

**As Reported by the Senate Ways and Means Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 373**

**REPRESENTATIVES Hughes, Womer Benjamin, Jones, Willamowski,  
Manning, Flowers, Ogg, Hollister, Schaffer, Boccieri, Lendrum, Brown,  
Schuring, Schneider, Wolpert, G. Smith, McGregor, Reidelbach, Grendell,  
Core, Carano, Redfern, D. Miller, Sulzer, Salerno, Widowfield, Cirelli, Perry,  
Hartnett, Coates, Latell, Strahorn, S. Smith, Oakar, DeBose, Key, Gilb, Latta,  
Carmichael, Oلمان, Flannery, Collier, Callender, Evans, Calvert, Hoops,  
Allen, Otterman, Barrett, Woodard, Kearns, Carey, Metzger, Beatty, Fedor,  
Rhine**

**SENATORS Spada, Blessing, Roberts**

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**A B I L L**

To amend sections 742.21, 742.212, 742.214, 742.221, 1  
742.23, 742.24, 742.251, 742.27, 742.37, 742.371, 2  
742.375, 742.376, 742.3711, 742.3714, 742.3716, 3  
742.44, 742.442, 742.443, 742.444, 742.52, 5505.01, 4  
5505.15, 5505.162, 5505.163, and 5505.18 and to 5  
enact section 5505.178 of the Revised Code to 6  
revise the laws governing the Ohio Police and Fire 7  
Pension Fund's Deferred Retirement Option Plan and 8  
the State Highway Patrol Retirement System. 9

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

**Section 1.** That sections 742.21, 742.212, 742.214, 742.221, 10  
742.23, 742.24, 742.251, 742.27, 742.37, 742.371, 742.375, 11  
742.376, 742.3711, 742.3714, 742.3716, 742.44, 742.442, 742.443, 12  
742.444, 742.52, 5505.01, 5505.15, 5505.162, 5505.163, and 5505.18 13

be amended and section 5505.178 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 742.21.** (A) As used in this section and sections 742.211 16  
to 742.214 of the Revised Code: 17

(1) "Full-time service" has the meaning established by rule 18  
of the board of trustees of the Ohio police and fire pension fund. 19

(2) "Military service credit" means credit for service in the 20  
armed forces of the United States purchased or obtained from the 21  
fund, the Cincinnati retirement system, or a non-uniform 22  
retirement system. 23

(3) "Non-uniform retirement system" or "non-uniform system" 24  
means the public employees retirement system, school employees 25  
retirement system, or state teachers retirement system. 26

(B) Unless section 742.212 of the Revised Code applies and 27  
except as provided in ~~division~~ divisions (G) and (I) of this 28  
section, in computing the pension and benefits payable under 29  
section 742.37 or 742.39 of the Revised Code, the Ohio police and 30  
fire pension fund shall give a member of the fund who is in the 31  
active service of a police or fire department ~~and~~, is not 32  
receiving a pension or benefit payment from the fund, and is not a 33  
participant in the deferred retirement option plan established 34  
under section 742.43 of the Revised Code full credit for service 35  
credit earned for full-time service as a member of the Cincinnati 36  
retirement system or purchased or obtained as military service 37  
credit if, for each year of service credit, the fund receives the 38  
sum of the following: 39

(1) An amount, which shall be paid by the member, equal to 40  
the amount withdrawn by the member from the retirement system that 41  
is attributable to the year of service credit, with interest at a 42  
rate established by the board on that amount from the date of 43

withdrawal to the date of payment; 44

(2) Interest, which shall be paid either by the member or the 45  
Cincinnati retirement system, on the amount withdrawn by the 46  
member from the Cincinnati retirement system that is attributable 47  
to the year of service from the last day of the year for which the 48  
service credit was earned or in which payment was made for 49  
military service credit to the date the withdrawal was made; 50

(3) An amount, which shall be paid by either the member or 51  
the Cincinnati retirement system, equal to the lesser of the 52  
amount contributed by the employer to the Cincinnati retirement 53  
system for the year of service or the amount that would have been 54  
contributed by the employer for the year of service had the member 55  
been employed by the member's current employer as a member of a 56  
police or fire department at the time the credit was earned, with 57  
interest on that amount from the last day of the year for which 58  
the service credit was earned or in which payment was made for 59  
military service credit to the date the payment is made; 60

(4) If the member became a member of the fund on or after 61  
September 16, 1998, the amount, which shall be paid by the member, 62  
determined pursuant to division (I) of this section. 63

Interest shall be determined in accordance with division (H) 64  
of this section. 65

(C)(1) Except as provided in ~~division~~ divisions (G) and (I) 66  
of this section, in computing the pension and benefits payable 67  
under section 742.37 or 742.39 of the Revised Code, the fund shall 68  
give a member of the fund who is in the active service of a police 69  
or fire department, is not receiving a pension or benefit payment 70  
from the fund, ~~and~~ has withdrawn the member's contributions from a 71  
non-uniform retirement system, and is not a participant in the 72  
deferred retirement option plan established under section 742.43 73  
of the Revised Code full credit for service credit earned for 74

full-time service as a member of the non-uniform system or 75  
purchased or obtained as military service credit if, for each year 76  
of service, the fund receives the sum of the following: 77

(a) An amount, which shall be paid by the member, equal to 78  
the amount withdrawn by the member from the non-uniform system 79  
that is attributable to that year of service credit, with interest 80  
at a rate established by the board on that amount from the date of 81  
withdrawal to the date of payment; 82

(b) If the member is seeking credit for service under the 83  
public employees retirement system or state teachers retirement 84  
system, an amount, which shall be paid by the member, equal to the 85  
amount of any employer contributions and interest on employee 86  
contributions the member received under section 145.40 or 3307.563 87  
of the Revised Code; 88

(c) Interest, which shall be transferred by the non-uniform 89  
system, on the amount withdrawn by the member from the non-uniform 90  
system that is attributable to the year of service from the last 91  
day of the year for which the service credit was earned or in 92  
which payment was made for military service credit to the date the 93  
withdrawal was made; 94

(d) An amount, which shall be transferred by the non-uniform 95  
system, equal to the lesser of the amount contributed by the 96  
employer to the non-uniform system for the year of service or the 97  
amount that would have been contributed by the employer for the 98  
year of service had the member been employed by the member's 99  
current employer as a member of a police or fire department at the 100  
time the credit was earned, with interest on that amount from the 101  
last day of the year for which the service credit was earned or in 102  
which payment was made for military service credit to the date the 103  
transfer is made; 104

(e) If the member became a member of the fund on or after 105  
September 16, 1998, the amount, which shall be paid by the member, 106

determined pursuant to division (I) of this section. 107

(2) On receipt of payment from the member, the fund shall 108  
notify the non-uniform system, and on receipt of the notice, the 109  
non-uniform system shall make the transfer. Interest shall be 110  
determined in accordance with division (H) of this section. 111

(3) The amount transferred under division (C)(1) of this 112  
section by the public employees retirement system or state 113  
teachers retirement system shall not include any amount of 114  
employer contributions and interest on employee contributions the 115  
member received under section 145.40 or 3307.563 of the Revised 116  
Code. 117

(D) Except as provided in ~~division~~ divisions (G) and (I) of 118  
this section, in computing the pension and benefits payable under 119  
section 742.37 or 742.39 of the Revised Code, the fund shall give 120  
a member of the fund who is in the active service of a police or 121  
fire department, is not receiving a pension or benefit from the 122  
fund, ~~and~~ has contributions on deposit with a non-uniform 123  
retirement system, and is not a participant in the deferred 124  
retirement option plan established under section 742.43 of the 125  
Revised Code full credit for service credit earned for full-time 126  
service as a member of the non-uniform system or service credit 127  
purchased or obtained as military service credit if both of the 128  
following occur: 129

(1) The non-uniform system transfers to the fund, for each 130  
year of service, the sum of the following: 131

(a) The amount, contributed by the member or, in the case of 132  
military service credit, paid by the member, that is attributable 133  
to that service; 134

(b) An amount equal to the lesser of the amount contributed 135  
by the employer to the non-uniform system for the year of service 136  
or the amount that would have been contributed by the employer for 137

the year of service had the member been employed by the member's 138  
current employer as a member of a police or fire department at the 139  
time the credit was earned; 140

(c) Interest on the amounts specified in divisions (D)(1)(a) 141  
and (b) of this section from the last day of the year for which 142  
the service credit in the non-uniform system was earned or in 143  
which military service credit was purchased or obtained to the 144  
date the transfer is made. 145

(2) If the member became a member of the fund on or after 146  
September 16, 1998, the member pays the amount determined pursuant 147  
to division (I) of this section. 148

On receipt of a request from the member, the appropriate 149  
non-uniform system shall make the transfer specified in division 150  
(D)(1) of this section. Interest shall be determined in accordance 151  
with division (H) of this section. 152

(E) Subject to board rules, a member of the fund may choose 153  
to purchase in any one payment only part of the credit the member 154  
is eligible to purchase under division (B) or (C)(1) of this 155  
section. 156

(F) At the request of the fund, the non-uniform retirement 157  
system or Cincinnati retirement system shall certify to the fund a 158  
copy of the records of the service and contributions of a member 159  
of the fund who seeks service credit under this section. 160

(G) A member of the fund is ineligible to receive credit 161  
under this section for service that is used in the calculation of 162  
any retirement benefit currently being paid or payable in the 163  
future to the member under any other retirement program, service 164  
rendered concurrently with any other period for which service 165  
credit has already been granted, or for service credit that may be 166  
transferred under section 742.214 of the Revised Code. 167

(H) Interest charged under this section shall be calculated 168

separately for each year of service credit. Unless otherwise  
specified in this section, it shall be calculated at the lesser of  
the actuarial assumption rate for that year of the fund or of the  
system in which the credit was earned. The interest shall be  
compounded annually.

The board may, by rule, establish procedures for the receipt  
of service credit under this section.

(I) The amount to be paid pursuant to division (B)(4),  
(C)(1)(e), or (D)(2) of this section or division (B)(2) or  
(C)(2)(b) of section 742.212 of the Revised Code is the sum of the  
following:

(1) An amount equal to the difference between the amount the  
member paid as employee contributions for the service and the  
amount the member would have paid had the member been employed by  
the member's current employer as a member of a police or fire  
department;

(2) An amount equal to the difference between the amount paid  
or transferred under division (B)(3), (C)(1)(d), or (D)(1)(b) of  
this section or division (B)(2) or (C)(2)(b) of section 742.212 of  
the Revised Code and 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 a police or fire  
department;

(3) Interest, determined in accordance with division (H) of  
this section, on the amounts specified in divisions (I)(1) and (2)  
of this section.

At the request of a member, in lieu of requiring payment of  
all or part of the amount determined under this division the fund  
may grant the member an amount of service credit under division  
(B), (C), or (D) of this section or division (B) or (C) of section  
742.212 of the Revised Code that is less than the amount for which

the member is eligible. The service credit granted shall be the same percentage of the service credit for which the member is eligible that the amount the fund receives under division (B), (C), or (D) of this section or division (B) or (C) of section 742.212 of the Revised Code is of the total amount it would receive under those divisions if the full amount determined under this division was paid.

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(J)(1) Except as provided in division (J)(2) of this section and notwithstanding any contrary provision of this section, the board shall, in computing a pension or benefit under section 742.37 or 742.39 of the Revised Code, give a member of the fund who is not receiving a pension or disability benefit from the fund full credit for service credit purchased under this section for service that was less than full-time service if the member provides evidence satisfactory to the board that, after receiving written notice from the fund indicating that the member would be permitted to purchase service credit for service that was less than full-time, the member changed or ceased the member's employment with the understanding that the credit identified in the notice would be used in computing a pension or benefit. If the board has canceled service credit purchased under this section for service that was less than full-time service and the member meets the requirements of division (J)(1) of this section, the board shall restore the service credit on repayment to the fund of the amount refunded to the member at the time of cancellation.

