

# As Introduced

124th General Assembly  
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H. B. No. 373

REPRESENTATIVES Hughes, Womer Benjamin, Jones

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## A B I L L

To amend sections 145.295, 742.375, 3307.761, 3309.73,  
5505.01, 5505.16, 5505.162, 5505.163, 5505.17,  
5505.171, 5505.176, 5505.18, 5505.19, 5505.20,  
5505.21, 5505.40, and 5505.403 and to enact  
sections 5505.178, 5505.179, 5505.202, 5505.204,  
and 5505.24 of the Revised Code to revise the law  
governing the State Highway Patrol Retirement  
System.

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

**Section 1.** That sections 145.295, 742.375, 3307.761, 3309.73,  
5505.01, 5505.16, 5505.162, 5505.163, 5505.17, 5505.171, 5505.176,  
5505.18, 5505.19, 5505.20, 5505.21, 5505.40, and 5505.403 be  
amended and sections 5505.178, 5505.179, 5505.202, 5505.204, and  
5505.24 of the Revised Code be enacted to read as follows:

**Sec. 145.295.** (A) As used in this section, "military service  
credit" means credit purchased or obtained under this chapter or  
Chapter 742. ~~or 5505.~~ of the Revised Code for service in the armed  
forces of the United States.

(B) A member of the public employees retirement system who  
has contributions on deposit with, but is no longer contributing  
to, the Ohio police and fire pension fund ~~or state highway patrol~~

~~retirement system~~ shall, in computing years of service, be given full credit for service credit earned under Chapter 742. ~~or 5505.~~ of the Revised Code or for military service credit if a transfer to the public employees retirement system is made under this division. At the request of the member, the Ohio police and fire pension fund ~~or the state highway patrol retirement system~~ shall transfer to the public employees retirement system, for each year of service, the sum of the following:

(1) An amount equal to the member's accumulated contributions to the Ohio police and fire pension fund ~~or system making the transfer~~, any payments by the member for military service credit, and any amounts paid under section 742.375 ~~or 5505.201~~ of the Revised Code to purchase service credit;

(2) An amount equal to the lesser of the employer's contributions to the Ohio police and fire pension fund ~~or state highway patrol retirement system~~ or the amount that would have been contributed by the employer for the service had the member been employed by the member's current employer as a member of the public employees retirement system at the time the credit was earned;

(3) Interest, determined as provided in division ~~(H)~~(L) of this section, on the amounts specified in divisions (B)(1) and (2) of this section for the period from the last day of the year for which the service credit in the ~~transferring~~ Ohio police and fire pension fund ~~or system~~ was earned or in which payment was made for military service credit or credit under section 742.375 ~~or 5505.201~~ of the Revised Code was purchased or obtained to the date the transfer is made.

(C) A member of the public employees retirement system who has at least eighteen months of contributing service credit with the public employees retirement system, who is a former member of the Ohio police and fire pension fund ~~or state highway patrol~~

~~retirement system~~, and who has received a refund of the member's accumulated contributions to that fund ~~or system~~ shall, in computing years of service, be given full credit for service credit earned under Chapter 742. ~~or 5505.~~ of the Revised Code or for military service credit if, for each year of service, the public employees retirement system receives the sum of the following:

(1) An amount, which shall be paid by the member, equal to the amount refunded by the Ohio police and fire pension fund ~~or the state highway patrol retirement system~~ to the member for that year for accumulated contributions and payments for military service credit, with interest at a rate established by the public employees retirement board on that amount from the date of the refund to the date of the payment;

(2) Interest, which shall be transferred by the Ohio police and fire pension fund ~~or state highway patrol retirement system~~, on the amount refunded to the member that is attributable to the year of service from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date the refund was made;

(3) An amount, which shall be transferred by the Ohio police and fire pension fund ~~or state highway patrol retirement system~~, equal to the lesser of the employer's contributions to the Ohio police and fire pension fund ~~or state highway patrol retirement system~~ or the amount that would have been contributed by the employer for the service had the member been employed by the member's current employer as a member of the public employees retirement system at the time the credit was earned, with interest on that amount from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date of the transfer.

(D) A member of the public employees retirement system who

has contributions on deposit with, but is no longer contributing  
to, the state highway patrol retirement system shall, in computing  
years of service, be given full credit for service credit earned  
or purchased under Chapter 5505. of the Revised Code if a transfer  
to the public employees retirement system is made under this  
division. At the request of the member, the state highway patrol  
retirement system shall transfer to the public employees  
retirement system, for each year of service, the sum of the  
following:

(1) An amount equal to the member's accumulated  
contributions, as defined in section 5505.01 of the Revised Code,  
to the state highway patrol retirement system;

(2) An amount equal to the lesser of the employer's  
contributions to the state highway patrol retirement system or the  
amount that would have been contributed by the employer for the  
service had the member been employed by the member's current  
employer as a member of the public employees retirement system at  
the time the credit was earned or purchased;

(3) Interest, determined as provided in division (L) of this  
section, on the amounts specified in divisions (D)(1) and (2) of  
this section for the period from the last day of the year for  
which the service credit in the state highway patrol retirement  
system was earned or purchased to the date the transfer is made.

(E)(1) A member of the public employees retirement system who  
has at least eighteen months of contributing service credit with  
the public employees retirement system, is a former member of the  
state highway patrol retirement system, and has received a payment  
under section 5505.19 of the Revised Code on or after the  
effective date of this amendment shall, in computing years of  
service, be given full credit for service credit earned or  
purchased under Chapter 5505. of the Revised Code if, for each  
year of service, the public employees retirement system receives

the sum of the following as reduced by division (E)(2) of this  
section:

(a) An amount, which shall be paid by the member, equal to  
the amount paid to the member under section 5505.19 of the Revised  
Code for that year, with interest at a rate established by the  
public employees retirement board on that amount from the date of  
the payment to the member under that section to the date of the  
payment from the member under this section;

(b) An amount, which shall be transferred by the state  
highway patrol retirement system, equal to the lesser of the  
employer's contributions to the state highway patrol retirement  
system or the amount that would have been contributed by the  
employer for the service had the member been employed by the  
member's current employer as a member of the public employees  
retirement system at the time the credit was earned or purchased,  
with interest on that amount from the last day of the year for  
which the service credit was earned or purchased to the date of  
the transfer.

(2) The amount the state highway patrol retirement system  
transfers under division (E)(1)(b) of this section shall be  
reduced by any amount paid to the member under section 5505.19 of  
the Revised Code that is attributable to section 5505.24 of the  
Revised Code.

(F) A member of the public employees retirement system who  
has at least eighteen months of contributing service credit with  
the public employees retirement system, who is a former member of  
the state highway patrol retirement system, and who has received a  
payment under section 5505.19 of the Revised Code before the  
effective date of this amendment shall, in computing years of  
service, be given full credit for service credit earned or  
purchased under Chapter 5505. of the Revised Code if, for each  
year of service, the public employees retirement system receives

the sum of the following:

(1) An amount, which shall be paid by the member, equal to the amount paid to the member under section 5505.19 of the Revised Code for that year, with interest at a rate established by the public employees retirement board on that amount from the date of the payment to the member under that section to the date of the payment from the member under this section;

(2) Interest, which shall be transferred by the state highway patrol retirement system, on the amount paid to the member under section 5505.19 of the Revised Code that is attributable to the year of service from the last day of the year for which the service credit was earned or purchased to the date the payment to the member was made under that section;

(3) An amount, which shall be transferred by the state highway patrol retirement system, equal to the lesser of the employer's contributions to the state highway patrol retirement system or the amount that would have been contributed by the employer for the service had the member been employed by the member's current employer as a member of the public employees retirement system at the time the credit was earned or purchased, with interest on that amount from the last day of the year for which the service credit was earned or purchased to the date of the transfer.

(G) On receipt of payment from the member under division (C), (E), or (F) of this section, the public employees retirement system shall notify the Ohio police and fire pension fund or the state highway patrol retirement system, as appropriate which, on receipt of the notice, shall make the transfer required by this division (C), (E), or (F) of this section. Interest shall be determined as provided in division ~~(H)~~(L) of this section.

~~(D)~~(H) A member of the public employees retirement system who

purchased credit under former division (A)(1) of this section, as 180  
it existed before August 25, 1995, for service as a member of the 181  
Ohio police and fire pension fund or state highway patrol 182  
retirement system may elect to have the amount the member paid for 183  
this service credit refunded to the member under this division if 184  
the member agrees to repurchase this service credit pursuant to 185  
division (C), (E), or (F) of this section. 186

~~(E)~~(I) Service credit purchased or otherwise obtained under 187  
this section shall be considered the equivalent of Ohio service 188  
credit. 189

A member may choose to purchase only part of the credit the 190  
member is eligible to purchase under division (C), (E), or (F) of 191  
this section in any one payment, subject to rules of the public 192  
employees retirement board. A member is ineligible to purchase or 193  
otherwise obtain credit under this section for service to be used 194  
in calculation of any retirement benefit currently being paid or 195  
payable to the member in the future. 196

~~(F)~~(J) If a member of the public employees retirement system 197  
who is not a current contributor elects to receive credit under 198  
section 742.21 or 5505.40 of the Revised Code for service for 199  
which the member contributed to the retirement system or made 200  
payment for military service credit, the retirement system shall 201  
transfer to the Ohio police and fire pension fund or the state 202  
highway patrol retirement system, as applicable, the amount 203  
specified in division (D) of section 742.21 or division (B)(2) of 204  
section 5505.40 of the Revised Code. 205

~~(G)~~(K) A member of the public employees retirement system who 206  
earned service credit in the public employees retirement system 207  
for full-time service as a township or municipal police officer 208  
and received service credit in the Ohio police and fire pension 209  
fund under section 742.511 or 742.512 of the Revised Code for such 210  
service may elect to have the credit restored as public employees 211

retirement system service credit by paying the public employees 212  
retirement system an amount equal to the accumulated contributions 213  
paid by the member to the Ohio police and fire pension fund under 214  
section 742.511 or 742.512 of the Revised Code. When such an 215  
election is made, the Ohio police and fire pension fund shall 216  
transfer to the public employees retirement system the amount 217  
previously transferred under section 742.511 or 742.512 of the 218  
Revised Code from the public employees retirement system to the 219  
Ohio police and fire pension fund. 220

~~(H)~~(L) Interest charged under this section shall be 221  
calculated separately for each year of service credit. Unless 222  
otherwise specified in this section, it shall be calculated at the 223  
lesser of the actuarial assumption rate for that year of the 224  
public employees retirement system or of the fund or retirement 225  
system in which the credit was earned or purchased. The interest 226  
shall be compounded annually. 227

~~(I)~~(M) At the request of the public employees retirement 228  
system, the Ohio police and fire pension fund or state highway 229  
patrol retirement system shall certify to the public employees 230  
retirement system a copy of the records of the service and 231  
contributions of a public employees retirement system member who 232  
seeks service credit under this section. 233

**Sec. 742.375.** A member of the fund who is in the active 234  
service of a police or fire department and is not receiving a 235  
pension or benefit payment from the Ohio police and fire pension 236  
fund shall, in computing years of active service in such 237  
department under division (C) of section 742.37 or section 742.39 238  
of the Revised Code, be given full credit for the time served in 239  
the state highway patrol retirement system, provided such member 240  
pays into the Ohio police and fire pension fund the amount 241  
received by the member under section 5505.19 of the Revised Code, 242  
with interest compounded annually thereon at a rate to be 243



determined by the board of trustees of the Ohio police and fire pension fund from the date of such receipt to the date of such deposit. The member may choose to purchase only part of such credit in any one payment, subject to board rules.

