708  
shall not exceed the lesser of ninety per cent of the member's 709  
final average salary or the limit established by section 415 of 710  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 711  
415, as amended. 712

(E)(1) A member with service credit as a PERS law enforcement 713  
officer or a Hamilton county municipal court bailiff and other 714  
service credit under this chapter may elect one of the following: 715  
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(a) To have all the member's service credit under this 717  
chapter, including credit for service as a PERS law enforcement 718  
officer or Hamilton county municipal court bailiff, used in 719  
calculating a retirement allowance under division (A) of this 720  
section if the member qualifies for an allowance under that 721  
division; 722

(b) If the member qualifies for an allowance under division 723  
(B) or (C) of this section, to have the member's service credit as 724  
a PERS law enforcement officer or Hamilton county municipal court 725  
bailiff used in calculating a benefit under the appropriate 726  
division and the member's credit for all service other than PERS 727  
law enforcement service or service as a Hamilton county municipal 728  
court bailiff under this chapter used in calculating a benefit 729  
consisting of a single life annuity having a reserve equal to the 730  
amount of the member's accumulated contributions and an equal 731  
amount of the employer's contributions. 732

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 733  
Code, no more than four years of military service credit granted 734  
under section 145.30 of the Revised Code and five years of 735

military service credit purchased under section 145.301 or 145.302 736  
of the Revised Code shall be used in calculating service as a PERS 737  
law enforcement officer or Hamilton county municipal court bailiff 738  
or the total service credit of that person. 739

(3) Only credit for the member's service as a PERS law 740  
enforcement officer or service credit obtained as a police officer 741  
or state highway patrol trooper shall be used in computing the 742  
benefit of a member who qualifies for a benefit under division 743  
(B)(2)(a), (b), or (d)(ii) or (4) or division (C) of this section 744  
for the following: 745

(a) Any person who originally is commissioned and employed as 746  
a deputy sheriff by the sheriff of any county, or who originally 747  
is elected sheriff, on or after January 1, 1975; 748

(b) Any deputy sheriff who originally is employed as a 749  
criminal bailiff or court constable on or after April 16, 1993; 750

(c) Any person who originally is appointed as a township 751  
constable or police officer in a township police department or 752  
district on or after January 1, 1981; 753

(d) Any person who originally is employed as a county 754  
narcotics agent on or after September 26, 1984; 755

(e) Any person who originally is employed as an undercover 756  
drug agent as defined in section 109.79 of the Revised Code, 757  
department of public safety enforcement agent who prior to June 758  
30, 1999, was a liquor control investigator, park officer, forest 759  
officer, wildlife officer, state watercraft officer, park district 760  
police officer, conservancy district officer, Ohio veterans' home 761  
police officer, special police officer for a mental health 762  
institution, special police officer for an institution for the 763  
mentally retarded and developmentally disabled, or municipal 764  
police officer on or after December 15, 1988; 765

(f) Any person who originally is employed as a state 766

university law enforcement officer on or after November 6, 1996;	767
(g) Any person who is originally employed as a state	768
university law enforcement officer by the university of Akron on	769
or after September 16, 1998;	770
(h) Any person who originally is employed as a preserve	771
officer on or after March 18, 1999;	772
(i) Any person who originally is employed as a natural	773
resources law enforcement staff officer on or after March 18,	774
1999;	775
(j) Any person who is originally employed as a department of	776
public safety enforcement agent on or after June 30, 1999;	777
(k) Any person who is originally employed as a house sergeant	778
at arms or assistant house sergeant at arms on or after September	779
5, 2001;	780
(l) Any person who is originally appointed as a regional	781
transit authority police officer or state highway patrol police	782
officer on or after <del>the effective date of this amendment</del> <u>February</u>	783
<u>1, 2002.</u>	784
(4) Only credit for a member's service as a Hamilton county	785
municipal court bailiff or service credit obtained as a PERS law	786
enforcement officer, police officer, or state highway patrol	787
trooper shall be used in computing the benefit of a member who	788
qualifies for a benefit under division (B)(2)(c) or (d)(ii) or (4)	789
or division (C) of this section for any person who originally is	790
employed as a Hamilton county municipal court bailiff on or after	791
November 6, 1996.	792
<u>(5) Credit for the member's service as a municipal park</u>	793
<u>ranger or township police cadet earned prior to the effective date</u>	794
<u>of this amendment may be used in computing the benefits under</u>	795
<u>division (B), (C), or (D) of this section if the member elects</u>	796

either of the following:

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(a) To make a purchase by paying to the retirement system for each year of service credit earned as a municipal park ranger or township police cadet prior to the effective date of this amendment the sum of the following:

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(i) An amount equal to the difference between the amount the member contributed as employee contributions and the amount the member would have contributed had the member been contributing toward a benefit under division (B), (C), or (D) of this section;

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(ii) An amount equal to the difference between the amount the member's employer contributed as employer contributions and the amount the employer would have contributed had the member been contributing toward a benefit under division (B), (C), or (D) of this section;

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(iii) Interest on the amounts specified under divisions (E)(5)(a)(i) and (ii) of this section at a rate determined by the board and compounded annually beginning on the last day of the year for which the service credit was earned and ending on the date the payment is made.

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(b) To have service credit earned as a municipal park ranger or township police cadet prior to the effective date of this amendment converted to service credit as a law enforcement officer. The law enforcement service granted shall be the same percentage of the member's service credit as a municipal park ranger or township police cadet that the amount the member and the employer contributed for the service is of the amount the member and the employer would have contributed had the service been as a law enforcement officer.

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(G)(F) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

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(H)(G) For the purposes of this section, service prior to

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June 30, 1999, as a food stamp trafficking agent under former 828  
section 5502.14 of the Revised Code shall be considered service as 829  
a law enforcement officer. 830

**Section 2.** That existing sections 145.01 and 145.33 of the 831  
Revised Code are hereby repealed. 832

**Section 3.** As used in this section, "municipal park ranger" 833  
has the same meaning as in section 145.01 of the Revised Code, as 834  
amended by this act. 835

Not later than ninety days after the effective date of this 836  
act, each municipal park ranger who is a member of the Public 837  
Employees Retirement System shall indicate to the system, on a 838  
form supplied by the retirement system, a choice of whether to 839  
receive benefits under division (A) of section 145.33 of the 840  
Revised Code or division (B) of that section. 841

**Section 4.** Section 145.01 of the Revised Code is presented in 842  
this act as a composite of the section as amended by Sub. H.B. 843  
158, Am. Sub. H.B. 405, and Am. Sub. S.B. 164 of the 124th General 844  
Assembly. The General Assembly, applying the principle stated in 845  
division (B) of section 1.52 of the Revised Code that amendments 846  
are to be harmonized if reasonably capable of simultaneous 847  
operation, finds that the composite is the resulting version of 848  
the section in effect prior to the effective date of the section 849  
as presented in this act. 850