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(2) If a member of the fund who is not receiving a pension or disability benefit from the fund purchased credit under this section for service that was less than full-time service and does not meet the requirements of division (J)(1) of this section, the board shall refund to the member any amounts paid to purchase the credit, with interest at a rate determined by the board from the date the member purchased the credit to the date of the refund.

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(K) A member of the fund who has purchased service credit under this section, or the member's estate, is entitled to a refund of the amount or portion of the amount paid to purchase the credit if the purchased credit or portion of credit does not increase a pension or benefit payable under section 742.37 or 742.39 or calculated under section 742.442 of the Revised Code. The refund cancels an equivalent amount of service credit.

(L) If a member or former member of the fund who is not a current contributor and has not received a refund of accumulated contributions elects to receive credit under section 145.295, 3307.761, or 3309.73 of the Revised Code for service for which the member contributed to the fund or purchased as military service credit, the fund shall transfer to the non-uniform retirement system the amount specified in division (B) of section 145.295 of the Revised Code, division (C) of section 3307.761 of the Revised Code, or division (B) of section 3309.73 of the Revised Code.

(M) The board shall adopt rules establishing a payroll deduction plan for the purchase of service credit under this section. The rules shall meet the requirements described in section 742.56 of the Revised Code.

**Sec. 742.212.** (A) If the conditions described in division (A) of section 742.211 of the Revised Code are met, a member of the Ohio police and fire pension fund who is not receiving a pension or benefit from the fund and is not a participant in the deferred retirement option plan established under section 742.43 of the Revised Code is eligible to obtain credit for service as a member of the Cincinnati retirement system under this section.

(B) A member of the fund who has contributions on deposit with the Cincinnati retirement system shall, in computing years of

service credit, be given credit for service credit earned for 262  
full-time service under the Cincinnati retirement system or 263  
purchased or obtained as military service credit if both of the 264  
following occur: 265

(1) For each year of service, the Cincinnati retirement 266  
system transfers to the Ohio police and fire pension fund the sum 267  
of the following: 268

(a) The amount, contributed by the member, or, in the case of 269  
military service credit, paid by the member, that is attributable 270  
to that service; 271

(b) An amount equal to the lesser of the amount contributed 272  
by the employer to the Cincinnati retirement system for the year 273  
of service or the amount that would have been contributed by the 274  
employer for the year of service had the member been employed by 275  
the member's current employer as a member of the Ohio police and 276  
fire pension fund at the time the credit was earned; 277

(c) Interest on the amounts specified in divisions (B)(1)(a) 278  
and (b) of this section from the last day of the year for which 279  
the service credit was earned or in which payment was made for 280  
military service credit to the date the transfer is made. 281

(2) If the member became a member of the fund on or after 282  
September 16, 1998, the member pays the amount determined pursuant 283  
to division (I) of section 742.21 of the Revised Code. 284

(C)(1) A member of the fund who has received a refund of the 285  
member's contributions to the Cincinnati retirement system shall, 286  
in computing years of service, be given credit for service credit 287  
earned for full-time service under the Cincinnati retirement 288  
system or purchased or obtained as military service credit if both 289  
of the following occur: 290

(a) For each year of service, the Cincinnati retirement 291  
system transfers to the Ohio police and fire pension fund the sum 292

of the following:	293
(i) Interest on the amount refunded to the member that is	294
attributable to the year of service from the last day of the year	295
for which the service credit was earned or in which payment was	296
made for military service credit to the date the refund was made;	297
(ii) An amount equal to the lesser of the amount contributed	298
by the employer to the Cincinnati retirement system for the year	299
of service or the amount that would have been contributed by the	300
employer for the year of service had the member been employed by	301
the member's current employer as a member of the Ohio police and	302
fire pension fund at the time the credit was earned, with interest	303
on that amount from the last day of the year for which the service	304
credit was earned to the date of the transfer.	305
(b) The member pays the sum of the following:	306
(i) An amount equal to the amount refunded by the Cincinnati	307
retirement system to the member for that year for contributions	308
and payments for military service credit, with interest at a rate	309
established by the board of trustees of the Ohio police and fire	310
pension fund on that amount from the date of the refund to the	311
date of payment;	312
(ii) An amount equal to the interest, if any, the member	313
received when the refund was made that is attributable to the year	314
of service;	315
(iii) If the member became a member of the fund on or after	316
September 16, 1998, an amount paid by the member determined	317
pursuant to division (I) of section 742.21 of the Revised Code.	318
(2) The amount transferred under division (C)(1)(a) of this	319
section shall not include any interest the Cincinnati retirement	320
system paid the person when it made the refund.	321
(D) Interest charged under this section shall be calculated	322

separately for each year of service credit. Unless otherwise  
specified in this section, it shall be calculated at the lesser of  
the actuarial assumption rate for that year of the fund or the  
Cincinnati retirement system. The interest shall be compounded  
annually.

(E) Subject to board rules, a member of the fund may choose  
to purchase in any one payment only part of the credit the member  
is eligible to purchase under this section.

Interest charged under this section shall be calculated separately  
for each year of ~~service~~ service credit. Unless otherwise  
specified in this section, it shall be calculated at the lesser of  
the actuarial assumption rate for that year of the fund or the  
Cincinnati retirement system. The interest shall be compounded  
annually.

(F) A member of the fund is ineligible to receive credit  
under this section for service that is used in the calculation of  
any retirement benefit currently paid or payable in the future to  
the member, or service rendered concurrently with any other period  
for which service credit has already been granted.

(G) At the request of the fund, the Cincinnati retirement  
system shall certify to the fund a copy of the records of the  
service and contributions of a member of the fund who seeks  
service credit under this section.

On receipt of payment from the member under division  
(C)(1)(b) of this section, the Ohio police and fire pension fund  
shall notify the Cincinnati retirement system. On receipt of the  
notice, the Cincinnati retirement system shall transfer the amount  
described in division (C)(1)(a) of this section.

(H) A member of the fund who has purchased service credit  
under this section, or the member's estate, is entitled to a  
refund of the amount or portion of the amount paid to purchase the

credit if the purchased credit does not increase a pension or 354  
benefit payable under section 742.37 or 742.39 or calculated under 355  
section 742.442 of the Revised Code. The refund cancels an 356  
equivalent amount of service credit. 357

(I) The board shall adopt rules establishing a payroll 358  
deduction plan for purchase of service credit under this section. 359  
The rules shall meet the requirements described in section 742.56 360  
of the Revised Code. 361

**Sec. 742.214.** (A) As used in this section, "transferred 362  
service credit" means service credit purchased or obtained under 363  
section 145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 364  
3309.731 of the Revised Code prior to the date a member commenced 365  
the employment covered by the Ohio police and fire pension fund 366  
for which the member is currently contributing to the fund. 367

(B) A member of the Ohio police and fire pension fund who is 368  
in the active service of a police or fire department ~~and~~, has 369  
contributions on deposit with, but is no longer contributing to, a 370  
non-uniform retirement system, and is not a participant in the 371  
deferred retirement option plan established under section 742.43 372  
of the Revised Code shall, in computing years of service, be given 373  
full credit for transferred service credit if a transfer to the 374  
Ohio police and fire pension fund is made under this section. At 375  
the request of a member, the non-uniform system shall transfer to 376  
the Ohio police and fire pension fund the sum of the following: 377

(1) An amount equal to the amounts transferred to the 378  
non-uniform system under section 145.295, 145.2913, 3307.761, 379  
3307.765, 3309.73, or 3309.731 of the Revised Code; 380

(2) Interest, determined as provided in division (E) of this 381  
section, on the amount specified in division (B)(1) of this 382  
section for the period from the last day of the year in which the 383  
transfer under section 145.295, 145.2913, 3307.761, 3307.765, 384

3309.73, or 3309.731 of the Revised Code was made to the date a  
transfer is made under this section.

(C) A member of the fund ~~with at least eighteen months of~~  
~~contributing service credit with the Ohio police and fire pension~~  
~~fund~~ who is in the active service of a police or fire department,  
~~and~~ has received a refund of contributions to a non-uniform  
retirement system, and is not a participant in the deferred  
retirement option plan established under section 742.43 of the  
Revised Code shall, in computing years of service, be given full  
credit for transferred service credit if, for each year of  
service, the Ohio police and fire pension fund receives the sum of  
the following:

(1) An amount, which shall be paid by the member, equal to  
the amount refunded by the non-uniform system to the member for  
that year for transferred service credit, with interest on that  
amount from the date of the refund to the date a payment is made  
under this section;

(2) Interest, which shall be transferred by the non-uniform  
system, on the amount refunded to the member for the period from  
the last day of the year in which the transfer under section  
145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 3309.731 of the  
Revised Code was made to the date the refund was made;

(3) If the non-uniform system retained any portion of the  
amount transferred under section 145.295, 145.2913, 3307.761,  
3307.765, 3309.73, or 3309.731 of the Revised Code, an amount,  
which shall be transferred by the non-uniform system, equal to the  
amount retained, with interest on that amount for the period from  
the last day of the year in which the transfer under section  
145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 3309.731 of the  
Revised Code was made to the date a transfer is made under this  
section.

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On receipt of payment from the member, the Ohio police and fire pension fund shall notify the non-uniform system, which, on receipt of the notice, shall make the transfer required by this division. Interest shall be determined as provided in division (E) of this section.

(D) Service credit purchased or obtained under this section shall be used in computing the pension and benefits payable under section 742.37 or 742.39 of the Revised Code. A member may choose to purchase only part of the credit the member is eligible to purchase under division (C) of this section in any one payment, subject to rules adopted by the board of trustees of the Ohio police and fire pension fund. A member is ineligible to purchase or obtain service credit under this section for service to be used in the calculation of any retirement benefit currently being paid or payable to the member in the future under any other retirement program or for service credit that may be purchased or obtained under section 742.21 of the Revised Code.

(E) Interest charged under this section shall be calculated separately for each year of service credit at the lesser of the actuarial assumption rate for that year of the Ohio police and fire pension fund or of the non-uniform retirement system to which the credit was transferred under section 145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 3309.731 of the Revised Code. The interest shall be compounded annually.

(F) Any amounts transferred or paid under divisions (B) and (C) of this section that are attributable to contributions made by the member or to amounts paid to purchase service credit shall be credited to the police officers' contribution fund or firefighters' contribution fund created under section 742.59 of the Revised Code, as applicable. Any remaining amounts shall be credited to one or more of the funds created under that section as determined by the board.