Upon certification by the board to the board of the state highway patrol retirement system of such payment by the member of the fund, the state highway patrol retirement board shall pay from the employer's accumulation fund under division (C) of section 5505.03 of the Revised Code to the Ohio police and fire pension fund an amount equal to the payment of the member of the fund less any amount of the payment attributable to section 5505.24 of the Revised Code.

**Sec. 3307.761.** (A) As used in this section, "military service credit" means credit purchased or obtained under this chapter or Chapter 742. ~~or 5505.~~ of the Revised Code for service in the armed forces of the United States.

(B) A member of the state teachers retirement system participating in the plan described in sections 3307.50 to 3307.79 of the Revised Code who has contributions on deposit with, but is no longer contributing to, the Ohio police and fire pension fund ~~or the state highway patrol retirement system~~ shall, in computing years of total service, be given full credit for service credit earned under Chapter 742. ~~or 5505.~~ of the Revised Code or for military service credit if a transfer to the state teachers retirement system is made under this division. At the request of the member, the Ohio police and fire pension fund ~~or state highway patrol retirement system~~ shall transfer to the state teachers retirement system, for each year of service, the sum of the following:

(1) An amount equal to the member's accumulated contributions to the transferring Ohio police and fire pension fund ~~or system,~~

any payments by the member for military service credit, and any 275  
amounts paid under section 742.375 ~~or 5505.201~~ of the Revised Code 276  
to purchase service credit; 277

(2) An amount equal to the lesser of the employer's 278  
contributions to the Ohio police and fire pension fund ~~or state~~ 279  
~~highway patrol retirement system~~ or the amount that would have 280  
been contributed by the employer for the service had the member 281  
been a member of the state teachers retirement system at the time 282  
the credit was earned; 283

(3) Interest, determined as provided in division ~~(F)~~(J) of 284  
this section, on the amounts specified in divisions (B)(1) and (2) 285  
of this section from the last day of the year for which the 286  
service credit in the ~~transferring~~ Ohio police and fire pension 287  
~~fund or system~~ was earned or in which payment was made for 288  
military service credit or service credit under section 742.375 ~~or~~ 289  
~~5505.201~~ of the Revised Code was purchased or obtained to the date 290  
the transfer is made. 291

(C) A member participating in the plan described in sections 292  
3307.50 to 3307.79 of the Revised Code who has at least eighteen 293  
months of contributing service with the state teachers retirement 294  
system, is a former member of the Ohio police and fire pension 295  
fund ~~or state highway patrol retirement system~~, and has received a 296  
refund of contributions to that fund ~~or system~~ shall, in computing 297  
years of total service, be given full credit for service credit 298  
earned under Chapter 742. ~~or 5505.~~ of the Revised Code or for 299  
military service credit if, for each year of service, the state 300  
teachers retirement system receives the sum of the following: 301

(1) An amount, which shall be paid by the member, equal to 302  
the amount refunded by the Ohio police and fire pension fund ~~or~~ 303  
~~the state highway patrol retirement system~~ to the member for that 304  
year for accumulated contributions and payments for military 305  
service credit, with interest at a rate established by the state 306

teachers retirement board on that amount from the date of the 307  
refund to the date of the payment; 308

(2) Interest, which shall be transferred by the Ohio police 309  
and fire pension fund ~~or state highway patrol retirement system,~~ 310  
on the amount refunded to the member that is attributable to the 311  
year of service from the last day of the year for which the 312  
service credit was earned or in which payment was made for 313  
military service credit to the date the refund was made; 314

(3) An amount, which shall be transferred by the Ohio police 315  
and fire pension fund ~~or state highway patrol retirement system,~~ 316  
equal to the lesser of the employer's contributions to the Ohio 317  
police and fire pension fund ~~or state highway patrol retirement~~ 318  
~~system~~ or the amount that would have been contributed by the 319  
employer for the service had the member been a member of the state 320  
teachers retirement system at the time the credit was earned, with 321  
interest on that amount from the last day of the year for which 322  
the service credit was earned or in which payment was made for 323  
military service to the date of the transfer. 324

(D) A member participating in the plan described in sections 325  
3307.50 to 3307.79 of the Revised Code who has contributions on 326  
deposit with, but is no longer contributing to, the state highway 327  
patrol retirement system shall, in computing years of total 328  
service, be given full credit for service credit earned or 329  
purchased under Chapter 5505. of the Revised Code if a transfer to 330  
the state teachers retirement system is made under this division. 331  
At the request of the member, the state highway patrol retirement 332  
system shall transfer to the state teachers retirement system, for 333  
each year of service, the sum of the following: 334

(1) An amount equal to the member's accumulated 336  
contributions, as defined in section 5505.01 of the Revised Code, 337  
to the state highway patrol retirement system; 338

(2) An amount equal to the lesser of the employer's 339  
contributions to the state highway patrol retirement system or the 340  
amount that would have been contributed by the employer for the 341  
service had the member been a member of the state teachers 342  
retirement system at the time the credit was earned or purchased; 343

(3) Interest, determined as provided in division (J) of this 344  
section, on the amounts specified in divisions (D)(1) and (2) of 345  
this section from the last day of the year for which the service 346  
credit in the state highway patrol retirement system was earned or 347  
purchased to the date the transfer is made. 348

(E)(1) A member participating in the plan described in 349  
sections 3307.50 to 3307.79 of the Revised Code who has at least 350  
eighteen months of contributing service credit with the state 351  
teachers retirement system, is a former member of the state 352  
highway patrol retirement system, and has received a payment under 353  
section 5505.19 of the Revised Code on or after the effective date 354  
of this amendment shall, in computing years of total service, be 355  
given full credit for service credit earned or purchased under 356  
Chapter 5505. of the Revised Code if, for each year of service, 357  
the state teachers retirement system receives the sum of the 358  
following as reduced by division (E)(2) of this section: 359

(a) An amount, which shall be paid by the member, equal to 360  
the amount paid to the member under section 5505.19 of the Revised 361  
Code for that year, with interest at a rate established by the 362  
state teachers retirement board on that amount from the date of 363  
the payment to the member under that section to the date of the 364  
payment from the member under this section; 365

(b) An amount, which shall be transferred by the state 366  
highway patrol retirement system, equal to the lesser of the 367  
employer's contributions to the state highway patrol retirement 368  
system or the amount that would have been contributed by the 369  
employer for the service had the member been a member of the state 370

teachers retirement system at the time the credit was earned or  
purchased, with interest on that amount from the last day of the  
year for which the service credit was earned or purchased to the  
date of the transfer.

(2) The amount the state highway patrol retirement system  
transfers under division (E)(1)(b) of this section shall be  
reduced by any amount paid to the member under section 5505.19 of  
the Revised Code that is attributable to section 5505.24 of the  
Revised Code.

(F) A member participating in the plan described in sections  
3307.50 to 3307.79 of the Revised Code who has at least eighteen  
months of contributing service credit with the state teachers  
retirement system, is a former member of the state highway patrol  
retirement system, and has received a payment under section  
5505.19 of the Revised Code before the effective date of this  
amendment shall, in computing years of total service, be given  
full credit for service credit earned or purchased under Chapter  
5505. of the Revised Code if, for each year of service, the state  
teachers retirement system receives the sum of the following:

(1) An amount, which shall be paid by the member, equal to  
the amount paid to the member under section 5505.19 of the Revised  
Code for that year, with interest at a rate established by the  
state teachers retirement board on that amount from the date of  
the payment to the member under that section to the date of the  
payment from the member under this section;

(2) Interest, which shall be transferred by the state highway  
patrol retirement system, on the amount paid to the member under  
section 5505.19 of the Revised Code that is attributable to the  
year of service from the last day of the year for which the  
service credit was earned or purchased to the date the payment to  
the member was made under that section;

(3) An amount, which shall be transferred by the state 403  
highway patrol retirement system, equal to the lesser of the 404  
employer's contributions to the state highway patrol retirement 405  
system or the amount that would have been contributed by the 406  
employer for the service had the member been a member of the state 407  
teachers retirement system at the time the credit was earned or 408  
purchased, with interest on that amount from the last day of the 409  
year for which the service credit was earned or purchased to the 410  
date of the transfer. 411

(G) On receipt of payment from the member under division (C), 412  
(E), or (F) of this section, the state teachers retirement system 413  
shall notify the Ohio police and fire pension fund or the state 414  
highway patrol retirement system, as appropriate, which, on 415  
receipt of the notice, shall make the transfer required by ~~this~~ 416  
division (C), (E), or (F) of this section. Interest shall be 417  
determined as provided in division ~~(F)~~(J) of this section. 418

A member may choose to purchase only part of the credit the 419  
member is eligible to purchase under ~~this~~ division (C), (E), or 420  
(F) of this section in any one payment, subject to rules of the 421  
state teachers retirement board. 422

~~(D)~~(H) A member is ineligible to obtain credit under this 423  
section for service that is used in the calculation of any 424  
retirement benefit currently being paid or payable in the future. 425

~~(E)~~(I) If a member of the state teachers retirement system 426  
who is not a current contributor elects to obtain credit under 427  
section 742.21 or 5505.40 of the Revised Code for service for 428  
which the member contributed to the state teachers retirement 429  
system or made payment for military service credit, the state 430  
teachers retirement system shall transfer to the Ohio police and 431  
fire pension fund or state highway patrol retirement system, as 432  
applicable, the amount specified in division (D) of section 742.21 433  
or division (B)(2) of section 5505.40 of the Revised Code. 434

~~(F)~~(J) Interest charged under this section shall be 435  
calculated separately for each year of service credit. Unless 436  
otherwise specified in this section it shall be calculated at the 437  
lesser of the actuarial assumption rate for that year of the state 438  
teachers retirement system or of the fund or retirement system in 439  
which the credit was earned. The interest shall be compounded 440  
annually. 441

~~(G)~~(K) The state teachers retirement board shall credit to a 442  
member's account in the teachers' savings fund the amounts 443  
described in divisions (B)(1) ~~and~~, (C)(1), (D)(1), ~~and~~ (F)(1) of 444  
this section, except that the interest paid by the member under 445  
division (C)(1) ~~and~~ (F)(1) of this section shall be credited to 446  
the employers' trust fund. The state teachers retirement system 447  
shall credit to a member's account in the teacher's savings fund 448  
the amounts described in division (E)(1)(a) of this section, 449  
except that the interest paid by the member under division 450  
(E)(1)(a) of this section and any amount paid to the member under 451  
section 5505.19 of the Revised Code that is attributable to 452  
section 5505.24 of the Revised Code shall be credited to the 453  
employers' trust fund. The board shall credit to the employers' 454  
trust fund the amounts described in divisions (B)(2) and (3) ~~and~~, 455  
(C)(2) and (3), (D)(2) and (3), (E)(1)(b), ~~and~~ (F)(2) and (3) of 456  
this section. 457

~~(H)~~(L) At the request of the state teachers retirement 458  
system, the Ohio police and fire pension fund or state highway 459  
patrol retirement system shall certify to the state teachers 460  
retirement system a copy of the records of the service and 461  
contributions of a state teachers retirement system member who 462  
seeks service credit under this section. 463

**Sec. 3309.73.** (A) As used in this section, "military service 464  
credit" means service credit purchased or obtained under this 465

chapter or Chapter 742. ~~or 5505.~~ of the Revised Code for service 466  
in the armed forces of the United States. 467

(B) A member of the school employees retirement system who 468  
has contributions on deposit with, but is no longer contributing 469  
to, the Ohio police and fire pension fund ~~or the state highway~~ 470  
~~patrol retirement system~~ shall, in computing years of total 471  
service, be given full credit for service credit earned under 472  
Chapter 742. ~~or 5505.~~ of the Revised Code or purchased or obtained 473  
for military service credit if a transfer to the school employees 474  
retirement system is made under this division. At the request of 475  
the member, the Ohio police and fire pension fund ~~or state highway~~ 476  
~~patrol retirement system~~ shall transfer to the school employees 477  
retirement system, for each year of service, the sum of the 478  
following: 479

(1) An amount equal to the member's accumulated contributions 480  
to the ~~transferring~~ Ohio police and fire pension fund ~~or system,~~ 481  
any payments by the member for military service credit, and any 482  
amounts paid under section 742.375 ~~or 5505.201~~ of the Revised Code 483  
to purchase service credit; 484

(2) An amount equal to the lesser of the employer's 485  
contributions to the Ohio police and fire pension fund ~~or state~~ 486  
~~highway patrol retirement system~~ or the amount that would have 487  
been contributed by the employer for the service had the member 488  
been a member of the school employees retirement system at the 489  
time the credit was earned; 490

(3) Interest, determined as provided in division ~~(F)~~(J) of 491  
this section, on the amounts specified in divisions (B)(1) and (2) 492  
of this section from the last day of the year for which the 493  
service credit in the ~~transferring~~ Ohio police and fire pension 494  
fund ~~or system~~ was earned or in which payment was made for 495  
military service credit or service credit under section 742.375 ~~or~~ 496  
~~5505.201~~ of the Revised Code was purchased or obtained to the date 497



the transfer is made.