(G) At the request of the Ohio police and fire pension fund, 448  
the non-uniform retirement system shall certify to the fund a copy 449  
of the records of the service and contributions of a member of the 450  
fund who seeks service credit under this section. The non-uniform 451  
retirement system shall specify the portions of the amounts 452  
transferred that are attributable to employee contributions, 453  
employer contributions, and interest. 454

(H) If a member of the fund who is not a current contributor 455  
elects to receive service credit under section 145.2913, 3307.765, 456  
or 3309.731 of the Revised Code for transferred service credit, as 457  
defined in those sections, the fund shall transfer to the 458  
non-uniform retirement system, as applicable, the amount specified 459  
in division (B) or (C) of section 145.2913, division (B) or (C) of 460  
section 3307.765, or division (B) or (C) of section 3309.731 of 461  
the Revised Code. 462

(I) The board may adopt rules to implement this section. 463

**Sec. 742.221.** A member of the Ohio police and fire pension 464  
fund who, during the period of employment as a member of a police 465  
or fire department, is removed from active pay status due to 466  
pregnancy or a medical disability leave not exceeding one year for 467  
each such leave, and who is not a participant in the deferred 468  
retirement option plan established under section 742.43 of the 469  
Revised Code shall, in computing years of active service in such 470  
department under division (C) of section 742.37 or section 742.39 471  
of the Revised Code, be given full credit for time for which 472  
contributions were not made during such leave of absence if all of 473  
the following conditions are met: 474

(A) The leave was approved by the member's employing 475  
authority. 476

(B) During the period of the leave the member was not 477  
entitled to receive disability benefits from the fund. 478



(C) The member pays into the fund an amount equal to the 479  
employee contributions that would have been deducted from the base 480  
pay had the member remained on active pay status, plus interest 481  
compounded annually from the date the leave commenced to the date 482  
of payment. The rate of interest shall be determined by the board 483  
of trustees of the Ohio police and fire pension fund. 484

**Sec. 742.23.** A member of the fund who is an employee of the 485  
police department of a municipal corporation ~~and~~, who has resigned 486  
or has been honorably discharged from membership in the fire 487  
department of the same municipal corporation, and who is not a 488  
participant in the deferred retirement option plan established 489  
under section 742.43 of the Revised Code shall, in computing years 490  
of service in the police department under section 742.37 or 742.39 491  
of the Revised Code, be given full credit for time served in such 492  
fire department, provided the member has paid into the Ohio police 493  
and fire pension fund a sum equal to that which the member would 494  
have been required to pay, under former section 741.12 and section 495  
742.31 of the Revised Code, as a member of such fire department 496  
during the years for which service credit is claimed had the 497  
member been contributing a percentage of the member's salary to a 498  
firemen's relief and pension fund or to the Ohio police and fire 499  
pension fund as provided by such sections during such years. 500

**Sec. 742.24.** A member of the fund who is an employee of the 501  
fire department of a municipal corporation ~~and~~, who has resigned 502  
or has been honorably discharged from membership in the police 503  
department of the same municipal corporation, and who is not a 504  
participant in the deferred retirement option plan established 505  
under section 742.43 of the Revised Code shall, in computing years 506  
of service in the fire department under section 742.37 or 742.39 507  
of the Revised Code, be given full credit for the time served in 508  
such police department, provided the member has paid into the Ohio 509

police and fire pension fund a sum equal to that which the member 510  
would have been required to pay, under former section 741.43 and 511  
section 742.31 of the Revised Code, as a member of such police 512  
department during the years for which service credit is claimed 513  
had the member been contributing a percentage of the member's 514  
salary to a police relief and pension fund or to the Ohio police 515  
and fire pension fund, as provided by such sections during such 516  
years. 517

**Sec. 742.251.** (A) A member of the Ohio police and fire 518  
pension fund who is not a participant in the deferred retirement 519  
option plan established under section 742.43 of the Revised Code, 520  
in computing years of active service under division (C) of section 521  
742.37 or section 742.39 of the Revised Code, shall be given full 522  
credit for full-time out-of-state or federal service, other than 523  
military service, purchased under this section. A member may 524  
purchase credit for such service if all of the following 525  
conditions are met: 526

(1) The service was rendered as an employee of an entity of 527  
state or local government, or of an entity of the United States 528  
government; 529

(2) The member is eligible to retire under this chapter or 530  
will become eligible to retire as a result of purchasing the 531  
credit; 532

(3) The member agrees to retire within ninety days after 533  
receiving notice of the amount determined under division (B) of 534  
this section. 535

(B) On receipt of a request from a member eligible to 536  
purchase credit under this section, the fund shall obtain from its 537  
actuary certification of the amount of the additional liability to 538  
the fund for each year of credit the member is eligible to 539  
purchase and shall notify the member of that amount. For each year 540

of credit purchased, the member shall pay to the fund an amount  
equal to the additional liability resulting from the purchase of  
credit for that year. Payment shall be made in full at the time of  
purchase.

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(C) The number of years of service purchased under this  
section shall not exceed five.

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(D) A member may not purchase credit under this section for  
service that is used in the calculation of any public or private  
retirement benefit, other than federal social security benefits,  
currently being paid or payable in the future to the member.

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(E) If the member does not retire within ninety days after  
purchasing credit under this section, the fund shall withdraw the  
credit and refund the amount paid by the member.

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**Sec. 742.27.** (A) As used in this section, "lay off" means to  
cease to employ a person pursuant to sections 124.321 to 124.328  
of the Revised Code or pursuant to any similar provisions that  
apply to the person under any of the following:

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(1) A collective bargaining agreement entered into under  
Chapter 4117. of the Revised Code;

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(2) Any ordinance, resolution, contract, agreement, policy,  
or procedure governing employment.

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(B) A member of the Ohio police and fire pension fund who,  
during employment as a member of a police or fire department, is  
removed from active pay status by being laid off by the member's  
employer, shall, in computing years of active service under  
division (C) of section 742.37 or section 742.39 of the Revised  
Code, be given full credit for time for which contributions were  
not made during the period the member was laid off, if all of the  
following conditions are met:

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(1) During the time the member was laid off, the member was

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not entitled to receive disability benefits from the fund. 571

(2) During the time the member was laid off, the member did 572  
not render any service that is used in the calculation of any 573  
public or private retirement benefit, except any federal social 574  
security retirement benefit, currently being paid or payable in 575  
the future to the member. 576

(3) The fund receives the amount determined under division 577  
(C) of this section from the member, the member's employer, or the 578  
member and the employer. 579

(4) At the time the fund receives the amount described in 580  
division (B)(3) of this section, the member is not a participant 581  
in the deferred retirement option plan established under section 582  
742.43 of the Revised Code. 583

The total amount of service purchased by any member under 584  
this section shall not exceed two years. A member may choose to 585  
purchase only part of such credit in any one payment, subject to 586  
board rules. 587

(C) The amount paid for the credit purchased under this 588  
section shall be an amount equal to the additional liability to 589  
the fund resulting from the purchase of the credit, as determined 590  
by an actuary employed by the board of trustees of the fund. 591

(D) The board shall have final authority to determine and fix 592  
the amount of the payment for credit purchased under this section. 593  
The employer may pay all or part of the payment. 594

(E) The board shall adopt rules for the implementation of 595  
this section. 596

**Sec. 742.37.** The board of trustees of the Ohio police and 597  
fire pension fund shall adopt rules for the management of the fund 598  
and for the disbursement of benefits and pensions as set forth in 599  
this section and section 742.39 of the Revised Code. Any payment 600

of a benefit or pension under this section is subject to the 601  
provisions of section 742.461 of the Revised Code. Notwithstanding 602  
any other provision of this section, no pension or benefit paid or 603  
determined under division (B) or (C) of this section or section 604  
742.39 of the Revised Code shall exceed the limit established by 605  
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 606  
2085, 26 U.S.C.A. 415, as amended. 607

(A) Persons who were receiving benefit or pension payments 608  
from a police relief and pension fund established under former 609  
section 741.32 of the Revised Code, or from a firemen's relief and 610  
pension fund established under former section 521.02 or 741.02 of 611  
the Revised Code, at the time the assets of the fund were 612  
transferred to the Ohio police and fire pension fund, known at 613  
that time as the police and firemen's disability and pension fund, 614  
shall receive benefit and pension payments from the Ohio police 615  
and fire pension fund in the same amount and subject to the same 616  
conditions as such payments were being made from the former fund 617  
on the date of the transfer. 618

(B) A member of the fund who, pursuant to law, elected to 619  
receive benefits and pensions from a police relief and pension 620  
fund established under former section 741.32 of the Revised Code, 621  
or from a firemen's relief and pension fund established under 622  
former section 741.02 of the Revised Code, in accordance with the 623  
rules of the fund governing the granting of benefits or pensions 624  
therefrom in force on April 1, 1947, shall receive benefits and 625  
pensions from the Ohio police and fire pension fund in accordance 626  
with such rules; provided, that any member of the fund who is not 627  
receiving a benefit or pension from the fund on August 12, 1975, 628  
may, upon application for a benefit or pension to be received on 629  
or after August 12, 1975, elect to receive a benefit or pension in 630  
accordance with division (C) of this section. 631

(C) Members of the fund who have not elected to receive 632

benefits and pensions from a police relief and pension fund or a  
firemen's relief and pension fund in accordance with the rules of  
the fund in force on April 1, 1947, shall receive pensions and  
benefits in accordance with the following provisions:

(1) A member of the fund who has completed twenty-five years  
of active service in a police or fire department and has attained  
forty-eight years of age may, at the member's election, retire  
from the police or fire department. ~~Except while participating in  
the deferred retirement option plan established under section  
742.43 of the Revised Code, upon~~ Upon notifying the board in  
writing of the election, the member shall receive an annual  
pension, payable in twelve monthly installments, in an amount  
equal to a percentage of the member's average annual salary. The  
percentage shall be the sum of two and one-half per cent for each  
of the first twenty years the member was in the active service of  
the department, plus two per cent for each of the twenty-first to  
twenty-fifth years the member was in the active service of the  
department, plus one and one-half per cent for each year in excess  
of twenty-five years the member was in the active service of the  
department. The annual pension shall not exceed seventy-two per  
cent of the member's average annual salary.

A member who completed twenty-five years of active service,  
has resigned or been discharged, and has left the sum deducted  
from the member's salary on deposit in the pension fund shall,  
upon attaining forty-eight years of age, be entitled to receive a  
normal service pension benefit computed and paid under division  
(C)(1) of this section.

While participating in the deferred retirement option plan  
established under section 742.43 of the Revised Code, a member  
shall not be considered to have elected retirement under division  
(C)(1) of this section. On notifying the board under division  
(B)(1) of section 742.444 of the Revised Code of the member's

election to terminate active service, a member described in 665  
division (B) of that section shall receive an annual pension under 666  
division (C)(1) of this section calculated in accordance with 667  
section 742.442 of the Revised Code and rules that shall be 668  
adopted by the board of trustees of the Ohio police and fire 669  
pension fund. 670

(2) A member of the fund who has served fifteen or more years 671  
as an active member of a police or fire department and who 672  
voluntarily resigns or is discharged from the department for any 673  
reason other than dishonesty, cowardice, intemperate habits, or 674  
conviction of a felony, shall receive an annual pension, payable 675  
in twelve monthly installments, in an amount equal to one and 676  
one-half per cent of the member's average annual salary multiplied 677  
by the number of full years the member was in the active service 678  
of the department. The pension payments shall not commence until 679  
the member has attained the age of forty-eight years and until 680  
twenty-five years have elapsed from the date on which the member 681  
became a full-time regular police officer or firefighter in the 682  
department. 683