(C) A member who has at least eighteen months of contributing service with the school employees retirement system, is a former member of the Ohio police and fire pension fund ~~or state highway patrol retirement system~~, and has received a refund of contributions to that fund ~~or system~~ shall, in computing years of total service, be given full credit for service credit earned under Chapter 742. ~~or 5505.~~ of the Revised Code or purchased or obtained for military service if, for each year of service, the school employees retirement system receives the sum of the following:

(1) An amount, which shall be paid by the member, equal to the amount refunded by the Ohio police and fire pension fund ~~or the state highway patrol retirement system~~ to the member for that year for accumulated contributions and payments for purchase of credit for military service, with interest at a rate established by the school employees retirement board on that amount from the date of the refund to the date of the payment;

(2) Interest, which shall be transferred by the Ohio police and fire pension fund ~~or state highway patrol retirement system~~, on the amount refunded to the member that is attributable to the year of service from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date the refund was made;

(3) An amount, which shall be transferred by the Ohio police and fire pension fund ~~or state highway patrol retirement system~~, that is equal to the lesser of the employer's contributions to the Ohio police and fire pension fund ~~or state highway patrol retirement system~~ or the amount that would have been contributed by the employer for the service had the member been a member of the school employees retirement system at the time the credit was earned, with interest on that amount from the last day of the year

for which the service credit was earned or in which payment was 530  
made for military service credit to the date of the transfer. 531

(D) A member of the school employees retirement system who 532  
has contributions on deposit with, but is no longer contributing 533  
to, the state highway patrol retirement system shall, in computing 534  
years of total service, be given full credit for service credit 535  
earned or purchased under Chapter 5505. of the Revised Code if a 536  
transfer to the school employees retirement system is made under 537  
this division. At the request of the member, the state highway 538  
patrol retirement system shall transfer to the school employees 539  
retirement system, for each year of service, the sum of the 540  
following: 541

(1) An amount equal to the member's accumulated 542  
contributions, as defined in section 5505.01 of the Revised Code, 543  
to the state highway patrol retirement system; 544

(2) An amount equal to the lesser of the employer's 545  
contributions to the state highway patrol retirement system or the 546  
amount that would have been contributed by the employer for the 547  
service had the member been a member of the school employees 548  
retirement system at the time the credit was earned or purchased; 549

(3) Interest, determined as provided in division (J) of this 550  
section, on the amounts specified in divisions (D)(1) and (2) of 551  
this section from the last day of the year for which the service 552  
credit in the state highway patrol retirement system was earned or 553  
purchased to the date the transfer is made. 554

(E)(1) A member who has at least eighteen months of 555  
contributing service credit with the school employees retirement 556  
system, is a former member of the state highway patrol retirement 557  
system, and has received a payment under section 5505.19 of the 558  
Revised Code on or after the effective date of this amendment 559  
shall, in computing years of total service, be given full credit 560  
for service credit earned or purchased under Chapter 5505. of the 561

Revised Code if, for each year of service, the school employees retirement system receives the sum of the following as reduced by division (E)(2) of this section:

(a) An amount, which shall be paid by the member, equal to the amount paid to the member under section 5505.19 of the Revised Code for that year, with interest at a rate established by the school employees retirement board on that amount from the date of the payment to the member under that section to the date of the payment from the member under this section;

(b) An amount, which shall be transferred by the state highway patrol retirement system, that is equal to the lesser of the employer's contributions to the state highway patrol retirement system or the amount that would have been contributed by the employer for the service had the member been a member of the school employees retirement system at the time the credit was earned or purchased, with interest on that amount from the last day of the year for which the service credit was earned or purchased to the date of the transfer.

(2) The amount the state highway patrol retirement system transfers under division (E)(1)(b) of this section shall be reduced by any amount paid to the member under section 5505.19 of the Revised Code that is attributable to section 5505.24 of the Revised Code.

(F) A member who has at least eighteen months of contributing service credit with the school employees retirement system, is a former member of the state highway patrol retirement system, and has received a payment under section 5505.19 of the Revised Code before the effective date of this amendment shall, in computing years of total service, be given full credit for service credit earned or purchased under Chapter 5505. of the Revised Code if, for each year of service, the school employees retirement system receives the sum of the following:

(1) An amount, which shall be paid by the member, equal to 594  
the amount paid to the member under section 5505.19 of the Revised 595  
Code for that year, with interest at a rate established by the 596  
school employees retirement board on that amount from the date of 597  
the payment to the member under that section to the date of the 598  
payment from the member under this section; 599

(2) Interest, which shall be transferred by the state highway 600  
patrol retirement system, on the amount paid to the member under 601  
section 5505.19 of the Revised Code that is attributable to the 602  
year of service from the last day of the year for which the 603  
service credit was earned or purchased to the date the payment to 604  
the member was made under that section; 605

(3) An amount, which shall be transferred by the state 606  
highway patrol retirement system, that is equal to the lesser of 607  
the employer's contributions to the state highway patrol 608  
retirement system or the amount that would have been contributed 609  
by the employer for the service had the member been a member of 610  
the school employees retirement system at the time the credit was 611  
earned or purchased, with interest on that amount from the last 612  
day of the year for which the service credit was earned or 613  
purchased to the date of the transfer. 614

(G) On receipt of payment from the member under division (C), 615  
(E), or (F) of this section, the school employees retirement 616  
system shall notify the Ohio police and fire pension fund or the 617  
state highway patrol retirement system, as appropriate, which, on 618  
receipt of the notice, shall make the transfer required by this 619  
division (C), (E), or (F) of this section. Interest shall be 620  
determined as provided in division (F)(J) of this section. The 621  
member may choose to purchase only part of such credit in any one 622  
payment, subject to board rules. 623

~~(D)~~(H) A member is ineligible to obtain service credit under 624  
this section for service that is used in the calculation of any 625

retirement benefit currently being paid or payable in the future 626  
to the member. 627

Service credit obtained under this section shall be 628  
considered the equivalent of Ohio service credit. 629

~~(E)~~(I) If a member of the school employees retirement system 630  
who is not a current contributor elects to obtain credit under 631  
section 742.21 or 5505.40 of the Revised Code for service for 632  
which the member contributed to the school employees retirement 633  
system or made payment for military service credit, the school 634  
employees retirement system shall transfer to the Ohio police and 635  
fire pension fund or state highway patrol retirement system, as 636  
applicable, the amount specified in division (D) of section 742.21 637  
or division (B)(2) of section 5505.40 of the Revised Code. 638

~~(F)~~(J) Interest charged under this section shall be 639  
calculated separately for each year of service credit. Unless 640  
otherwise specified in this section, it shall be calculated at the 641  
lesser of the actuarial assumption rate for that year of the 642  
school employees retirement system or of the fund or retirement 643  
system in which the credit was earned. The interest shall be 644  
compounded annually. 645

~~(G)~~(K) At the request of the school employees retirement 646  
system, the Ohio police and fire pension fund or state highway 647  
patrol retirement system shall certify to the school employees 648  
retirement system a copy of the records of the service and 649  
contributions of a school employees retirement system member who 650  
seeks service credit under this section. 651

**Sec. 5505.01.** As used in this chapter: 652

(A) "Employee" means any qualified employee in the uniform 653  
division of the state highway patrol, any qualified employee in 654  
the radio division hired prior to November 2, 1989, and any state 655  
highway patrol cadet attending training school pursuant to section 656

5503.05 of the Revised Code whose attendance at the school begins  
on or after June 30, 1991. "Employee" includes the superintendent  
of the state highway patrol. In all cases of doubt, the state  
highway patrol retirement board shall determine whether any person  
is an employee as defined in this division, and the decision of  
the board is final.

(B) "Prior service" means all service rendered as an employee  
of the state highway patrol prior to September 5, 1941, to the  
extent credited by the board, provided that in no case shall prior  
service include service rendered prior to November 15, 1933.

(C) "Total service" means all service rendered by an employee  
to the extent credited by the board. Total service includes all of  
the following:

(1) Contributing service rendered by the employee since last  
becoming a member of the state highway patrol retirement system;

(2) All prior service credit;

(3) Restored service credit as provided in this chapter;

(4) Military service credit purchased under division (D) of  
section 5505.16 or section 5505.25 of the Revised Code;

(5) Credit granted under division (C) of section 5505.17 or  
section 5505.201, 5505.202, 5505.204, 5505.40, or 5505.402 of the  
Revised Code;

(6) Credit for any period, not to exceed three years, during  
which the member was out of service and receiving benefits under  
Chapters 4121. and 4123. of the Revised Code.

(D) "Beneficiary" means any person, except a retirant, who is  
in receipt of a pension or other benefit payable from funds of the  
retirement system.

(E) "Regular interest" means interest compounded at rates

designated from time to time by the retirement board. 687

(F) "Plan" means the provisions of this chapter. 688

(G) "Retirement system" or "system" means the state highway 689  
patrol retirement system created and established in the plan. 690

(H) "Contributing service" means all service rendered by a 691  
member since September 4, 1941, for which deductions were made 692  
from the member's salary under the plan. 693

(I) "Retirement board" or "board" means the state highway 694  
patrol retirement board provided for in the plan. 695

(J) Except as provided in section 5505.18 of the Revised 696  
Code, "member" means any employee included in the membership of 697  
the retirement system, whether or not rendering contributing 698  
service. 699

(K) "Retirant" means any member who retires with a pension 700  
payable from the retirement system. 701

(L) "Accumulated contributions" means the sum of ~~all the~~ 702  
following credited to a member's individual account in the 703  
employees' savings fund: 704

(1) All amounts deducted from the salary of a member and 705  
credited to the member's individual account in the employees' 706  
savings fund; 707

(2) All amounts paid by a member to purchase service credit 708  
from the state highway patrol retirement system pursuant to this 709  
chapter or other state law; 710

(3) Any interest on the amounts specified in division (L)(1) 711  
and (2) of this section. 712

(M)(1) Except as provided in division (M)(2) of this section, 713  
"final average salary" means the average of the highest salary 714  
paid a member during any three consecutive or nonconsecutive 715

years.

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If a member has less than three years of contributing service, the member's final average salary shall be the average of the annual rates of salary paid to the member during the member's total years of contributing service.

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(2) If a member is credited with service under division (C)(6) of this section or division (D) of section 5505.16 of the Revised Code, the member's final average salary shall be the average of the highest salary that was paid to the member or would have been paid to the member, had the member been rendering contributing service, during any three consecutive or nonconsecutive years. If that member has less than three years of total service, the member's final average salary shall be the average of the annual rates of salary that were paid to the member or would have been paid to the member during the member's years of total service.

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(N) "Pension" means an annual amount payable by the retirement system throughout the life of a person or as otherwise provided in the plan. ~~All pensions shall be paid in equal monthly installments.~~

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(O) "Pension reserve" means the present value of any pension, or benefit in lieu of any pension, computed upon the basis of mortality and other tables of experience and interest the board shall from time to time adopt.

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(P) "Deferred pension" means a pension for which an eligible member of the system has made application and which is payable as provided in division (A) or (B) of section 5505.16 of the Revised Code.

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(Q) "Retirement" means termination as an employee of the state highway patrol, with application having been made to the system for a pension or a deferred pension.

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(R) "Fiduciary" means any of the following: 747

(1) A person who exercises any discretionary authority or 748  
control with respect to the management of the system, or with 749  
respect to the management or disposition of its assets; 750

(2) A person who renders investment advice for a fee, direct 751  
or indirect, with respect to money or property of the system; 752

(3) A person who has any discretionary authority or 753  
responsibility in the administration of the system. 754

(S)(1) Except as otherwise provided in this division, 755  
"salary" means all compensation, wages, and other earnings paid to 756  
a member by reason of employment but without regard to whether any 757  
of the compensation, wages, or other earnings are treated as 758  
deferred income for federal income tax purposes. Salary includes 759  
all of the following: 760

(a) Payments for shift differential, hazard duty, 761  
professional achievement, and longevity; 762

(b) Payments for occupational injury leave, personal leave, 763  
sick leave, bereavement leave, administrative leave, and vacation 764  
leave used by the member; 765

(c) Payments made under a disability leave program sponsored 766  
by the state for which the state is required by section 5505.151 767  
of the Revised Code to make periodic employer and employee 768  
contributions to the retirement system. 769

(2) "Salary" does not include any of the following: 770

(a) Payments resulting from the conversion of accrued but 771  
unused sick leave, personal leave, compensatory time, and vacation 772  
leave; 773

(b) Payments made by the state to provide life insurance, 774  
sickness, accident, endowment, health, medical, hospital, dental, 775  
or surgical coverage, or other insurance for the member or the 776

member's family, or amounts paid by the state to the member in 777  
lieu of providing that insurance; 778

(c) Payments for overtime work; 779

(d) Incidental benefits, including lodging, food, laundry, 780  
parking, or services furnished by the state, use of property or 781  
equipment of the state, and reimbursement for job-related expenses 782  
authorized by the state including moving and travel expenses and 783  
expenses related to professional development; 784

(e) Payments made to or on behalf of a member that are in 785  
excess of the annual compensation that may be taken into account 786  
by the retirement system under division (a)(17) of section 401 of 787  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 788  
401 (a)(17), as amended; 789

(f) Payments made under division (B) or (D) of section 790  
5923.05 of the Revised Code or Section 4 of Substitute Senate Bill 791  
No. 3 of the 119th general assembly. 792

(3) The retirement board shall determine by rule whether any 793  
compensation, wages, or earnings not enumerated in this division 794  
are salary, and its decision shall be final. 795

(T) "Actuary" means an individual who satisfies all of the 796  
following requirements: 797

(1) Is a member of the American academy of actuaries; 798

(2) Is an associate or fellow of the society of actuaries; 799

(3) Has a minimum of five years' experience in providing 800  
actuarial services to public retirement plans. 801

**Sec. 5505.16.** (A) A member of the state highway patrol 802  
retirement system who has been in the service of the state highway 803  
patrol for a period of twenty-five years as an employee according 804  
to the rules adopted by the state highway patrol retirement board 805

may make application for a pension which, if the member is under 806  
age forty-eight, shall be deferred until age forty-eight. 807

(B) A member of the retirement system who has been in the 808  
service of the highway patrol for a period of twenty years as an 809  
employee according to the rules adopted by the retirement board, 810  
may make application for a pension that, if the member is under 811  
age fifty-two, shall be deferred until age fifty-two, except that 812  
any such member who has attained twenty years of service may, on 813  
or after attaining age forty-eight but before attaining age 814  
fifty-two, elect to receive a reduced pension of the greater of 815  
~~nine hundred~~ one thousand fifty dollars or an amount computed as 816  
follows: 817

Attained Age	Reduced Pension	
48	75% of normal service pension	818
49	80% of normal service pension	819
50	86% of normal service pension	820
51	93% of normal service pension	821

In the case of a member who elects to receive a reduced 823  
pension after attaining age forty-eight, the reduced pension is 824  
payable from the later of the date of the member's most recent 825  
birthday or the date the member becomes eligible to receive the 826  
reduced pension. 827

A member who has elected to receive a reduced pension in 828  
accordance with the schedule provided in this division and has 829  
received a payment in connection therewith may not change the 830  
election. 831

(C) Any member who attains the age of fifty-five years and 832  
has been in the service of the patrol for a period of twenty years 833  
as a uniformed patrol officer according to the rules adopted by 834  
the board, shall file application for retirement with the board, 835  
and if the member refuses or neglects to do so, the board may deem 836  
the member's application to have been filed on the member's 837

fifty-fifth birthday. The member may, upon written application approved by the superintendent of the state highway patrol, be continued in service after attaining the age of fifty-five years, but only until the member has accumulated twenty years of service.

(D)(1) As used in this division:

(a) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(b) "Uniformed services" of the United States includes both:

(i) Army, navy, air force, marine corps, coast guard, or any reserve components of these services; auxiliary corps as established by congress; army nurse corps; navy nurse corps; service as red cross nurse with the army, navy, air force, or hospital service of the United States, or serving full-time with the American red cross in a combat zone; and such other service as is designated by congress as included therein;

(ii) Personnel of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, and the reserve components of the armed forces enumerated in division (D)(1) of this section who are called to active duty pursuant to an executive order issued by the president of the United States or an act of congress.

(2) A member's total service credit may include periods not to exceed a total of seven years, while the member's employment with the state highway patrol is or was interrupted due to service in the uniformed services of the United States. Such military service shall be credited to the member towards total service as

provided by this chapter and to the extent approved by the board,  
provided that:

(a) The member is or was honorably discharged from service in  
the uniformed services;

(b) The member is or was re-employed by the state highway  
patrol within ninety days immediately following termination of  
service in the uniformed services;

(c) The member, subject to board rules, pays into the  
retirement system to the member's credit in the employees' savings  
fund an amount equal to the total contributions the member would  
have paid had state highway patrol employment not been so  
interrupted. Such payment may be made at any time prior to receipt  
of a pension.

(3) If the member meets the requirements of division (D)(2)  
of this section, on receipt of contributions from the member, the  
state highway patrol shall be billed for the employer contribution  
that would have been paid pursuant to section 5505.15 of the  
Revised Code if the member had not rendered service in the  
uniformed services, subject to board rules.

(4) If under division (D)(2)(c) of this section a member pays  
all or any portion of the contributions later than the lesser of  
five years or a period that is three times the member's period of  
service in the uniformed services beginning from the later of the  
member's date of re-employment or October 29, 1996, an amount  
equal to compound interest at a rate established by the board from  
the later of the member's date of re-employment or October 29,  
1996, to the date of payment shall be added to the remaining  
amount to be paid by the member to purchase service credit under  
this section.

(5) Credit purchased by a member under division (D)(2) of  
this section shall be used to determine the member's eligibility

for retirement under this section and section 5505.17 of the  
Revised Code.

**Sec. 5505.162.** (A) On application for retirement as provided  
in section 5505.16 of the Revised Code, a member of the state  
highway patrol retirement system may elect, on a form provided by  
the state highway patrol retirement board, to receive ~~a~~ the  
pension that the member is eligible to receive on retirement under  
that section in one of the following forms:

(1) A single lifetime pension ~~or he may elect, on a form~~  
~~provided by the state highway patrol retirement board, to receive~~  
~~the;~~

(2) The actuarial equivalent of this the single lifetime  
pension that the member may elect under division (A)(1) of this  
section in a lesser annual amount payable for ~~his~~ the member's  
life and continuing after ~~his~~ the member's death to a surviving  
designated beneficiary under one of the following optional plans,  
provided the annual amount payable to the designated beneficiary  
shall not exceed the annual amount payable to such retiring  
member, the amount is certified by the actuary employed by the  
system to be the actuarial equivalent of ~~his~~ the member's pension,  
and the amount is approved by the board:

~~(1)(a)~~ (a) Option 1. ~~His~~ The member's lesser pension shall be  
paid for life to ~~his~~ the member's sole beneficiary designated at  
the time of retirement.

~~(2)(b)~~ (b) Option 2. One-half or some other portion of ~~his~~ the  
member's lesser pension shall be paid for life to ~~his~~ the member's  
sole beneficiary designated at the time of ~~his~~ retirement.

~~(3)(c)~~ (c) Option 3. Upon ~~his~~ death before the expiration of a  
certain period from ~~his~~ the member's retirement date as elected by  
~~him~~ the member and approved by the board, ~~his~~ the member's lesser

pension shall be continued for the remainder of such period to the  
beneficiaries, and in such order, as designated by ~~him~~ the member  
in writing and filed with the board. No monthly payments shall be  
paid to joint beneficiaries, but they may jointly receive the  
present value of any remaining payments in a lump sum settlement.  
If all designated beneficiaries die before the expiration of such  
period, the present value of all the payments yet remaining in the  
period shall be paid to the estate of the beneficiary last  
receiving such payments.

(3) If the member has attained age fifty-one with at least  
twenty-five years' total service or fifty-two with at least twenty  
years' total service, a pension consisting of both a partial  
benefit lump sum in an amount the member designates that  
constitutes a portion of the single lifetime pension the member  
may elect under division (A)(1) of this section and the actuarial  
equivalent of the remainder of the single lifetime pension payable  
for the member's life, provided an actuary employed by the system  
certifies the actuarial equivalent and the board approves the  
partial benefit lump sum payment and the amount to be paid as the  
actuarial equivalent.

The amount designated by a member shall be not less than six  
times the monthly amount that would be payable to the member as a  
single lifetime pension under division (A)(1) of this section and  
not more than sixty times that amount.

A member who has attained the age of fifty-one with  
twenty-five years of service who elects a partial benefit lump sum  
may designate an amount that does not exceed an amount equal to  
one month's pension for each month of service beyond twenty-five  
years. A member who has attained the age of fifty-two with twenty  
years of service who elects a partial benefit lump sum may  
designate an amount that does not exceed an amount equal to one  
month's pension for each month of service beyond twenty years.

(B)(1) The death of a spouse designated as beneficiary or the death of any other designated beneficiary following retirement shall cancel any optional plan of payment selected under division (A)(2) of this section to provide continuing lifetime benefits to such designated beneficiary and return the member to the equivalent of ~~his~~ the member's single lifetime pension, as determined by the board, to be effective the month following receipt by the board of notice of the death.

(2) On divorce, annulment, or marriage dissolution, a member receiving a pension under a plan that provides for continuation of all or part of the pension after ~~his~~ death for the lifetime of ~~his~~ the member's surviving spouse may, with the written consent of the spouse or pursuant to an order of the court with jurisdiction over the termination of the marriage, elect to cancel the plan and receive the equivalent of ~~his~~ the member's single lifetime pension as determined by the board. The election shall be made on a form provided by the board and shall be effective the month following its receipt by the board.

(C) Following marriage or remarriage, a member may elect a new optional plan of payment under division (A)(2) of this section based on the actuarial equivalent of ~~his~~ the member's single lifetime pension as determined by the board. The plan shall become effective the first day of the month following receipt by the board of an application on a form approved by the board.