(3) A member of the fund who has completed fifteen or more 684  
years of active service in a police or fire department and who has 685  
attained sixty-two years of age, may retire from the department 686  
and, upon notifying the board in writing of the election to 687  
retire, shall receive an annual pension, payable in twelve monthly 688  
installments, in an amount equal to a percentage of the member's 689  
average annual salary. The percentage shall be the sum of two and 690  
one-half per cent for each of the first twenty years the member 691  
was in the active service of the department, plus two per cent for 692  
each of the twenty-first to twenty-fifth years the member was in 693  
the active service of the department, plus one and one-half per 694  
cent for each year in excess of twenty-five years the member was 695  
in the active service of the department. The annual pension shall 696

not exceed seventy-two per cent of the member's average annual salary. 697  
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(4) With the exception of those persons who may make application for benefits as provided in section 742.26 of the Revised Code, no person receiving a pension or other benefit under division (C) of this section on or after July 24, 1986, shall be entitled to apply for any new, changed, or different benefit. 699  
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If a member covered by division (C) of this section or section 742.38 of the Revised Code dies prior to the time the member has received a payment and leaves a surviving spouse or dependent child, the surviving spouse or dependent child shall receive a pension under division (D) or (E) of this section. 704  
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(D)(1) Except as provided in division (D)(2) of this section, a surviving spouse of a deceased member of the fund or a surviving spouse described in division (D)(4) of this section shall receive a monthly pension as follows: 709  
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(a) For the period beginning July 1, 1999, and ending June 30, 2000, five hundred fifty dollars; 713  
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(b) For the period beginning July 1, 2000, and ending June 30, 2002, five hundred fifty dollars plus an amount determined by multiplying five hundred fifty dollars by the average percentage change in the consumer price index, not exceeding three per cent, as determined by the board under former section 742.3716 of the Revised Code; 715  
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(c) For the period beginning July 1, 2002, and the period beginning the first day of July of each year thereafter and continuing for the following twelve months, an amount equal to the monthly amount paid during the prior twelve-month period plus sixteen dollars and fifty cents. 721  
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(2) A surviving spouse of a deceased member of the fund shall receive a monthly pension of four hundred ten dollars if the 726  
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surviving spouse is eligible for a benefit under division (B) or 728  
(D) of section 742.63 of the Revised Code. If the surviving spouse 729  
ceases to be eligible for a benefit under division (B) or (D) of 730  
section 742.63 of the Revised Code, the pension shall be 731  
increased, effective the first day of the first month following 732  
the day on which the surviving spouse ceases to be eligible for 733  
the benefit, to the amount it would be under division (D)(1) of 734  
this section had the spouse never been eligible for a benefit 735  
under division (B) or (D) of section 742.63 of the Revised Code. 736

(3) A pension paid under this division shall continue during 737  
the natural life of the surviving spouse. Benefits to a deceased 738  
member's surviving spouse that were terminated under a former 739  
version of this section that required termination due to 740  
remarriage and were not resumed prior to September 16, 1998, shall 741  
resume on the first day of the month immediately following receipt 742  
by the board of an application on a form provided by the board. 743

(4) A surviving spouse of a deceased member of or contributor 744  
to a fund established under former Chapter 521. or 741. of the 745  
Revised Code whose benefit or pension was terminated or not paid 746  
due to remarriage shall receive a monthly pension under division 747  
(D)(1) of this section. 748

The pension shall commence on the first day of the month 749  
immediately following receipt by the board of a completed 750  
application on a form provided by the board and evidence 751  
acceptable to the board that at the time of death the deceased 752  
spouse was a member of or contributor to a police or firemen's 753  
relief and pension fund established under former Chapter 521. or 754  
741. of the Revised Code and that the surviving spouse's benefits 755  
were terminated or not granted due to remarriage. 756

(E)(1) Each surviving child of a deceased member of the fund 757  
shall receive a monthly pension until the child attains the age of 758  
eighteen years, or marries, whichever event occurs first. A 759

pension under this division, however, shall continue to be payable 760  
to a child under age twenty-two who is a student in and attending 761  
an institution of learning or training pursuant to a program 762  
designed to complete in each school year the equivalent of at 763  
least two-thirds of the full-time curriculum requirements of the 764  
institution, as determined by the board. If any surviving child, 765  
regardless of age at the time of the member's death, because of 766  
physical or mental disability, is totally dependent upon the 767  
deceased member for support at the time of death, the child shall 768  
receive a monthly pension under this division during the child's 769  
natural life or until the child has recovered from the disability. 770

(2) An eligible surviving child shall receive a monthly 771  
pension as follows: 772

(a) For the period beginning July 1, 2001, and ending June 773  
30, 2002, a monthly pension of one hundred fifty dollars plus the 774  
cost of living increase provided for in former section 742.3720 of 775  
the Revised Code; 776

(b) For the period beginning July 1, 2002, and ending June 777  
30, 2003, one hundred sixty-three dollars and fifty cents; 778

(c) For the period beginning July 1, 2003, and the period 779  
beginning the first day of each July thereafter and continuing for 780  
the following twelve months, an amount equal to the monthly amount 781  
paid during the prior twelve-month period plus four dollars and 782  
fifty cents. 783

(F)(1) If a deceased member of the fund leaves no surviving 784  
spouse or surviving children, but leaves one or two parents 785  
dependent upon the deceased member for support, each parent shall 786  
be paid a monthly pension. The pensions provided for in this 787  
division shall be paid during the natural life of the surviving 788  
parents, or until dependency ceases, or until remarriage, 789  
whichever event occurs first. 790

(2) Each eligible surviving parent shall be paid a monthly pension as follows: 791  
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(a) For the period ending June 30, 2002, one hundred six dollars for each parent or two hundred twelve dollars for a sole dependent parent; 793  
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(b) For the period beginning July 1, 2002, and ending June 30, 2003, one hundred nine dollars for each parent or two hundred eighteen dollars for a sole dependent parent; 796  
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(c) For the period beginning July 1, 2003, and the first day of each July thereafter and continuing for the following twelve months, an amount equal to the monthly amount paid during the prior twelve-month period plus three dollars for each parent or six dollars for a sole dependent parent. 799  
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(G) Subject to the provisions of section 742.461 of the Revised Code, a member of the fund who voluntarily resigns or is removed from active service in a police or fire department is entitled to receive an amount equal to the sums deducted from the member's salary and credited to the member's account in the fund, except that a member receiving a disability benefit or service pension is not entitled to receive any return of contributions to the fund. 804  
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(H) On and after January 1, 1970, all pensions shall be increased in accordance with the following provisions: 812  
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(1) A member of the fund who retired prior to January 1, 1967, has attained age sixty-five on January 1, 1970, and was receiving a pension on December 31, 1969, pursuant to division (B) or (C)(1) of this section or former division (C)(2), (3), (4), or (5) of this section, shall have the pension increased by ten per cent. 814  
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(2) The monthly pension payable to eligible surviving spouses under division (D) of this section shall be increased by forty 820  
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dollars for each surviving spouse receiving a pension on December 31, 1969. 822  
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(3) The monthly pension payable to each eligible child under division (E) of this section shall be increased by ten dollars for each child receiving a pension on December 31, 1969. 824  
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(4) The monthly pension payable to each eligible dependent parent under division (F) of this section shall be increased by thirty dollars for each parent receiving a pension on December 31, 1969. 827  
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(5) A member of the fund, including a survivor of a member, who is receiving a pension in accordance with the rules governing the granting of pensions and benefits in force on April 1, 1947, that provide an increase in the original pension from time to time pursuant to changes in the salaries of active members, shall not be eligible for the benefits provided in this division. 831  
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(I) On and after January 1, 1977, a member of the fund who was receiving a pension or benefit on December 31, 1973, under division (A), (B), (C)(1), or former division (C)(2) or (7) of this section shall have the pension or benefit increased as follows: 837  
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(1) If the member's annual pension or benefit is less than two thousand seven hundred dollars, it shall be increased to three thousand dollars. 842  
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(2) If the member's annual pension or benefit is two thousand seven hundred dollars or more, it shall be increased by three hundred dollars. 845  
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The following shall not be eligible to receive increased pensions or benefits as provided in this division: 848  
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(a) A member of the fund who is receiving a pension or benefit in accordance with the rules in force on April 1, 1947, 850  
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governing the granting of pensions and benefits, which provide an 852  
increase in the original pension or benefit from time to time 853  
pursuant to changes in the salaries of active members; 854

(b) A member of the fund who is receiving a pension or 855  
benefit under division (A) or (B) of this section, based on funded 856  
volunteer or funded part-time service, or off-duty disability, or 857  
partial on-duty disability, or early vested service; 858

(c) A member of the fund who is receiving a pension under 859  
division (C)(1) of this section, based on funded volunteer or 860  
funded part-time service. 861

(J) On and after July 1, 1977, a member of the fund who was 862  
receiving an annual pension or benefit on December 31, 1973, 863  
pursuant to division (B) of this section, based upon partial 864  
disability, off-duty disability, or early vested service, or 865  
pursuant to former division (C)(3), (5), or (6) of this section, 866  
shall have such annual pension or benefit increased by three 867  
hundred dollars. 868

The following are not eligible to receive the increase 869  
provided by this division: 870

(1) A member of the fund who is receiving a pension or 871  
benefit in accordance with the rules in force on April 1, 1947, 872  
governing the granting of pensions and benefits, which provide an 873  
increase in the original pension or benefit from time to time 874  
pursuant to changes in the salaries of active members; 875

(2) A member of the fund who is receiving a pension or 876  
benefit under division (B) or (C)(2) of this section or former 877  
division (C)(3), (5), or (6) of this section based on volunteer or 878  
part-time service. 879

(K)(1) Except as otherwise provided in this division, every 880  
person who on July 24, 1986, is receiving an age and service or 881  
disability pension, allowance, or benefit pursuant to this chapter 882

in an amount less than thirteen thousand dollars a year that is 883  
based upon an award made effective prior to February 28, 1984, 884  
shall receive an increase of six hundred dollars a year or the 885  
amount necessary to increase the pension or benefit to four 886  
thousand two hundred dollars after all adjustments required by 887  
this section, whichever is greater. 888

(2) Division (K)(1) of this section does not apply to the 889  
following: 890

(a) A member of the fund who is receiving a pension or 891  
benefit in accordance with rules in force on April 1, 1947, that 892  
govern the granting of pensions and benefits and that provide an 893  
increase in the original pension or benefit from time to time 894  
pursuant to changes in the salaries of active members; 895

(b) A member of the fund who is receiving a pension or 896  
benefit based on funded volunteer or funded part-time service. 897

(L) On and after July 24, 1986: 898

(1) The pension of each person receiving a pension under 899  
division (D) of this section on July 24, 1986, shall be increased 900  
to three hundred ten dollars per month. 901

(2) The pension of each person receiving a pension under 902  
division (E) of this section on July 24, 1986, shall be increased 903  
to ninety-three dollars per month. 904

**Sec. 742.371.** A member of the fund who is in the active 905  
service of a police or fire department ~~and~~, is not receiving a 906  
pension or benefit payment from the Ohio police and fire pension 907  
fund, and is not a participant in the deferred retirement option 908  
plan established under section 742.43 of the Revised Code shall, 909  
in computing years of active service in such department under 910  
division (C) of section 742.37 or section 742.39 of the Revised 911  
Code, be given credit for time previously served in the active 912

full-time service of an Ohio police or fire department, provided 913  
both of the following occur: 914

(A) The member was a member of a police or firemen's relief 915  
and pension fund or the Ohio police and fire pension fund during 916  
the entire period for which such active service credit is claimed. 917  
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(B) The member pays into the Ohio police and fire pension 919  
fund the amount received by the member under division (I) of 920  
former section 521.11, division (I) of former section 741.18, 921  
division (I) of former section 741.49, or division (G) of section 922  
742.37 of the Revised Code, with interest compounded annually 923  
thereon at a rate to be determined by the board of trustees of the 924  
Ohio police and fire pension fund, from the date of such receipt 925  
to the date of such deposit. 926

Subject to board rules, a member may choose to purchase in 927  
any one payment only part of the credit that may be purchased 928  
under this section. 929

At the request of the fund, the employer shall certify to the 930  
board the dates the member was in the active service of the police 931  
or fire department. 932

**Sec. 742.375.** Except for service credit transferred under 933  
section 742.214 of the Revised Code, a member of the fund who is 934  
in the active service of a police or fire department ~~and~~, is not 935  
receiving a pension or benefit payment from the Ohio police and 936  
fire pension fund, and is not a participant in the deferred 937  
retirement option plan established under section 742.43 of the 938  
Revised Code shall, in computing years of active service in such 939  
department under division (C) of section 742.37 or section 742.39 940  
of the Revised Code, be given full credit for the time served in 941  
the state highway patrol retirement system, provided such member 942  
pays into the Ohio police and fire pension fund the amount 943

received by the member under section 5505.19 of the Revised Code, 944  
with interest compounded annually thereon at a rate to be 945  
determined by the board of trustees of the Ohio police and fire 946  
pension fund from the date of such receipt to the date of such 947  
deposit. The member may choose to purchase only part of such 948  
credit in any one payment, subject to board rules. 949

Upon certification by the board to the board of the state 950  
highway patrol retirement system of such payment by the member of 951  
the fund, the state highway patrol retirement board shall pay from 952  
the employer's accumulation fund under division (C) of section 953  
5505.03 of the Revised Code to the Ohio police and fire pension 954  
fund an amount equal to the payment of the member of the fund. 955

**Sec. 742.376.** A member of the fund who is in the active 956  
service of a police or fire department and, is not receiving a 957  
pension or benefit payment from the Ohio police and fire pension 958  
fund, and is not a participant in the deferred retirement option 959  
plan established under section 742.43 of the Revised Code shall, 960  
in computing years of active service in such department under 961  
division (C) of section 742.37 or section 742.39 of the Revised 962  
Code, be given full credit for service as a full-time police 963  
officer or firefighter, provided that all of the following occur: 964

(A) Such service was rendered prior to January 1, 1967. 965

(B) The municipal corporation or township, at the time such 966  
service was rendered, had not established a police or firemen's 967  
relief and pension fund to which the member could otherwise have 968  
made pension contributions. 969

(C) The member was enrolled in the public employees 970  
retirement system, contributed thereto, and has withdrawn the 971  
member's retirement contributions. 972

(D) The member pays into the Ohio police and fire pension 973  
fund the amount withdrawn by the member from the public employees 974



retirement system, with interest compounded annually thereon at a rate to be determined by the board from the date of such withdrawal to the date of deposit. The member may choose to purchase only part of such credit in any one payment, subject to board rules.

Purchase of such credit in the Ohio police and fire pension fund shall forever bar the member from reinstating such credit in the public employees retirement system.

**Sec. 742.3711.** (A) On application for retirement as provided in section 742.37 of the Revised Code, a member of the fund may elect to receive a retirement allowance payable throughout the member's life, or may elect, on the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in a lesser amount payable for life and continuing after death to a surviving designated beneficiary under one of the following optional plans, provided the amount payable to the beneficiary shall not exceed the amount payable to the retiring member of the fund, and is certified by the actuary engaged by the board of trustees of the Ohio police and fire pension fund to be the actuarial equivalent of the member's retirement allowance and is approved by the board.

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

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

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

retirement allowance shall be continued for the remainder of that 1006  
period to the beneficiary the member has nominated by written 1007  
designation and filed with the retirement board. 1008

Should the nominated beneficiary designated in writing become 1009  
deceased prior to the expiration of the guarantee period, then for 1010  
the purpose of completing payment for the remainder of the 1011  
guarantee period, the present value of such payments shall be paid 1012  
to the estate of the beneficiary last receiving. 1013

(B)(1) ~~On or after February 28, 1980, the~~ The death of a 1014  
spouse nominated as beneficiary or the death of any other 1015  
nominated beneficiary following a member's retirement or election 1016  
under section 742.44 of the Revised Code to participate in the 1017  
deferred retirement option plan shall cancel any optional plan of 1018  
payment to provide continuing lifetime benefits to such nominated 1019  
beneficiary and return the member of the fund to the member's 1020  
single lifetime benefit equivalent, as determined by the board, to 1021  
be effective the month following receipt by the board of notice of 1022  
the death. 1023

(2) On divorce, annulment, or marriage dissolution, a member 1024  
receiving a retirement allowance under a plan that provides for 1025  
continuation of all or part of the allowance after death for the 1026  
lifetime of the member's surviving spouse may, with the written 1027  
consent of the spouse or pursuant to an order of the court with 1028  
jurisdiction over the termination of the marriage, elect to cancel 1029  
the plan and receive the member's single lifetime benefit 1030  
equivalent as determined by the board. The election shall be made 1031  
on a form provided by the board and shall be effective the month 1032  
following its receipt by the board. 1033

(C) Following marriage or remarriage, a member of the fund 1034  
receiving a pension under section 742.37 or 742.39 of the Revised 1035  
Code may elect not later than one year after the date of marriage 1036  
or remarriage a new optional plan of payment based on the 1037

actuarial equivalent of the member's single lifetime benefit as 1038  
determined by the board. The plan and the member's lesser 1039  
retirement allowance shall become effective on the date the 1040  
election is made on a form approved by the board. 1041

(D)(1) Unless one of the following occurs, an application for 1042  
retirement by a married person shall be considered an election of 1043  
a benefit under option 2 as provided for in division (A)(2) of 1044  
this section under which one-half of the lesser retirement 1045  
allowance payable during the life of the retirant will be paid 1046  
after death to the retirant's spouse for life as sole beneficiary: 1047

(a) The retirant selects an optional plan under division (A) 1048  
of this section providing for payment after death to the 1049  
retirant's spouse for life as sole beneficiary of more than 1050  
one-half of the lesser retirement allowance payable during the 1051  
life of the retirant; 1052

(b) The retirant submits to the retirement board a written 1053  
statement signed by the spouse attesting that the spouse consents 1054  
to the retirant's election to receive a single lifetime retirement 1055  
allowance or a payment under an optional benefit plan under which 1056  
after the death of the retirant the surviving spouse will receive 1057  
less than one-half of the lesser retirement allowance payable 1058  
during the life of the retirant. 1059

(2) An application for retirement shall include an 1060  
explanation of all of the following: 1061

(a) That, if the member is married, unless the spouse 1062  
consents to another plan of payment, the member's retirement 1063  
allowance will be paid under "option 2" and consist of the 1064  
actuarial equivalent of the member's retirement allowance in a 1065  
lesser amount payable for life and one-half of the lesser 1066  
allowance continuing after death to the surviving spouse for the 1067  
life of the spouse; 1068

(b) A description of the alternative plans of payment 1069  
available with the consent of the spouse; 1070

(c) That the spouse may consent to another plan of payment 1071  
and the procedure for giving consent; 1072

(d) That consent is irrevocable once notice of consent is 1073  
filed with the board. 1074

Consent shall be valid only if it is signed, in writing, and 1075  
witnessed by an employee of the board or a notary public. 1076

(3) If the retirant does not select an optional plan as 1077  
described in division (D)(1)(a) of this section and the board does 1078  
not receive the written statement provided for in division 1079  
(D)(1)(b) of this section, it shall determine and pay the 1080  
retirement allowance in accordance with division (A)(2) of this 1081  
section, except that the board may provide by rule for waiver by 1082  
the board of the statement and payment of the allowance other than 1083  
in accordance with division (A)(2) of this section if the retirant 1084  
is unable to obtain the statement due to absence or incapacity of 1085  
the spouse or other cause specified by the board. 1086

(E) A member of the fund who has elected an optional plan 1087  
under this section or section 742.3715 of the Revised Code may, 1088  
with the consent of the designated beneficiary, cancel the 1089  
optional plan and receive the retirement allowance payable 1090  
throughout life the member would have received had the member not 1091  
elected the optional plan, if the member makes a request to cancel 1092  
the optional plan not later than one year after the later of 1093  
September 9, 1988, or the date on which the member first receives 1094  
a payment under this section or section 742.3715 of the Revised 1095  
Code. Cancellation of the optional plan shall be effective the 1096  
month after acceptance of the request by the trustees of the fund. 1097  
No payment or adjustment shall be made in the retirement allowance 1098  
payable throughout the member's life to compensate for the lesser 1099

allowance the member received under the optional plan. 1100

The request to cancel the optional plan shall be made on a 1101  
form provided by the fund and shall be valid only if the completed 1102  
form includes a signed statement of the designated beneficiary's 1103  
understanding of and consent to the cancellation. The signature 1104  
shall be verified by the trustees of the fund prior to their 1105  
acceptance of the cancellation. 1106

(F) Any option elected and payments made under this section 1107  
shall be in addition to any benefit payable under divisions (D), 1108  
(E), and (F) of section 742.37 of the Revised Code. 1109

(G) A person is eligible to receive a benefit increase under 1110  
this division if the person is receiving a retirement allowance or 1111  
benefit under an optional plan elected under this section or 1112  
section 742.3715 of the Revised Code based on an award made prior 1113  
to July 24, 1986. A person is not eligible to receive an increase 1114  
under this division if the person is receiving a pension or 1115  
benefit in accordance with rules in force on April 1, 1947, that 1116  
govern the granting of pensions and benefits and that provide an 1117  
increase in the original pension or benefit from time to time 1118  
pursuant to changes in the salaries of active members. 1119

The board shall annually increase all benefits payable under 1120  
this section or section 742.3715 of the Revised Code to eligible 1121  
persons by the actuarial equivalent of three hundred sixty 1122  
dollars, except that no benefit shall exceed the limit established 1123  
by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 1124  
2085, 26 U.S.C.A. 415, as amended. 1125

The first increase is payable to all eligible persons on July 1126  
1, 1988. The increase is payable for the ensuing twelve-month 1127  
period or until the next increase is granted under this section, 1128  
whichever is later. 1129

The date of the first increase payable under this section 1130

shall be the anniversary date for future increases.

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**Sec. 742.3714.** As used in this section, "contingent dependent beneficiary" means a person so designated pursuant to this section by a member or former member of the Ohio police and fire pension fund.

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Prior to retiring under section 742.37 of the Revised Code, a member or former member of the fund who is, or within twelve months will be, eligible to retire and receive a pension or benefit under division (C)(1) or (3) of section 742.37 of the Revised Code may designate one dependent, not the member's or former member's spouse, as the contingent dependent beneficiary. The determination of what constitutes a dependent for the purposes of this section shall be made by the board of trustees of the fund in accordance with rules adopted pursuant to this section. The designation shall be made on a form provided by the board and shall be filed with the board. The designation may be changed or withdrawn in accordance with rules adopted by the board pursuant to this section. The designation shall be used only for the purposes of this section and shall cease to have effect if the member or former member retires under section 742.37 of the Revised Code, or dies prior to retirement and is survived by a spouse. The board shall annually inform members and eligible former members of the fund of the right to designate a contingent dependent beneficiary under this section.

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In addition to any other pension, allowance, or benefit payable under this chapter, the surviving spouse of a deceased member or former member of the fund who at the time of the member's or former member's death was eligible to retire and receive a pension or benefit under division (C)(1) or (3) of section 742.37 of the Revised Code, but had not retired, shall receive an annual retirement allowance under this section, payable

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in twelve monthly installments. If on the date of death of the member or former member there is no surviving spouse, the allowance shall be paid to the contingent dependent beneficiary. If on such date there is no surviving spouse and no person designated as a contingent dependent beneficiary who is determined by the board of trustees to be a dependent of the member or former member, no allowance or benefit shall be paid under this section.

~~The~~ Unless at the time of death the member was participating in the deferred retirement option plan established under section 742.43 of the Revised Code, the allowance paid under this section shall be an amount equal to the amount the surviving spouse or contingent dependent beneficiary would have been entitled to receive had the member or former member retired effective the day following the date of death having selected an option 2 plan under division (A)(2) of section 742.3711 of the Revised Code providing for one-half of the member's or former member's lesser retirement allowance to be paid to the surviving spouse or contingent dependent beneficiary. ~~Payments~~ The allowance paid under this section to the surviving spouse or contingent dependent beneficiary of a member who at the time of death was participating in the deferred retirement option plan established under section 742.43 of the Revised Code shall be an amount calculated in accordance with section 742.442 of the Revised Code and rules that shall be adopted by the board of trustees of the Ohio police and fire pension fund.

Payments under this section are payable effective the first day of the first month following the death of the member or former member of the fund.