(D) A member who has elected an optional plan under division (A)(2) of this section may, with the written consent of the designated beneficiary, cancel the optional plan and receive the single lifetime pension ~~payable throughout his life he that the member would have received had he not elected the optional plan~~ the member elected the single lifetime pension under division (A)(1) of this section, if ~~he~~ the member makes a request to cancel the optional plan not later than one year after the date on which



the member first receives a payment under the plan. Cancellation 994  
of the optional plan shall be effective the month after acceptance 995  
of the request by the board. No payment or adjustment shall be 996  
made in the single lifetime pension ~~payable throughout the~~ 997  
~~member's life~~ to compensate for the lesser pension ~~he~~ the member 998  
received under the optional plan. 999

The request to cancel the optional plan shall be made on a 1000  
form provided by the board and shall be valid only if the 1001  
completed form includes a signed statement of the designated 1002  
beneficiary's understanding of and consent to the cancellation. 1003  
The designated beneficiary's signature shall be verified by the 1004  
board prior to its acceptance of the cancellation. 1005

(E) Any option elected and payments made under division 1006  
(A)(2) of this section shall be in addition to any pension payable 1007  
to the member's surviving spouse, children, or parents under 1008  
section 5505.17 of the Revised Code. 1009

**Sec. 5505.163.** (A) A retirant who retired prior to September 1010  
21, 1994, under section 5505.16 of the Revised Code may elect to 1011  
receive the actuarial equivalent of the retirant's pension in a 1012  
lesser amount payable for the remainder of the retirant's life and 1013  
continuing after death to the retirant's surviving designated 1014  
beneficiary under one of the optional plans described in division 1015  
~~(A)(1), (2), or (3)~~ (a), (b), or (c) of section 5505.162 of the 1016  
Revised Code, provided the annual amount payable to the designated 1017  
beneficiary shall not exceed the annual amount payable to the 1018  
retirant, the amount is certified by the actuary employed by the 1019  
state highway patrol retirement system to be the actuarial 1020  
equivalent of the retirant's pension, and the state highway patrol 1021  
retirement board approves the amount. 1022

(B) A retirant interested in making the election authorized 1023  
by division (A) of this section shall file a notice of interest 1024

with the board not later than sixty days after ~~the effective date~~ 1025  
~~of this section~~ June 30, 2000. The board shall advise the retirant 1026  
with respect to the choices available under the optional plans and 1027  
have a determination made of the monthly pension payable under the 1028  
optional plan elected by the member for inclusion in the statement 1029  
to be filed under division (C) of this section. 1030

(C) To make the election authorized by division (A) of this 1031  
section, a retirant shall file a statement, on a form provided by 1032  
the board, indicating that the retirant elects to participate in 1033  
the optional plan specified in the statement. The form must be 1034  
filed with the board not later than one hundred twenty days after 1035  
~~the effective date of this section~~ June 30, 2000. 1036

(D) A notice or statement mailed to the board shall be 1037  
considered to have been filed on its postmark date. 1038

(E) Any option elected and payments made under this section 1039  
shall be in addition to any pension payable to the retirant's 1040  
surviving spouse, children, or parents under section 5505.17 of 1041  
the Revised Code. 1042

**Sec. 5505.17.** (A)(1) Upon retirement as provided in section 1043  
5505.16 of the Revised Code, a member of the state highway patrol 1044  
retirement system shall receive a life pension, without guaranty 1045  
or refund, equal to the greater of one thousand fifty dollars or 1046  
the sum of two and one-half per cent of the member's final average 1047  
salary multiplied by the first ~~twenty~~ twenty-five years of total 1048  
service credit, plus two and one-quarter per cent of the member's 1049  
final average salary multiplied by the number of years, and 1050  
fraction of a year, of total service credit in excess of ~~twenty~~ 1051  
~~years but not in excess of twenty-five years, plus two per cent of~~ 1052  
~~the member's final average salary multiplied by the number of~~ 1053  
~~years, and fraction of a year, in excess of twenty-five years;~~ 1054  
provided that in no case shall the pension exceed the lesser of 1055

~~seventy-nine~~ eighty-two and ~~one-quarter~~ three-quarters per cent of 1056  
the member's final average salary or the limit established by 1057  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 1058  
2085, 26 U.S.C.A. 415, as amended. 1059

(2) A member with fifteen or more years of total service 1060  
credit, who voluntarily resigns or who is discharged from the 1061  
state highway patrol for any reason except retirement under this 1062  
chapter, death, dishonesty, cowardice, intemperate habits, or 1063  
conviction of a felony, shall receive a pension equal to one and 1064  
one-half per cent of the member's final average salary multiplied 1065  
by the number of years, and fraction of a year, of total service 1066  
credit, except that the pension shall not exceed the limit 1067  
established by section 415 of the "Internal Revenue Code of 1986," 1068  
100 Stat. 2085, 26 U.S.C.A. 415, as amended. The pension shall 1069  
commence at the end of the calendar month in which the application 1070  
is filed with the retirement board on or after the attainment of 1071  
age fifty-five years by the applicant. A member who withdraws any 1072  
part or all of the accumulated contributions from the employees' 1073  
savings fund shall thereupon forfeit all rights to a pension 1074  
provided for in this division. 1075

(3)(a) A surviving spouse of a deceased member shall receive 1076  
a monthly pension, determined as follows, during the spouse's 1077  
life: 1078

(i) If at the time of death the member was not eligible to be 1079  
granted a pension payable under this section or to elect to 1080  
receive a reduced pension payable under section 5505.16 of the 1081  
Revised Code, nine hundred dollars; 1082

(ii) If at the time of death the member was eligible to be 1083  
granted a pension payable under this section or to elect to 1084  
receive a reduced pension payable under section 5505.16 of the 1085  
Revised Code, the greater of nine hundred dollars or fifty per 1086  
cent of the computed monthly pension the member would have 1087

received had the member been granted a pension under this section 1088  
or elected to receive a reduced pension under section 5505.16 of 1089  
the Revised Code. 1090

(b) The surviving spouse of a retirant shall receive a 1091  
monthly pension, determined as follows, during the spouse's life: 1092

(i) If the retirant had applied for a pension payable under 1093  
section 5505.16 of the Revised Code, but at the time of death had 1094  
not attained the age of eligibility for the pension, nine hundred 1095  
dollars; 1096

(ii) If the retirant had applied for a pension payable under 1097  
section 5505.16 of the Revised Code and had attained the age of 1098  
eligibility for the pension, but at the time of death had not 1099  
elected to begin receiving the pension, the greater of nine 1100  
hundred dollars or fifty per cent of the computed monthly pension 1101  
the retirant was eligible to receive under section 5505.16 of the 1102  
Revised Code; 1103

(iii) If the retirant was receiving a pension under this 1104  
section or section 5505.16 or 5505.18 of the Revised Code, or, 1105  
regardless of whether or not the retirant had actually received 1106  
any payment, if the retirant was eligible to receive a pension 1107  
under this section or section 5505.16 or 5505.18 of the Revised 1108  
Code and had elected to begin receiving it, the greater of nine 1109  
hundred dollars or fifty per cent of the computed monthly pension 1110  
awarded the retirant. 1111

(c) If a monthly pension to a surviving spouse was terminated 1112  
due to a remarriage, the surviving spouse is eligible to receive a 1113  
monthly pension under division (A)(3) of this section effective 1114  
the first day of the first month following June 5, 1996. The 1115  
pension shall be computed under division (A)(3) of this section as 1116  
of June 5, 1996. The pension payable to a person who is the 1117  
surviving spouse of more than one state highway patrol retirement 1118

system member or retirant shall be computed on the basis of the 1119  
service of the member or retirant to whom the surviving spouse was 1120  
most recently married. 1121

(4) A pension of one hundred fifty dollars per month shall be 1122  
paid by the system to or for the benefit of each child of a 1123  
deceased member or retirant until the child attains the age of 1124  
eighteen years or marries, whichever event occurs first, or until 1125  
the child attains twenty-three years of age if the child is a 1126  
student in and attending an institution of learning or training 1127  
pursuant to a program designed to complete in each school year the 1128  
equivalent of at least two-thirds of the full-time curriculum 1129  
requirements of the institution, as determined by the retirement 1130  
board. If any surviving child, regardless of age at the time of 1131  
the member's or retirant's death, because of physical or mental 1132  
disability, was totally dependent upon the deceased member or 1133  
retirant for support at the time of death, a pension of one 1134  
hundred fifty dollars per month shall be paid by the system to or 1135  
for the benefit of the child during the child's natural life or 1136  
until the child recovers from the disability. 1137

(5)(a) If a retirant died prior to June 6, 1988, and the 1138  
surviving spouse was not married to the retirant while the 1139  
retirant was in the active service of the patrol, the surviving 1140  
spouse shall receive a pension of the greater of four hundred 1141  
twenty-five dollars per month or fifty per cent of the computed 1142  
monthly pension the retirant was receiving. 1143

(b) If the pension payable to a person receiving a pension 1144  
under division (A)(5)(a) of this section on ~~the effective date of~~ 1145  
~~this amendment~~ June 30, 2000, is less than nine hundred dollars 1146  
per month, the pension shall be increased to nine hundred dollars 1147  
per month. 1148

(6)(a) If the pension payable to the surviving spouse of a 1149  
deceased member or retirant under division (A)(3) of this section 1150

on ~~the effective date of this amendment~~ June 30, 2000, is less  
than nine hundred dollars per month, the pension shall be  
increased to nine hundred dollars per month.

(b) The pension payable to a child of a deceased member or  
retirant who is receiving a pension under division (A)(4) of this  
section on June 5, 1996, shall be increased to one hundred fifty  
dollars per month.

(7) If a deceased member or retirant leaves no spouse or  
surviving children, but leaves two parents depending solely upon  
the deceased member or retirant for support, each parent shall be  
paid a monthly pension of one hundred fifty-four dollars. If in  
such case there is only one parent dependent solely upon the  
deceased member or retirant for support, such parent shall be paid  
a monthly pension of one hundred fifty-four dollars. Such pension  
shall be paid during the life of the surviving parents, or until  
dependency ceases, or until remarriage, whichever event occurs  
first.

(8) Any amount remaining as accumulated contributions at the  
time of death of a member or retirant who leaves no surviving  
spouse or dependent children or parents shall be paid to the  
estate of the member or retirant.

(9) The increases provided for by divisions (A)(5) and  
(A)(6)(a) of this section shall be included in the calculation of  
the additional benefit paid under section 5505.174 of the Revised  
Code.

(B) The board shall adopt, and may amend or rescind, the  
necessary rules for the administration of this section and all  
decisions of the board shall be final. Any payment of a pension or  
benefit under this section is subject to the provisions of section  
5505.26 of the Revised Code.

(C) A member's total service credit may include periods

during which the member's employment with the state highway patrol 1182  
is interrupted by a leave of absence, when requested by the 1183  
governor, to accept employment with another agency of the state, 1184  
provided that: 1185

(1) The member is reemployed by the state highway patrol 1186  
within thirty days following termination of such other employment; 1187

(2) The member pays into the retirement system, to the credit 1188  
of the employees' savings fund, an amount equal to the total 1189  
contributions the member would have paid had the state highway 1190  
patrol employment not been so interrupted. Such repayment shall 1191  
begin within ninety days after the member's return to duty with 1192  
the state highway patrol and be completed within a period equal to 1193  
that of the leave of absence. 1194

(D) Service credits granted under division (C) of this 1195  
section shall not include any duplications of credits for which a 1196  
pension is payable by the public employees retirement system. 1197

**Sec. 5505.171.** (A) All persons who retired and were eligible 1198  
to receive a pension that was payable prior to July 1, 1968, 1199  
pursuant to division (A)(1) of section 5505.17 or division (B)(1) 1200  
of section 5505.18 of the Revised Code, shall receive an 1201  
additional monthly payment of two dollars for each year between 1202  
the member's effective date of retirement or disability and 1203  
December 31, 1971, or an additional fifty dollars, whichever is 1204  
less. 1205

On or before the first day of August in 1981 and on or before 1206  
the first day of August in each year thereafter, the state highway 1207  
patrol retirement board shall certify to the treasurer of state 1208  
the amount required to be paid in the preceding fiscal year under 1209  
this division. Upon receipt of such certification, the treasurer 1210  
of state shall pay to the state highway patrol retirement system 1211  
the amount certified. 1212

(B) Each person who retired and was eligible to receive a pension, other than a reduced pension, that was payable prior to ~~the effective date of this amendment~~ June 30, 2000, pursuant to division (A) or (B) of section 5505.16 or division (B) of section 5505.18 of the Revised Code shall have the pension recalculated by the board so that the person receives a monthly pension of not less than one thousand fifty dollars. Any pension increase resulting from a recalculation made under this division shall be included in the calculation of the additional benefit paid under section 5505.174 of the Revised Code.