**Sec. 742.3716.** (A) (1) As used in this section:

~~(1)~~ (a) "Eligible person" means a person who meets all of the following conditions:

~~(a)~~(i) Has been receiving a pension or benefit under this chapter for one year or more based on an award made on or after July 24, 1986;

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~~(b)~~(ii) Has not made the election provided for in division (B) of this section;

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~~(c)~~(iii) Is not the spouse or survivor of a person who has made the election provided for in division (B) of this section;

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~~(d)~~(iv) Is receiving a benefit in accordance with division (A), (B), or (C) of section 742.37, division (C)(2), (3), (4), or (5) of former section 742.37, section 742.3711, or section 742.39 of the Revised Code.

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~~(2)~~(b) "Recalculated average annual salary" means the highest average annual compensation of a member of the Ohio police and fire pension fund during any three years of contributions, including amounts included in terminal pay attributable to such three years, determined by dividing the member's total earnings as an employee during such years by three.

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(2) In the case of a member participating in the deferred retirement option plan established under section 742.43 of the Revised Code or a member described in division (B) of section 742.444 of the Revised Code, the period of one year or more described in division (A)(1)(a)(i) of this section begins on the effective date of the member's election under section 742.44 of the Revised Code.

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(B)(1) Notwithstanding section 742.37 or 742.39 of the Revised Code, a member of the fund who is not receiving a pension or benefit under this chapter and who on January 1, 1989, has completed fifteen or more years of active service in a police or fire department may elect to have any future benefit or pension paid to the member or the member's spouse or survivors under this chapter calculated on the basis of the member's recalculated

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average annual salary rather than the member's average annual 1224  
salary. The election shall be made by the member prior to or at 1225  
the time of making an election under section 742.3711 of the 1226  
Revised Code. This division does not apply to a member of the fund 1227  
who ~~has~~ elected to participate in the deferred retirement option 1228  
plan established under section 742.43 of the Revised Code unless 1229  
the member's participation has terminated pursuant to division (C) 1230  
of section 742.444 or to section 742.445 of the Revised Code. 1231

(2) If the member eligible to make the election under 1232  
division (B)(1) of this section dies prior to making the election 1233  
and at the time of death is eligible to retire and receive a 1234  
pension or benefit under division (C)(1) or (3) of section 742.37 1235  
of the Revised Code, the person entitled to receive a benefit 1236  
under section 742.3714 of the Revised Code may make the election 1237  
provided for in division (B)(1) of this section. 1238

(3) The election under division (B)(1) or (2) of this section 1239  
shall be made on forms provided by the trustees of the fund. Once 1240  
received by the fund, the election shall be irrevocable and shall 1241  
bind the member and any other person who receives a pension or 1242  
benefit based on the member's service. No person who receives a 1243  
pension or benefit calculated in accordance with division (B) of 1244  
this section is eligible to receive a cost-of-living allowance 1245  
under this section. If the person making the election receives a 1246  
benefit under section 742.3714 of the Revised Code, that person is 1247  
not eligible to receive a cost-of-living allowance under section 1248  
742.3711 of the Revised Code. 1249

(C)(1) The board of trustees of the Ohio police and fire 1251  
pension fund shall annually increase all benefits payable to 1252  
eligible persons by three per cent, except that no benefit shall 1253  
exceed the limit established by section 415 of the "Internal 1254  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 1255

amended.

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The first increase is payable to all eligible persons who on July 1, 1988, have been receiving a pension or benefit for twelve months or longer. The increase is payable for the ensuing twelve-month period or until the next increase is granted under this section, whichever is later.

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The date of the first increase paid under this section shall be the anniversary date for future increases. The pension or benefit used in the first calculation of an increase under this section shall remain as the base for all future increases paid under this section, unless a new base is established by law. In the case of a member who has elected to participate in the deferred retirement option plan established under section 742.43 of the Revised Code or a member described in division (B) of section 742.444 of the Revised Code, the pension amount used in the first calculation of an increase under this section shall be the amount calculated under section 742.442 of the Revised Code unless the member's participation has terminated pursuant to division (C) of section 742.444 or to section 742.445 of the Revised Code.

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(2) Increases paid in years subsequent to the year of the first increase paid under this section shall be paid to all eligible persons who, on the date that the increase is authorized by the board, have been receiving a pension or benefit for twelve months.

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**Sec. 742.44.** Except as provided in section 742.14 of the Revised Code, at any time prior to filing an application for retirement under division (C)(1) of section 742.37 of the Revised Code, a member who is eligible to retire under that division may elect to participate in the deferred retirement option plan established under section 742.43 of the Revised Code.

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To make an election, an eligible member shall complete and submit to the Ohio police and fire pension fund a form prescribed by the fund. At this time the member may, but is not required to, elect under section 742.3711 of the Revised Code to have the member's monthly pension calculated as a retirement allowance payable throughout the member's life or a retirement allowance ~~that continues to a surviving beneficiary under option 2 in~~ division (A) of section 742.3711 of the Revised Code. Unless rescinded during a period specified in rules adopted under section 742.43 of the Revised Code, the election is irrevocable from the date it is received by the fund until the employee ceases to participate in the plan as provided in section 742.444 of the Revised Code.

A member is not required to specify the number of years or portion of a year the member will participate in the plan but must agree to terminate active service in a police or fire department and begin receiving the member's pension not later than the date that is eight years after the effective date of the election to participate in the plan or be subject to the forfeiture provisions of division (C) of section 742.444 of the Revised Code.

The effective date of an election made under this section is the first day of the employer's first payroll period immediately following the board's receipt of the notice of election.

**Sec. 742.442.** For each member who elects to participate in the deferred retirement option plan, the Ohio police and fire pension fund shall determine under division (C)(1) of section 742.37 of the Revised Code the monthly pension amount that would be payable to the member had the member elected to receive a pension under that division. In determining the pension amount, the fund shall use the member's total service credit and average annual salary as of the last day of the employer's payroll period

immediately prior to the effective date of the member's election 1318  
to participate in the plan. The pension amount shall be calculated 1319  
as a retirement allowance payable for the member's life, except 1320  
that, if at the time of electing to participate in the plan the 1321  
member selected ~~another~~ the plan of payment in option 2 of 1322  
division (A) of section 742.3711 of the Revised Code, the pension 1323  
shall be calculated using ~~the~~ that plan of payment ~~selected~~. 1324

A member who participates in the plan is not eligible to make 1326  
an election under division (B) of section 742.3716 of the Revised 1327  
Code. 1328

**Sec. 742.443.** (A) During the period beginning on the 1329  
effective date of an election to participate in the deferred 1330  
retirement option plan and ending on the date participation 1331  
ceases, a member's monthly pension amount determined under section 1332  
742.442 of the Revised Code shall accrue to the member's benefit. 1333  
To this amount shall be added any benefit increases the member 1334  
would be eligible for under division (C) of section 742.3716 of 1335  
the Revised Code had the member, on the effective date of the 1336  
member's election, retired under division (C)(1) of section 742.37 1337  
of the Revised Code. 1338

(B)(1) The amounts contributed under section 742.31 of the 1339  
Revised Code by a member participating in the deferred retirement 1340  
option plan shall accrue to the member's benefit as follows: 1341

(a) During the period beginning on the first day of the first 1342  
payroll period after the election's effective date and ending on 1343  
the earlier of the date that is two years thereafter or the date 1344  
the member ceases participation in the plan, fifty per cent of the 1345  
member's contributions for that period; 1346

(b) During the period beginning on the date that is two years 1347

and one day after accruals begin under this division and ending on 1348  
the earlier of the date that is three years thereafter or the date 1349  
the member ceases participation in the plan, seventy-five per cent 1350  
of the member's contributions for that period; 1351

(c) During the period beginning on the date that is three 1353  
years and one day after accruals begin under this section and 1354  
ending on the date the member ceases participation in the plan, 1355  
one hundred per cent of the member's contributions for that 1356  
period. 1357

(2) The Ohio police and fire pension fund shall credit the 1358  
portion of a member's contributions that are not accrued to the 1359  
member's benefit under division (B)(1) of this section to the 1360  
police officers' contribution fund or firefighters' contribution 1361  
fund, as appropriate. 1362

(C) During the period beginning on the election's effective 1363  
date and ending on the day before the date the member ceases 1364  
participation in the plan distributions under division (B)(3) of 1365  
section 742.444 of the Revised Code are completed, the amounts 1366  
described in divisions (A) and (B)(1) of this section shall earn 1367  
interest at an annual rate established by the board of trustees of 1368  
the fund and compounded annually using a method established by 1369  
rule adopted under section 742.43 of the Revised Code. 1370

**Sec. 742.444.** (A) A member's participation in the deferred 1371  
retirement option plan ceases on the occurrence of the earliest of 1372  
the following: 1373

(1) Termination of the member's active service in a police or 1374  
fire department; 1375

(2) The last day of the eight-year period that begins on the 1376  
effective date of the member's election to participate in the 1377  
plan; 1378

(3) Acceptance by the member of a disability benefit awarded 1379  
by the board of trustees of the Ohio police and fire pension fund, 1380  
unless the acceptance is revoked by the member in accordance with 1381  
rules adopted by the board; 1382

(4) The member's death. 1383

(B) If a member terminates active service in a police or fire 1384  
department not later than eight years after the effective date of 1385  
the member's election to participate in the plan, all of the 1386  
following apply: 1387

(1) The member shall notify the Ohio police and fire pension 1388  
fund of the date of termination on a form prescribed by the fund. 1389  
The member is not eligible to make another election under section 1390  
742.44 of the Revised Code. 1391

(2) If the member's termination of active service occurs on 1392  
or after the date that is the first day of the fourth year after 1393  
the effective date of the election to participate in the plan, the 1394  
entire amount that has accrued to the member's benefit under the 1395  
deferred retirement option plan shall be distributed to the member 1396  
pursuant to the member's selection under division (B)(3) of this 1397  
section. If the termination of active service occurs before the 1398  
date that is four years after the effective date of the election 1399  
to participate, the member shall forfeit the total amount of the 1400  
interest credited under division (C) of section 742.443 of the 1401  
Revised Code. 1402

(3) The member shall select one of the following as the 1403  
method of distribution of the amount to be distributed to the 1404  
member: 1405

(a) A single payment; 1406

(b) Periodic payments as determined by the board. 1407

The fund shall retain amounts accrued to the benefit of a 1408

member under the plan until a form specifying the method of 1409  
distribution selected is filed with the fund by the member or an 1410  
authorized representative of the member. 1411

The board shall afford a member who selects periodic payments 1412  
the opportunity at least once during each calendar year to change 1413  
the member's selection. 1414

(4) Distribution of the amount accrued to a member's benefit 1415  
under the deferred retirement option plan shall not commence until 1416  
the date that is the first day of the fourth year after the 1417  
effective date of the election. 1418

(5) The member shall select a plan of payment under section 1419  
742.3711 of the Revised Code for the pension payable to the member 1420  
under division (C) of section 742.37 of the Revised Code, unless 1421  
the member selected a plan of payment at the time of electing to 1422  
participate in the plan. The pension shall commence on not later 1423  
than the first day of the second month following the date the 1424  
employee ceases to participate in the plan. 1425

(C) If, at the end of the eight-year period that begins on 1426  
the effective date of a member's election to participate in the 1427  
plan, the member has failed to terminate active service in a 1428  
police or fire department, all of the following apply: 1429

(1) No further amounts shall accrue to the member's benefit, 1430  
and the member shall forfeit all amounts that have accrued to the 1431  
member's benefit under section 742.443 of the Revised Code. The 1432  
amounts forfeited shall be treated as if the member had continued 1433  
in the active service of a police or fire department and not 1434  
elected to participate in the plan. 1435