(C) The pension of each person who is receiving a pension pursuant to division (B) of section 5505.16 of the Revised Code on June 5, 1996, of less than nine hundred dollars per month shall be increased to nine hundred dollars per month. Any increase under this division shall be included in the calculation of the additional benefit paid under section 5505.174 of the Revised Code.

(D) The pension of each person who is receiving a pension pursuant to division (B) of section 5505.16 of the Revised Code on the effective date of this amendment of less than one thousand fifty dollars per month shall be increased to one thousand fifty dollars per month. Any increase under this division shall be included in the calculation of the additional benefit paid under section 5505.174 of the Revised Code.

**Sec. 5505.176.** (A) The state highway patrol retirement system shall increase the pension payable to each person receiving a pension granted prior to September 16, 1998, that was calculated under division (A)(1) of section 5505.17 of the Revised Code on the basis of total service credit of more than twenty-five years. The increase shall be an amount determined by multiplying the pension payable to the member on September 16, 1998, by the



product obtained by multiplying by one-half of one per cent the 1244  
member's years and fraction of a year of service in excess of 1245  
twenty-five years, except that the increased pension shall not 1246  
exceed the limit established by section 415 of the "Internal 1247  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 1248  
amended. The increased pension shall be effective on October 1, 1249  
1998, and shall be used in determining the amount of the 1250  
additional benefit paid under section 5505.174 of the Revised 1251  
Code. 1252

(B) The state highway patrol retirement system shall increase 1253  
the pension payable to each person receiving a pension granted 1254  
~~prior to the effective date of this amendment June 30, 2000,~~ that 1255  
was calculated under division (A)(1) of section 5505.17 of the 1256  
Revised Code on the basis of total service credit of more than 1257  
twenty years. The increase shall be an amount determined by 1258  
multiplying the pension payable to the member on ~~the effective~~ 1259  
~~date of this amendment June 30, 2000,~~ by the product obtained by 1260  
multiplying by one-quarter of one per cent the member's years and 1261  
fraction of a year of service in excess of twenty years but not in 1262  
excess of twenty-five years, except that the increased pension 1263  
shall not exceed the limit established by section 415 of the 1264  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 1265  
as amended. The increased pension shall be effective on the first 1266  
day of the first month following ~~the effective date of this~~ 1267  
~~amendment June 30, 2000,~~ and shall be used in determining the 1268  
amount of the additional benefit paid under section 5505.174 of 1269  
the Revised Code. 1270

(C) The state highway patrol retirement system shall increase 1271  
the pension payable to each person receiving a pension granted 1272  
prior to the effective date of this amendment that was calculated 1273  
under division (A)(1) of section 5505.17 of the Revised Code on 1274  
the basis of total service credit of more than twenty years. The 1275

increase shall be an amount determined by multiplying the pension  
payable to the member on the effective date of this amendment by  
the product obtained by multiplying by one quarter of one per cent  
the member's years and fraction of a year of service in excess of  
twenty years, except that the increased pension shall not exceed  
the limit established by section 415 of the "Internal Revenue Code  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The  
increased pension shall be effective on the first day of the first  
month following the effective date of this amendment and shall be  
used in determining the amount of the additional benefit paid  
under section 5505.174 of the Revised Code.

**Sec. 5505.178.** (A) As used in this section:

(1) "Cumulative percentage change in the CPI" means the total  
percentage change in the consumer price index prepared by the  
United States bureau of labor statistics for urban wage earners  
and clerical workers (CPI-W: U.S. city average, all items) from  
the thirty-first day of December immediately preceding the year in  
which the original benefit started through the thirty-first day of  
December immediately preceding the effective date of this section.

(2) "Original pension amount" means the initial amount of a  
pension granted to the initial recipient of the pension.

(B) For each individual receiving a pension from the state  
highway patrol retirement board on the effective date of this  
section, the board shall determine the sum of the following  
amounts:

(1) An amount equal to eighty-five per cent of the original  
pension amount, except that if the recipient is not the individual  
to whom the original pension amount was granted, the amount shall  
equal eighty-five per cent of the product obtained when the

original pension amount is multiplied by the percentage of the 1307  
original pension amount being paid to the recipient; 1308

(2) An amount equal to the product obtained when the amount 1309  
determined under division (B)(1) of this section is multiplied by 1310  
the cumulative percentage change in the CPI. 1311

(C) If the amount determined under division (B) of this 1312  
section is greater than the annual pension being paid to the 1313  
recipient, the board shall recalculate the annual pension payable 1314  
on the effective date of this section so that it equals the amount 1315  
determined under that division. 1316

(D) The board shall include the increase in an individual's 1317  
pension provided for by this section in the individual's base for 1318  
the purpose of future increases in the pension under section 1319  
5505.174 of the Revised Code. 1320

(E) The board shall make the recalculations required under 1321  
this section not later than one hundred eighty days after the 1322  
effective date of this section. The board may adopt rules to 1323  
implement this section. 1324

**Sec. 5505.179.** Except as provided in division (A)(3) of 1325  
section 5505.162 of the Revised Code, all pensions shall be paid 1326  
in equal monthly installments. 1327

**Sec. 5505.18.** As used in this section, "member" does not 1328  
include state highway patrol cadets attending training schools 1329  
pursuant to section 5503.05 of the Revised Code. 1330

(A) Upon the application of a member of the state highway 1331  
patrol retirement system, a person acting on behalf of a member, 1332  
or the superintendent of the state highway patrol on behalf of a 1333  
member, a member who becomes totally and permanently incapacitated 1334  
for duty in the employ of the state highway patrol may be retired 1335

by the board.

The medical or psychological examination of a member who has applied for disability retirement shall be conducted by a competent ~~physician~~ health-care professional or ~~physicians~~ professionals appointed by the board. The ~~physician~~ health-care professional or ~~physicians~~ professionals shall file a written report with the board containing the following information:

(1) Whether the member is totally incapacitated for duty in the employ of the patrol;

(2) Whether the incapacity is expected to be permanent;

(3) The cause of the member's incapacity.

The board shall determine whether the member qualifies for disability retirement and its decision shall be final. The board shall consider the written medical or psychological report, opinions, statements, and other competent evidence in making its determination. If the incapacity is a result of heart disease or any cardiovascular disease of a chronic nature, which disease or any evidence of which was not revealed by the physical examination passed by the member on entry into the patrol, the member is presumed to have incurred the disease in the line of duty as a member of the patrol, unless the contrary is shown by competent evidence.

(B)(1) A member whose retirement on account of disability incurred in the line of duty shall receive the applicable pension provided for in section 5505.17 of the Revised Code, except that if the member has less than twenty-five years of contributing service, the member's service credit shall be deemed to be twenty-five years for the purpose of this provision. In no case shall the member's disability pension be less than sixty-one and one-quarter per cent or exceed the lesser of ~~seventy-nine~~ eighty-two and ~~one-quarter~~ three-quarters per cent of the member's

final average salary or the limit established by section 415 of 1367  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1368  
415, as amended. 1369

(2) A member whose retirement on account of disability 1370  
incurred not in the line of duty shall receive the applicable 1371  
pension provided for in section 5505.17 of the Revised Code, 1372  
except that if the member has less than twenty years of 1373  
contributing service, the member's service credit shall be deemed 1374  
to be twenty years for the purpose of this provision. In no case 1375  
shall the member's disability pension exceed the lesser of 1376  
~~seventy-nine~~ eighty-two and ~~one-quarter~~ three-quarters per cent of 1377  
the member's final average salary or the limit established by 1378  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 1379  
2085, 26 U.S.C.A. 415, as amended. 1380

(C) The state highway patrol retirement board shall adopt 1381  
rules requiring a disability pension recipient, as a condition of 1382  
continuing to receive a disability pension, to agree in writing to 1383  
obtain any medical or psychological treatment recommended by the 1384  
board's ~~physician~~ health-care professional and submit medical or 1385  
psychological reports regarding the treatment. If the board 1386  
determines that a disability pension recipient is not obtaining 1387  
the medical or psychological treatment or the board does not 1388  
receive a required medical or psychological report, the disability 1389  
pension shall be suspended until the treatment is obtained, the 1390  
report is received by the board, or the board's ~~physician~~ 1391  
health-care professional certifies that the treatment is no longer 1392  
helpful or advisable. Should the recipient's failure to obtain 1393  
treatment or submit a medical or psychological report continue for 1394  
one year, the recipient's right to the disability benefit shall be 1395  
terminated as of the effective date of the original suspension. 1396

(D) A member placed on a disability pension who has not 1397  
attained the age of fifty-five years shall be subject to an annual 1398

medical or psychological re-examination by ~~physicians~~ health-care  
professionals appointed by the board, except that the board may  
waive the ~~medical~~ re-examination if the board's ~~physicians~~  
health-care professionals certify that the member's disability is  
ongoing. If any member placed on a disability pension refuses to  
submit to a medical or psychological re-examination, the member's  
disability pension shall be suspended until the member withdraws  
the refusal. If the refusal continues for one year, all the  
member's rights under and to the disability pension shall be  
terminated as of the effective date of the original suspension.

(E) Each recipient of a disability pension who has not  
attained the age of fifty-five years shall file with the board an  
annual statement of earnings, current medical or psychological  
information on the recipient's condition, and any other  
information required in rules adopted by the board. The board may  
waive the requirement that a disability benefit recipient file an  
annual statement of earnings or current medical or psychological  
information if the board's ~~physician~~ health-care professional  
certifies that the recipient's disability is ongoing.

The board shall annually examine the information submitted by  
the recipient. If a recipient refuses to file the statement or  
information, the disability pension shall be suspended until the  
statement and information are filed. If the refusal continues for  
one year, the right to the pension shall be terminated as of the  
effective date of the original suspension.