(2) The member shall be granted service credit for the period 1436  
the member was participating in the plan, and when the member's 1437  
pension is calculated under section 742.37 of the Revised Code, 1438  
the calculation shall be made as though the member had never 1439

participated in the plan. 1440

(3) Further contributions, and service credit for those 1441  
contributions, shall be credited as provided in sections 742.31 1442  
through 742.34 of the Revised Code. 1443

**Sec. 742.52.** (A) A member of the Ohio police and ~~and~~ fire 1444  
pension fund who is not receiving a disability benefit or pension 1445  
from the fund and is not a participant in the deferred retirement 1446  
option plan established under section 742.43 of the Revised Code 1447  
may purchase service credit, which shall be used in computing the 1448  
member's years of service, for each year of service incurred by 1449  
reason of having been on active duty, active duty for training, 1450  
initial active duty for training, inactive duty training, 1451  
full-time national guard duty, and a period for which a member is 1452  
absent from a position of employment for the purpose of an 1453  
examination to determine the fitness of the member to perform a 1454  
duty, as a member of the armed forces of the United States if the 1455  
member is honorably discharged. Credits which are not authorized 1456  
under former sections 742.18, 742.19, 742.20, and 742.21 or 1457  
section 742.521 of the Revised Code may be purchased at any time. 1458  
The number of years purchased under this division shall not exceed 1459  
five. 1460

(B) For the purposes of this division, "prisoner of war" 1461  
means any regularly appointed, enrolled, enlisted, or inducted 1462  
member of the armed forces of the United States who was captured, 1463  
separated, and incarcerated by an enemy of the United States. 1464

A member who is not a participant in the deferred retirement 1465  
option plan established under section 742.43 of the Revised Code 1466  
may purchase service credit which shall be considered as the 1467  
equivalent of Ohio service for each year of service the member was 1468  
a prisoner of war. The number of years purchased under this 1469  
division shall not exceed five. Service credit may be purchased 1470



under this division for the same years of service used to purchase 1471  
service credit under division (A) of this section. The member may 1472  
choose to purchase only part of such credit in any one payment, 1473  
subject to board rules. 1474

(C) The total number of years purchased under this section 1475  
shall not exceed the member's total accumulated number of years of 1476  
Ohio service. 1477

(D) For each year of service purchased under division (A) or 1478  
(B) of this section, the member shall pay to the fund for credit 1479  
to the member's accumulated account an amount determined by the 1480  
member rate of contribution in effect at the time the military 1481  
service began or four per cent, whichever is greater, multiplied 1482  
by the annual compensation for full-time employment during the 1483  
first year of full-time service in Ohio covered by any state or 1484  
municipal retirement system of this state following termination of 1485  
military service. To this amount shall be added an amount equal to 1486  
compound interest at a rate established by the board of trustees 1487  
of the Ohio police and fire pension fund from the date active 1488  
military service terminated to date of payment. For the purpose of 1489  
this section, the board may define full-time service in Ohio 1490  
covered by any state or municipal retirement system of this state. 1491  
1492

(E) A member is ineligible to purchase service credit under 1493  
this section for any year of military service that was: 1494

(1) Used in the calculation of any retirement benefit 1495  
currently being paid to the member or payable in the future under 1496  
any other retirement program, except for retired pay for 1497  
non-regular service under Chapter 1223. of Section 1662 of Title 1498  
XVI of the "National Defense Authorization Act for Fiscal Year 1499  
1995," 108 Stat. 2998 (1994), 10 U.S.C.A. 12731 to 12739, or 1500  
social security; 1501

(2) Used to obtain service credit under former section 1502

742.18, 742.19, 742.20, or 742.21 or section 742.521 of the  
Revised Code. At the time the credit is purchased the member shall  
certify on a form furnished by the trustees that the member does  
and will conform to this requirement. Any benefit paid under this  
section to which the member is not entitled shall be recovered by  
any recovery procedures available under this chapter.

"Armed forces" of the United States includes army, navy, air  
force, marine corps, coast guard, or any reserve component of such  
forces; national guard; the commissioned corps of the United  
States public health service; the merchant marine service during  
wartime; auxiliary corps as established by congress; service as a  
red cross nurse with the army, navy, air force, hospital service  
of the United States, army nurse corps, navy nurse corps, or  
serving full-time with the American red cross in a combat zone;  
and such other service as may be designated by congress as  
included therein.

A member of the fund who has purchased service credit under  
this section, or the member's estate, is entitled to be refunded  
the amount paid to purchase such credit, or a pro rata portion  
thereof, provided that the purchased service credit, or a portion  
of the purchased service credit, does not serve to increase a  
pension or benefit paid under section 742.37 or 742.39 or  
calculated under section 742.442 of the Revised Code. The refund  
of any amount paid to purchase credit under this section, or a pro  
rata portion thereof, shall cancel an equivalent amount of service  
credit.

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

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

5503.05 of the Revised Code whose attendance at the school begins 1534  
on or after June 30, 1991. "Employee" includes the superintendent 1535  
of the state highway patrol. In all cases of doubt, the state 1536  
highway patrol retirement board shall determine whether any person 1537  
is an employee as defined in this division, and the decision of 1538  
the board is final. 1539

(B) "Prior service" means all service rendered as an employee 1540  
of the state highway patrol prior to September 5, 1941, to the 1541  
extent credited by the board, provided that in no case shall prior 1542  
service include service rendered prior to November 15, 1933. 1543

(C) "Total service" means all service rendered by an employee 1545  
to the extent credited by the board. Total service includes all of 1546  
the following: 1547

(1) Contributing service rendered by the employee since last 1548  
becoming a member of the state highway patrol retirement system; 1549

(2) All prior service credit; 1550

(3) Restored service credit as provided in this chapter; 1551

(4) Military service credit purchased under division (D) of 1552  
section 5505.16 or section 5505.25 of the Revised Code; 1553

(5) Credit granted under division (C) of section 5505.17 or 1554  
section 5505.201, 5505.40, or 5505.402 of the Revised Code; 1555

(6) Credit for any period, not to exceed three years, during 1556  
which the member was out of service and receiving benefits under 1557  
Chapters 4121. and 4123. of the Revised Code. 1558

(D) "Beneficiary" means any person, except a retirant, who is 1559  
in receipt of a pension or other benefit payable from funds of the 1560  
retirement system. 1561

(E) "Regular interest" means interest compounded at rates 1562  
designated from time to time by the retirement board. 1563

(F) "Plan" means the provisions of this chapter.	1564
(G) "Retirement system" or "system" means the state highway patrol retirement system created and established in the plan.	1565 1566
(H) "Contributing service" means all service rendered by a member since September 4, 1941, for which deductions were made from the member's salary under the plan.	1567 1568 1569
(I) "Retirement board" or "board" means the state highway patrol retirement board provided for in the plan.	1570 1571
(J) Except as provided in section 5505.18 of the Revised Code, "member" means any employee included in the membership of the retirement system, whether or not rendering contributing service.	1572 1573 1574 1575
(K) "Retirant" means any member who retires with a pension payable from the retirement system.	1576 1577
(L) "Accumulated contributions" means the sum of <u>all the following credited to a member's individual account in the employees' savings fund:</u>	1578 1579 1580
<u>(1) All amounts deducted from the salary of a the member and credited to the member's individual account in the employees' savings fund;</u>	1581 1582 1583
<u>(2) All amounts paid by the member to purchase state highway patrol retirement system service credit pursuant to this chapter or other state law.</u>	1584 1585 1586
(M)(1) Except as provided in division (M)(2) of this section, "final average salary" means the average of the highest salary paid a member during any three consecutive or nonconsecutive years.	1587 1588 1589 1590
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	1591 1592 1593

total years of contributing service. 1594

(2) If a member is credited with service under division 1595  
(C)(6) of this section or division (D) of section 5505.16 of the 1596  
Revised Code, the member's final average salary shall be the 1597  
average of the highest salary that was paid to the member or would 1598  
have been paid to the member, had the member been rendering 1599  
contributing service, during any three consecutive or 1600  
nonconsecutive years. If that member has less than three years of 1601  
total service, the member's final average salary shall be the 1602  
average of the annual rates of salary that were paid to the member 1603  
or would have been paid to the member during the member's years of 1604  
total service. 1605

(N) "Pension" means an annual amount payable by the 1606  
retirement system throughout the life of a person or as otherwise 1607  
provided in the plan. ~~All pensions shall be paid in equal monthly 1608~~  
~~installments.~~ 1609

(O) "Pension reserve" means the present value of any pension, 1610  
or benefit in lieu of any pension, computed upon the basis of 1611  
mortality and other tables of experience and interest the board 1612  
shall from time to time adopt. 1613

(P) "Deferred pension" means a pension for which an eligible 1614  
member of the system has made application and which is payable as 1615  
provided in division (A) or (B) of section 5505.16 of the Revised 1616  
Code. 1617

(Q) "Retirement" means termination as an employee of the 1618  
state highway patrol, with application having been made to the 1619  
system for a pension or a deferred pension. 1620

(R) "Fiduciary" means any of the following: 1621

(1) A person who exercises any discretionary authority or 1622  
control with respect to the management of the system, or with 1623  
respect to the management or disposition of its assets; 1624

(2) A person who renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	1625 1626
(3) A person who has any discretionary authority or responsibility in the administration of the system.	1627 1628
(S)(1) Except as otherwise provided in this division, "salary" means all compensation, wages, and other earnings paid to a member by reason of employment but without regard to whether any of the compensation, wages, or other earnings are treated as deferred income for federal income tax purposes. Salary includes all of the following:	1629 1630 1631 1632 1633 1634
(a) Payments for shift differential, hazard duty, professional achievement, and longevity;	1635 1636
(b) Payments for occupational injury leave, personal leave, sick leave, bereavement leave, administrative leave, and vacation leave used by the member;	1637 1638 1639
(c) Payments made under a disability leave program sponsored by the state for which the state is required by section 5505.151 of the Revised Code to make periodic employer and employee contributions to the retirement system.	1640 1641 1642 1643
(2) "Salary" does not include any of the following:	1644
(a) Payments resulting from the conversion of accrued but unused sick leave, personal leave, compensatory time, and vacation leave;	1645 1646 1647
(b) Payments made by the state to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the member or the member's family, or amounts paid by the state to the member in lieu of providing that insurance;	1648 1649 1650 1651 1652
(c) Payments for overtime work;	1653
(d) Incidental benefits, including lodging, food, laundry,	1654

parking, or services furnished by the state, use of property or  
equipment of the state, and reimbursement for job-related expenses  
authorized by the state including moving and travel expenses and  
expenses related to professional development;

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

(f) Payments made under division (B), (C), or (E) of section  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill  
No. 3 of the 119th general assembly, Section 3 of Amended  
Substitute Senate Bill No. 164 of the 124th general assembly, or  
Amended Substitute House Bill No. 405 of the 124th general  
assembly.

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

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

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

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

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

**Sec. 5505.15.** (A)(1) A member of the state highway patrol  
retirement system shall contribute ~~nine and one-half~~ ten per cent  
of the member's annual salary to the state highway patrol  
retirement fund. The amount shall be deducted by the employer from  
the employee's salary for each payroll period.

(2) The total contributions arising from deductions made 1684  
prior to January 1, 1966, from the salaries of members in the 1685  
employ of the state highway patrol and standing to the credit of 1686  
their individual accounts in the retirement fund shall be 1687  
transferred and credited to their respective individual accounts 1688  
in the employees' savings fund. 1689

(B) The state shall annually pay into the employer 1690  
accumulation fund, in monthly or less frequent installments as the 1691  
state highway patrol retirement board requires, an amount that 1692  
shall be a certain percentage of the total salaries paid 1693  
contributing members and shall be known as the "employer 1694  
contribution." If a member severs connection with the patrol or is 1695  
dismissed, the employer contribution shall remain in the 1696  
retirement system. 1697

The rate percentage of the employer contribution shall be 1698  
certified by the board to the director of budget and management 1699  
and shall not be lower than nine per cent of the total salaries 1700  
paid contributing members and shall not exceed three times the 1701  
rate percentage being deducted from the annual salaries of 1702  
contributing members. The board shall prepare and submit to the 1703  
director, on or before the first day of November of each 1704  
even-numbered year, an estimate of the amounts necessary to pay 1705  
the state's obligations accruing during the biennium beginning the 1706  
first day of July of the following year. Such amounts shall be 1707  
included in the budget and allocated as certified by the board. 1708

**Sec. 5505.162.** (A) On application for retirement as provided 1709  
in section 5505.16 of the Revised Code, a member of the state 1710  
highway patrol retirement system may elect, on a form provided by 1711  
the state highway patrol retirement board, to receive a the 1712  
pension that the member is eligible to receive on retirement under 1713  
that section in one of the following forms: 1714



~~(1) A single lifetime pension or he may elect, on a form provided by the state highway patrol retirement board, to receive the;~~ 1715  
1716  
1717

(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: 1718  
1719  
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1727

~~(1)(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. 1728  
1729  
1730

~~(2)(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. 1731  
1732  
1733

~~(3)(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. 1734  
1735  
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1745

(3) If the member has attained age fifty-one with at least 1746  
twenty-five years' total service or fifty-two with at least twenty 1747  
years' total service, a pension consisting of both a partial 1748  
benefit lump sum in an amount the member designates that 1749  
constitutes a portion of the single lifetime pension the member 1750  
may elect under division (A)(1) of this section and the actuarial 1751  
equivalent of the remainder of the single lifetime pension payable 1752  
for the member's life, provided an actuary employed by the system 1753  
certifies the actuarial equivalent and the board approves the 1754  
partial benefit lump sum payment and the amount to be paid as the 1755  
actuarial equivalent. 1756

The amount designated by a member shall be not less than six 1757  
times the monthly amount that would be payable to the member as a 1758  
single lifetime pension under division (A)(1) of this section and 1759  
not more than sixty times that amount. 1760

A member who has attained the age of fifty-one with 1761  
twenty-five years of service who elects a partial benefit lump sum 1762  
may designate an amount that does not exceed an amount equal to 1763  
one month's pension for each month of service beyond twenty-five 1764  
years. A member who has attained the age of fifty-two with twenty 1765  
years of service who elects a partial benefit lump sum may 1766  
designate an amount that does not exceed an amount equal to one 1767  
month's pension for each month of service beyond twenty years. 1768

(B)(1) The death of a spouse designated as beneficiary or the 1769  
death of any other designated beneficiary following retirement 1770  
shall cancel any optional plan of payment selected under division 1771  
(A)(2) of this section to provide continuing lifetime benefits to 1772  
such designated beneficiary and return the member to the 1773  
equivalent of ~~his~~ the member's single lifetime pension, as 1774  
determined by the board, to be effective the month following 1775  
receipt by the board of notice of the death. 1776

(2) On divorce, annulment, or marriage dissolution, a member 1777

receiving a pension under a plan that provides for continuation of 1778  
all or part of the pension after ~~his~~ death for the lifetime of ~~his~~ 1779  
the member's surviving spouse may, with the written consent of the 1780  
spouse or pursuant to an order of the court with jurisdiction over 1781  
the termination of the marriage, elect to cancel the plan and 1782  
receive the equivalent of ~~his~~ the member's single lifetime pension 1783  
as determined by the board. The election shall be made on a form 1784  
provided by the board and shall be effective the month following 1785  
its receipt by the board. 1786

(C) Following marriage or remarriage, a member may elect a 1787  
new optional plan of payment under division (A)(2) of this section 1788  
based on the actuarial equivalent of ~~his~~ the member's single 1789  
lifetime pension as determined by the board. The plan shall become 1790  
effective the first day of the month following receipt by the 1791  
board of an application on a form approved by the board. 1792

(D) A member who has elected an optional plan under division 1793  
(A)(2) of this section may, with the written consent of the 1794  
designated beneficiary, cancel the optional plan and receive the 1795  
single lifetime pension payable throughout his life ~~he~~ that the 1796  
member would have received had ~~he not elected the optional plan~~ 1797  
the member elected the single lifetime pension under division 1798  
(A)(1) of this section, if ~~he~~ the member makes a request to cancel 1799  
the optional plan not later than one year after the date on which 1800  
the member first receives a payment under the plan. Cancellation 1801  
of the optional plan shall be effective the month after acceptance 1802  
of the request by the board. No payment or adjustment shall be 1803  
made in the single lifetime pension payable throughout the 1804  
~~member's life~~ to compensate for the lesser pension ~~he~~ the member 1805  
received under the optional plan. 1806

The request to cancel the optional plan shall be made on a 1807  
form provided by the board and shall be valid only if the 1808  
completed form includes a signed statement of the designated 1809

beneficiary's understanding of and consent to the cancellation. 1810  
The designated beneficiary's signature shall be verified by the 1811  
board prior to its acceptance of the cancellation. 1812

(E) Any option elected and payments made under division 1813  
(A)(2) of this section shall be in addition to any pension payable 1814  
to the member's surviving spouse, children, or parents under 1815  
section 5505.17 of the Revised Code. 1816

**Sec. 5505.163.** (A) A retirant who retired prior to September 1817  
21, 1994, under section 5505.16 of the Revised Code may elect to 1818  
receive the actuarial equivalent of the retirant's pension in a 1819  
lesser amount payable for the remainder of the retirant's life and 1820  
continuing after death to the retirant's surviving designated 1821  
beneficiary under one of the optional plans described in division 1822  
(A)(1), (2), or (3)(a), (b), or (c) of section 5505.162 of the 1823  
Revised Code, provided the annual amount payable to the designated 1824  
beneficiary shall not exceed the annual amount payable to the 1825  
retirant, the amount is certified by the actuary employed by the 1826  
state highway patrol retirement system to be the actuarial 1827  
equivalent of the retirant's pension, and the state highway patrol 1828  
retirement board approves the amount. 1829

(B) A retirant interested in making the election authorized 1830  
by division (A) of this section shall file a notice of interest 1831  
with the board not later than sixty days after ~~the effective date~~ 1832  
~~of this section~~ June 30, 2000. The board shall advise the retirant 1833  
with respect to the choices available under the optional plans and 1834  
have a determination made of the monthly pension payable under the 1835  
optional plan elected by the member for inclusion in the statement 1836  
to be filed under division (C) of this section. 1837

(C) To make the election authorized by division (A) of this 1838  
section, a retirant shall file a statement, on a form provided by 1839  
the board, indicating that the retirant elects to participate in 1840

the optional plan specified in the statement. The form must be  
filed with the board not later than one hundred twenty days after  
~~the effective date of this section~~ June 30, 2000.

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

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

Sec. 5505.178. Except as provided in division (A)(3) of  
section 5505.162 of the Revised Code, all pensions shall be paid  
in equal monthly installments.

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

(A) Upon the application of a member of the state highway  
patrol retirement system, a person acting on behalf of a member,  
or the superintendent of the state highway patrol on behalf of a  
member, a member who becomes totally and permanently incapacitated  
for duty in the employ of the state highway patrol may be retired  
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; 1870

(3) The cause of the member's incapacity. 1871

The board shall determine whether the member qualifies for 1872  
disability retirement and its decision shall be final. The board 1873  
shall consider the written medical or psychological report, 1874  
opinions, statements, and other competent evidence in making its 1875  
determination. If the incapacity is a result of heart disease or 1876  
any cardiovascular disease of a chronic nature, which disease or 1877  
any evidence of which was not revealed by the physical examination 1878  
passed by the member on entry into the patrol, the member is 1879  
presumed to have incurred the disease in the line of duty as a 1880  
member of the patrol, unless the contrary is shown by competent 1881  
evidence. 1882

(B)(1) A member whose retirement on account of disability 1883  
incurred in the line of duty shall receive the applicable pension 1884  
provided for in section 5505.17 of the Revised Code, except that 1885  
if the member has less than twenty-five years of contributing 1886  
service, the member's service credit shall be deemed to be 1887  
twenty-five years for the purpose of this provision. In no case 1888  
shall the member's disability pension be less than sixty-one and 1889  
one-quarter per cent or exceed the lesser of seventy-nine and 1890  
one-quarter per cent of the member's final average salary or the 1891  
limit established by section 415 of the "Internal Revenue Code of 1892  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 1893

(2) A member whose retirement on account of disability 1894  
incurred not in the line of duty shall receive the applicable 1895  
pension provided for in section 5505.17 of the Revised Code, 1896  
except that if the member has less than twenty years of 1897  
contributing service, the member's service credit shall be deemed 1898  
to be twenty years for the purpose of this provision. In no case 1899  
shall the member's disability pension exceed the lesser of 1900  
seventy-nine and one-quarter per cent of the member's final 1901

average salary or the limit established by section 415 of the 1902  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 1903  
as amended. 1904

(C) The state highway patrol retirement board shall adopt 1905  
rules requiring a disability pension recipient, as a condition of 1906  
continuing to receive a disability pension, to agree in writing to 1907  
obtain any medical or psychological treatment recommended by the 1908  
board's ~~physician~~ health-care professional and submit medical or 1909  
psychological reports regarding the treatment. If the board 1910  
determines that a disability pension recipient is not obtaining 1911  
the medical or psychological treatment or the board does not 1912  
receive a required medical or psychological report, the disability 1913  
pension shall be suspended until the treatment is obtained, the 1914  
report is received by the board, or the board's ~~physician~~ 1915  
health-care professional certifies that the treatment is no longer 1916  
helpful or advisable. Should the recipient's failure to obtain 1917  
treatment or submit a medical or psychological report continue for 1918  
one year, the recipient's right to the disability benefit shall be 1919  
terminated as of the effective date of the original suspension. 1920

(D) A member placed on a disability pension who has not 1921  
attained the age of fifty-five years shall be subject to an annual 1922  
medical or psychological re-examination by ~~physicians~~ health-care 1923  
professionals appointed by the board, except that the board may 1924  
waive the ~~medical~~ re-examination if the board's ~~physicians~~ 1925  
health-care professionals certify that the member's disability is 1926  
ongoing. If any member placed on a disability pension refuses to 1927  
submit to a medical or psychological re-examination, the member's 1928  
disability pension shall be suspended until the member withdraws 1929  
the refusal. If the refusal continues for one year, all the 1930  
member's rights under and to the disability pension shall be 1931  
terminated as of the effective date of the original suspension. 1932

(E) Each recipient of a disability pension who has not 1933

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  
shall again become a contributing member of the retirement system,  
the total service at the time of the retirant's retirement shall  
be restored to the retirant's credit, and the retirant shall be  
given service credit for the period the retirant was in receipt of  
a disability pension. The provisions of division (F)(1) of this  
section shall be retroactive to September 5, 1941.

(2) The state highway patrol is not required to take action  
under division (F)(1) of this section if the retirant was  
dismissed or resigned in lieu of dismissal for dishonesty,



misfeasance, malfeasance, or conviction of a felony. 1966

(G) The board may adopt rules to carry out this section, 1967  
including rules that specify the types of health-care 1968  
professionals the board may appoint for the purpose of this 1969  
section. 1970

**Section 2.** That existing sections 742.21, 742.212, 742.214, 1971  
742.221, 742.23, 742.24, 742.251, 742.27, 742.37, 742.371, 1972  
742.375, 742.376, 742.3711, 742.3714, 742.3716, 742.44, 742.442, 1973  
742.443, 742.444, 742.52, 5505.01, 5505.15, 5505.162, 5505.163, 1974  
and 5505.18 of the Revised Code are hereby repealed. 1975