(F)(1) Except as provided in division (F)(2) of this section,  
a retirant who has been on disability pension, and who has been  
physically or psychologically examined and found no longer  
incapable of performing the retirant's duties, shall be restored  
to the rank the retirant held at the time the retirant was  
pensioned and all previous rights shall be restored, including the  
retirant's civil service status, and the disability pension shall

terminate. Upon return to employment in the patrol, the retirant 1431  
shall again become a contributing member of the retirement system, 1432  
the total service at the time of the retirant's retirement shall 1433  
be restored to the retirant's credit, and the retirant shall be 1434  
given service credit for the period the retirant was in receipt of 1435  
a disability pension. The provisions of division (F)(1) of this 1436  
section shall be retroactive to September 5, 1941. 1437

(2) The state highway patrol is not required to take action 1439  
under division (F)(1) of this section if the retirant was 1440  
dismissed or resigned in lieu of dismissal for dishonesty, 1441  
misfeasance, malfeasance, or conviction of a felony. 1442

(G) The board may adopt rules to carry out this section, 1443  
including rules that specify the types of health-care 1444  
professionals the board may appoint for the purpose of this 1445  
section. 1446

**Sec. 5505.19.** Subject to section 5505.26 of the Revised Code, 1447  
a member of the state highway patrol retirement system who ceases 1448  
to be an employee of the state highway patrol for any cause except 1449  
death, disability, or retirement, upon application filed in 1450  
writing with the state highway patrol retirement board, shall be 1451  
paid the accumulated contributions, ~~less interest~~, standing to the 1452  
credit of the member's individual account in the employees' 1453  
savings fund plus any applicable amount calculated under section 1454  
5505.24 of the Revised Code. Except as otherwise provided in this 1455  
chapter, five years after a member ceases to be an employee of the 1456  
patrol any balance of accumulated contributions standing to the 1457  
member's credit in the employees' savings fund, plus any 1458  
applicable amount calculated under section 5505.24 of the Revised 1459  
Code, shall be transferred to the income fund and after that shall 1460  
be paid from that fund to the member, or in the case of a deceased 1461  
member or retirant who dies leaving no surviving spouse or 1462

dependent children or parents, shall be paid from that fund to the 1463  
estate of the deceased member or retirant, upon application to the 1464  
board. 1465

**Sec. 5505.20.** Should a member of the state highway patrol 1466  
retirement system cease to be an employee of the state highway 1467  
patrol, for any reason, except ~~his~~ retirement or death, ~~he~~ the 1468  
member shall thereupon cease to be a member of the retirement 1469  
system and ~~he~~ shall forfeit ~~his~~ the member's total service credit 1470  
at that time. Should ~~he~~ such a former member return to the employ 1471  
of the state highway patrol, ~~he~~ the former member shall again 1472  
become a member. When said re-employment occurs the total service 1473  
credit last forfeited by ~~him~~ the member shall be restored to ~~his~~ 1474  
the member's credit, provided ~~he~~ the member pays ~~into the~~ 1475  
~~employees' savings fund~~ to the state highway patrol retirement 1476  
system the amount, if any, ~~he withdrew therefrom~~ the member was 1477  
paid under section 5505.19 of the Revised Code, together with such 1478  
compound interest as the board may require from the date of 1479  
~~withdrawal~~ the payment under that section to the date of 1480  
repayment. The member may choose to purchase only part of such 1481  
credit in any one payment, subject to board rules. The return of 1482  
~~accumulated contributions~~ the payment made under section 5505.19 1483  
of the Revised Code, and the payment of the compound interest, 1484  
shall be made according to such rules as the board shall from time 1485  
to time adopt. The repayment shall be credited as follows: 1486

(A) The amount of the repayment that equals the amount, if 1487  
any, included, pursuant to section 5505.24 of the Revised Code, in 1488  
the payment to the member under section 5505.19 of the Revised 1489  
Code shall be credited to the employer's accumulation fund; 1490

(B) The remaining amount of the repayment shall be credited 1491  
to the member's individual account in the employees' savings fund. 1492

**Sec. 5505.202.** (A) As used in this section: 1493



(1) "Law enforcement officer" has the same meaning as in 1494  
section 145.01 of the Revised Code. 1495

(2) "Military service credit" means credit for service in the 1496  
armed forces of the United States purchased or obtained under 1497  
Chapter 145. of the Revised Code. 1498

(B) A member of the state highway patrol retirement system 1499  
shall, in computing years of active service in the highway patrol 1500  
under sections 5505.16, 5505.17, and 5505.18 of the Revised Code, 1501  
be given full credit for time for which contributions as a law 1502  
enforcement officer were made under Chapter 145. of the Revised 1503  
Code and for military service credit if the member pays to the 1504  
state highway patrol retirement system the amount received by the 1505  
member under section 145.40 of the Revised Code, with compound 1506  
interest thereon at a rate determined by the state highway patrol 1507  
retirement board from the date of receipt under section 145.40 of 1508  
the Revised Code to the date of the member's payment under this 1509  
section. 1510

A member may choose to purchase only part of the credit in 1511  
any one payment, subject to board rules. 1512

(C) On certification by the state highway patrol retirement 1513  
board to the public employees retirement board of payment by the 1514  
member under this section, the public employees retirement system 1515  
shall pay from the employers' accumulation fund created under 1516  
section 145.23 of the Revised Code to the state highway patrol 1517  
retirement system an amount equal to the member's payment less any 1518  
of that amount that is attributable to section 145.401 of the 1519  
Revised Code. 1520

**Sec. 5505.204.** A member of the state highway patrol 1521  
retirement system who elected to be exempt from membership in the 1522  
public employees retirement system while attending training under 1523  
section 5503.05 of the Revised Code shall, in computing years of 1524

active service in the highway patrol under sections 5505.16,  
5505.17, and 5505.18 of the Revised Code, be given full credit for  
time attending the training prior to June 30, 1991, if the member  
pays to the state highway patrol retirement system the amount the  
member would have paid the public employees retirement system had  
the member not elected to be exempt from membership, with compound  
interest thereon at a rate to be determined by the state highway  
patrol retirement board. The interest shall be for the period from  
the date the member completed the training to May 4, 1992. A  
member may choose to purchase only part of the credit in any one  
payment, subject to board rules.

The retirement system must receive notice of the member's  
election to purchase service credit under this section not later  
than sixty days after this section's effective date. Payment for  
the service credit must be complete not later than one hundred  
eighty days after the date of receipt of the notice.

**Sec. 5505.21.** Should a member of the state highway patrol  
retirement system die and no pension becomes payable from funds of  
the system on account of ~~his~~ the member's employment with the  
patrol, ~~his~~ the member's accumulated contributions, ~~less interest,~~  
standing to ~~his~~ the member's credit in the employees' savings fund  
at the time of ~~his~~ death and any applicable amount calculated  
under section 5505.24 of the Revised Code shall be paid to such  
person or persons as ~~he~~ the member has nominated by written  
designation duly executed and filed with the state highway patrol  
retirement board. If there is no such designated person or persons  
surviving such member, ~~his~~ the member's accumulated contributions  
and any applicable amount calculated under section 5505.24 of the  
Revised Code shall be paid according to the state law of descent  
and distribution; provided that, if ~~his accumulated contributions~~  
~~are~~ the amount to be paid under this section is not claimed by an  
eligible person or by the estate of the deceased member within

seven years, ~~they~~ the amount shall be transferred to the income 1557  
fund of the system and after that shall be paid from that fund to 1558  
such person or estate upon application to the board. 1559

Sec. 5505.24. (A) As used in this section: 1560

(1)(a) "Eligible contributions" means all of the following: 1561

(i) Amounts that a member contributes under division (A) of 1562  
section 5505.15 of the Revised Code to the state highway patrol 1563  
retirement fund; 1564

(ii) Amounts that the state highway patrol retirement system 1565  
receives from a member under division (D) of section 5505.16, 1566  
division (C) of section 5505.17, or section 5505.20, 5505.201, 1567  
5505.202, 5505.204, or 5505.25 of the Revised Code; 1568

(iii) Amounts the state highway patrol retirement system 1569  
receives from a member, or is transferred to the state highway 1570  
patrol retirement system by another retirement system to the 1571  
credit of a member, under section 5505.40 or 5505.402 of the 1572  
Revised Code; 1573

(iv) Accumulated interest credited to the member's individual 1574  
account. 1575

(b) "Eligible contributions" does not include contributions 1576  
that were used in the payment of a disability pension or, as 1577  
provided in rules adopted by the board, were refunded to a member 1578  
because the system was not authorized to accept the contributions. 1579

(2) "Service credit" means service credit earned for periods 1581  
for which contributions were made under section 5505.15 of the 1582  
Revised Code and, if applicable, periods for which service credit 1583  
was restored, purchased, or transferred under division (D) of 1584  
section 5505.16, division (C) of section 5505.17, or section 1585  
5505.20, 5505.201, 5505.202, 5505.204, 5505.25, 5505.40, or 1586

5505.402 of the Revised Code.

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(B) If a member has, or at the time of death had, at least  
five years of service credit, the state highway patrol retirement  
board shall include the amount specified in division (B)(1) or (2)  
of this section in the amount payable under section 5505.19 of the  
Revised Code to the member, or under section 5505.21 of the  
Revised Code to a designated person or the member's estate, unless  
at the time of death the member was a disability pension  
recipient. The amount specified in division (B)(1) or (2) of this  
section shall be paid from the employer's accumulation fund.

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(1) If the member has, or had at the time of death, at least  
five but less than ten years of service credit, the amount  
included shall be equal to thirty-three per cent of the member's  
eligible contributions.

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(2) If the member has, or had at the time of death, at least  
ten years of service credit, the amount included shall be equal to  
sixty-seven per cent of the member's eligible contributions.

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**Sec. 5505.40.** (A) As used in this section:

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(1) "Full-time service" means full-time service as defined by  
rule which shall be adopted by the state highway patrol retirement  
board.

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(2) "Military service credit" means credit for service in the  
armed forces of the United States purchased or obtained under this  
chapter or Chapter 145., 3307., or 3309. of the Revised Code.

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(B)(1)(a) For Except as provided in division (B)(1)(d) of  
this section, for purposes of computing the pension payable under  
section 5505.17 or 5505.18 of the Revised Code, a member of the  
state highway patrol retirement system who is a former member of  
the public employees retirement system, school employees

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retirement system, or state teachers retirement system and has 1617  
received a return of contributions from the former retirement 1618  
system shall be given full credit for service credit earned for 1619  
full-time service as a member of the former retirement system or 1620  
purchased or obtained as military service credit if, for each year 1621  
of service credit, the state highway patrol retirement system 1622  
receives the sum of the following: 1623

(i) An amount, which shall be paid by the member to the 1624  
member's credit in the employees' savings fund, equal to the 1625  
amount received by the member from the former retirement system 1626  
for that year that is attributable to contributions made for 1627  
full-time service and payments for military service credit, plus 1628  
interest at a rate established by the board on that amount from 1629  
the date payment was made to the member by the former retirement 1630  
system to the date the member makes the payment to the state 1631  
highway patrol retirement system; 1632

(ii) If a member is seeking credit for service under the 1633  
public employees retirement system, an amount, which shall be paid 1634  
by the member, equal to the amount of any employer contributions 1635  
and interest on employee contributions the member received under 1636  
section 145.40 of the Revised Code; 1637

(iii) Interest, which shall be transferred by the former 1638  
retirement system, on the amount received by the member that is 1639  
attributable to the year of service from the last day of the year 1640  
for which the service credit was earned or in which payment was 1641  
made for military service credit to the date the amount was paid 1642  
to the member; 1643

(iv) An amount, which shall be transferred by the former 1644  
retirement system, equal to the lesser of the employer's 1645  
contributions to the former retirement system for the year of 1646  
service or the amount that would have been contributed by the 1647  
employer for the full-time service had the member been a member of 1648

the state highway patrol retirement system at the time the credit  
was earned, with interest on that amount from the last day of the  
year for which the service credit was earned or in which payment  
was made for military service credit to the date the transfer is  
made.

(b) On receipt of payment from the member, the state highway  
patrol retirement system shall notify the former retirement  
system, which, on receipt of the notice, shall make the transfer  
required by this division. Interest shall be determined in  
accordance with division (F) of this section.

(c) The amount transferred under division (B)(1)(a) of this  
section by the public employees retirement system shall not  
include any amount of employer contributions and interest on  
employee contributions the member received under section 145.40 of  
the Revised Code.

(d) This division does not apply to a former member of the  
public employees retirement system who qualifies to receive credit  
under section 5505.202 of the Revised Code, except that the former  
member may receive credit under this division for services for  
which credit is not available under section 5505.202 of the  
Revised Code.

(2) For purposes of computing the pension payable under  
section 5505.17 or 5505.18 of the Revised Code, a member of the  
state highway patrol retirement system who has contributions on  
deposit with the public employees retirement system, school  
employees retirement system, or state teachers retirement system  
shall be given full credit for service credit earned for full-time  
service as a member of that retirement system, any service credit  
purchased or obtained as military service credit, and any service  
credit obtained under section 145.295, 3307.761, or 3309.381 of  
the Revised Code for service for which contributions were made to  
the Ohio police and fire pension fund. The credit shall be given

if, for each year of service, the public employees retirement 1681  
system, school employees retirement system, or state teachers 1682  
retirement system transfers to the state highway patrol retirement 1683  
system the sum of the following: 1684

(a) The amount, contributed by the member or, in the case of 1685  
military service, paid by the member, that is attributable to that 1686  
service; 1687

(b) An amount equal to the lesser of the employer's 1688  
contributions to the public employees retirement system, school 1689  
employees retirement system, or state teachers retirement system 1690  
for the year of service or the amount that would have been 1691  
contributed by the employer for the full-time service had the 1692  
member been a member of the state highway patrol retirement system 1693  
at the time the credit was earned; 1694

(c) An amount equal to any amount received by the retirement 1695  
system under section 145.295, 3307.761, or 3309.351 of the Revised 1696  
Code; 1697

(d) Interest, determined in accordance with division (F) of 1698  
this section, on the amounts specified in divisions (B)(2)(a), 1699  
(b), and (c) of this section from the last day of the year for 1700  
which the service credit in the transferring retirement system was 1701  
earned or in which payment was made for military service credit or 1702  
service credit under section 145.295, 3307.761, or 3309.351 of the 1703  
Revised Code was purchased or obtained to the date the transfer is 1704  
made. 1705

On receipt of a request from the member, the appropriate 1706  
retirement system shall make the transfer. 1707

(3) Unless section 5505.402 of the Revised Code applies, for 1708  
purposes of computing the pension payable under section 5505.17 or 1709  
5505.18 of the Revised Code, a member of the state highway patrol 1710  
retirement system who has contributions on deposit with the 1711

Cincinnati retirement system shall be given full credit for 1712  
service credit earned for full-time service as a member of that 1713  
retirement system or purchased or obtained as military service 1714  
credit if, for each year of service credit, the state highway 1715  
patrol retirement system receives the sum of the following: 1716  
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(a) An amount, which shall be paid by the member to the 1718  
member's credit in the employees' savings fund, equal to the 1719  
amount withdrawn from the Cincinnati retirement system that is 1720  
attributable to that year of service, with interest on that amount 1721  
determined in accordance with division (F) of this section from 1722  
the date of withdrawal to the date of payment; 1723

(b) Interest, which shall be paid either by the member or the 1724  
Cincinnati retirement system, on the amount withdrawn from the 1725  
Cincinnati retirement system that is attributable to the year of 1726  
service from the last day of the year for which the service credit 1727  
was earned or in which payment was made for military service 1728  
credit to the date the amount was withdrawn; 1729

(c) An amount, which shall be paid either by the member or 1730  
the Cincinnati retirement system, equal to the lesser of the 1731  
employer's contributions to the Cincinnati retirement system for 1732  
the year of service or the amount that would have been contributed 1733  
by the employer for the full-time service had the member been a 1734  
member of the state highway patrol retirement system at the time 1735  
the credit was earned, with interest on that amount from the last 1736  
day of the year for which the service credit was earned or in 1737  
which payment was made for military service to the date the 1738  
payment is made. 1739

(C) If a member who is not a current contributor and has not 1740  
received a ~~refund of accumulated contributions~~ payment under 1741  
section 5505.19 of the Revised Code elects to receive credit under 1742  
section 145.295, 3307.761, or 3309.351 of the Revised Code for 1743



service for which the member ~~contributed to~~ earned or purchased 1744  
from the state highway patrol retirement system ~~and credit~~ 1745  
~~purchased as military service credit~~, the state highway patrol 1746  
retirement system shall transfer to the appropriate retirement 1747  
system the amount specified in division ~~(B)~~(D) of section 145.295, 1748  
division ~~(B)~~(D) of section 3307.761, or division ~~(B)~~(D) of section 1749  
3309.73 of the Revised Code. 1750

(D)(1) A member is ineligible to purchase or otherwise 1751  
receive credit under this section for service that is used in the 1752  
calculation of any retirement benefit currently being paid or that 1753  
is payable in the future to the member, or service rendered 1754  
concurrently with any other period for which service credit has 1755  
already been granted. 1756

(2) Except as provided under division (D)(3) of this section, 1757  
no service credit purchased under this section or received as a 1758  
result of a transfer requested under this section shall be used to 1759  
determine any member's eligibility for retirement under sections 1760  
5505.16 and 5505.17 of the Revised Code. 1761

(3) Service credit obtained under this section by a member 1762  
for military service credit or for service as a state highway 1763  
patrol cadet attending training school pursuant to section 5503.05 1764  
of the Revised Code shall be used to determine the member's 1765  
eligibility for retirement under sections 5505.16 and 5505.17 of 1766  
the Revised Code. 1767

(4) Subject to rules of the state highway patrol retirement 1768  
system, a member may choose to purchase only part of the credit 1769  
the member is eligible to purchase under division (B)(1) or (3) of 1770  
this section. 1771

(E) At the request of the state highway patrol retirement 1772  
system, the public employees retirement system, school employees 1773  
retirement system, state teachers retirement system, or Cincinnati 1774  
retirement system shall certify to the state highway patrol 1775

retirement system a copy of the records of service, salary, and 1776  
contributions of a member who seeks service credit under this 1777  
section. 1778

(F) Interest charged under this section shall be calculated 1779  
separately for each year of service credit. Unless otherwise 1780  
specified in this section, it shall be calculated at the lesser of 1781  
the actuarial assumption rate for that year of the state highway 1782  
patrol retirement system or of the retirement system in which the 1783  
credit was earned. The interest shall be compounded annually. 1784

(G) The state highway patrol retirement system board may 1785  
adopt rules establishing procedures for the purchase of service 1786  
credit or the transfer of contributions under this section. 1787

**Sec. 5505.403.** (A) If the conditions described in division 1788  
(B) of section 5505.401 of the Revised Code are met and a person 1789  
who is a member or former member of the state highway patrol 1790  
retirement system but not a current contributor and who is not 1791  
receiving a pension or benefit from the state highway patrol 1792  
retirement system elects to receive credit under the Cincinnati 1793  
retirement system for service for which the person contributed to 1794  
the state highway patrol retirement system or purchased or 1795  
obtained as military service credit, the state highway patrol 1796  
retirement system shall transfer the amounts specified in division 1797  
(B) or (C) of this section to the Cincinnati retirement system. 1798

(B) If a person has not received a ~~refund of accumulated~~ 1799  
~~contributions from the state highway patrol retirement system~~ 1800  
payment under section 5505.19 of the Revised Code, the retirement 1801  
system shall, for each year of service credit, transfer to the 1802  
Cincinnati retirement system the sum of the following: 1803

(1) An amount equal to the person's contributions to the 1804  
state highway patrol retirement system and payments made by the 1805  
member for military service credit; 1806

(2) An amount equal to the lesser of the employer's 1807  
contributions to the state highway patrol retirement system for 1808  
the year of service or the amount that would have been contributed 1809  
by the employer for the service had the person been a member of 1810  
the Cincinnati retirement system at the time the credit was 1811  
earned; 1812

(3) Interest on the amounts specified in divisions (B)(1) and 1813  
(2) of this section for the period from the last day of the year 1814  
for which the service credit was earned or in which payment was 1815  
made for military service credit to the date the transfer was 1816  
made. 1817

(C)(1) If the person has received a ~~refund of accumulated~~ 1818  
~~contributions to the state highway patrol retirement system~~ 1819  
payment under section 5505.19 of the Revised Code, the retirement 1820  
system shall, for each year of service credit, transfer to the 1821  
Cincinnati retirement system the sum of the following as reduced 1822  
by division (C)(2) of this section: 1823

~~(1)~~(a) Interest on the amount ~~refunded~~ paid to the former 1824  
member that is attributable to the year of service from the last 1825  
day of the year for which the service credit was earned or in 1826  
which payment was made for military service credit to the date the 1827  
~~refund payment~~ was made; 1828

~~(2)~~(b) An amount equal to the lesser of the employer's 1829  
contributions to the state highway patrol retirement system for 1830  
the year of service or the amount that would have been contributed 1831  
by the employer for the service had the person been a member of 1832  
the Cincinnati retirement system at the time the credit was 1833  
earned, with interest on that amount from the last day of the year 1834  
for which the service credit was earned to the date of the 1835  
transfer. 1836

(2) The amount the state highway patrol retirement system 1837

transfers under division (C)(1) of this section shall be reduced 1838  
by any amount paid to the member under section 5505.19 of the 1839  
Revised Code that is attributable to section 5505.24 of the 1840  
Revised Code. 1841

(D) The amount transferred under division (C)(1) of this 1842  
section shall not include any amount of interest the Cincinnati 1843  
retirement system paid to the person when it made the refund. 1844

(E) On receipt of notice from the Cincinnati retirement 1845  
system that the Cincinnati retirement system has received payment 1846  
from a person described in division (C) of this section, the state 1847  
highway patrol retirement system shall transfer the amount 1848  
described in that division. 1849

(F) Interest charged under this section shall be calculated 1850  
separately for each year of service credit. Unless otherwise 1851  
specified in this section, it shall be calculated at the lesser of 1852  
the actuarial assumption rate for that year of the state highway 1853  
patrol retirement system or the Cincinnati retirement system. The 1854  
interest shall be compounded annually. 1855

(G) The transfer of any amount under this section cancels an 1856  
equivalent amount of service credit. 1857

(H) At the request of the Cincinnati retirement system, the 1858  
state highway patrol retirement system shall certify to the 1859  
Cincinnati retirement system a copy of the records of the service 1860  
and contributions of a member or former member of the state 1861  
highway patrol retirement system who elects to receive service 1862  
credit under the Cincinnati retirement system. 1863

(I) In addition to entering into an agreement with the 1864  
Cincinnati retirement system under section 5505.401 of the Revised 1865  
Code, the state highway patrol retirement system board may adopt 1866  
rules establishing procedures for the transfer of contributions 1867  
under this section. 1868

**Section 2.** That existing sections 145.295, 742.375, 3307.761, 1869  
3309.73, 5505.01, 5505.16, 5505.162, 5505.163, 5505.17, 5505.171, 1870  
5505.176, 5505.18, 5505.19, 5505.20, 5505.21, 5505.40, and 1871  
5505.403 of the Revised Code are hereby repealed. 1872

**Section 3.** An individual who is receiving a pension from the 1873  
State Highway Patrol Retirement System pursuant to division (A)(1) 1874  
or (2) of section 5505.17 of the Revised Code and did not 1875  
purchase, under section 5505.25 of the Revised Code, service 1876  
credit for service incurred by reason of having been on active 1877  
duty as a member of the uniformed services of the United States 1878  
may purchase such service credit. The purchase shall be made in 1879  
the same manner and under the same limitations as a member of the 1880  
State Highway Patrol Retirement System who is not receiving a 1881  
pension from the System may purchase such service credit under 1882  
section 5505.25 of the Revised Code, except that notice of the 1883  
member's election to purchase the credit must be received by the 1884  
retirement system not later than one hundred eighty days after the 1885  
effective date of this section and payment must be complete not 1886  
later than one hundred eighty days after the date of receipt of 1887  
the notice. 1888

If an individual purchases service credit under this section, 1889  
the State Highway Patrol Retirement System shall recalculate the 1890  
individual's pension accordingly. The recalculated pension shall 1891  
be effective the first day of the month following the month the 1892  
service credit is purchased. 1893