

As Introduced

**124th General Assembly
Regular Session
2001-2002**

S. B. No. 247

SENATOR Blessing

A BILL

To amend sections 145.46, 3307.01, 3307.39, 3307.51, 1
3307.56, 3307.561, 3307.563, 3307.58, 3307.60, 2
3307.761, 3307.763, 3307.764, 3307.87, 3309.45, and 3
3309.46 of the Revised Code to create in the State 4
Teachers Retirement System (STRS), School Employees 5
Retirement System, and Public Employees Retirement 6
System the option of receiving retirement benefits 7
as a partial lump sum followed by a reduced monthly 8
allowance and to make other changes to the law 9
governing STRS. 10

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

Section 1. That sections 145.46, 3307.01, 3307.39, 3307.51, 11
3307.56, 3307.561, 3307.563, 3307.58, 3307.60, 3307.761, 3307.763, 12
3307.764, 3307.87, 3309.45, and 3309.46 of the Revised Code be 13
amended to read as follows: 14

Sec. 145.46. (A) A retirement allowance calculated under 15
section 145.33, 145.331, or 145.34 of the Revised Code shall be 16
paid as provided in this section. If the member is eligible to 17
elect a plan of payment under this section, the election shall be 18
made on a form provided by the public employees retirement board. 19
A plan of payment elected under this section shall be effective 20

only if approved by the board, which shall approve it only if it 21
is certified by an actuary engaged by the board to be the 22
actuarial equivalent of the retirement allowance calculated under 23
section 145.33, 145.331, or 145.34 of the Revised Code. 24

(B)(1) Unless the member is eligible to elect another plan of 25
payment, a member who retires under section 145.32, 145.331, or 26
145.34 of the Revised Code shall receive a retirement allowance 27
under "plan A," which shall consist of the actuarial equivalent of 28
the member's retirement allowance determined under section 145.33, 29
145.331, or 145.34 of the Revised Code in a lesser amount payable 30
for life and one-half of such allowance continuing after death to 31
the member's surviving spouse for the life of the spouse. 32

A member may elect to receive the member's retirement 33
allowance under a plan of payment other than "plan A" if the 34
member is not married or either the member's spouse consents in 35
writing to the member's election of a plan of payment other than 36
"plan A" or the board waives the requirement that the spouse 37
consent. An application for retirement shall include an 38
explanation of all of the following: 39

(a) That, if the member is married, unless the spouse 40
consents to another plan of payment, the member's retirement 41
allowance will be paid under "plan A," which consists of the 42
actuarial equivalent of the member's retirement allowance in a 43
lesser amount payable for life and one-half of the allowance 44
continuing after death to the surviving spouse for the life of the 45
spouse; 46

(b) A description of the alternative plans of payment, 47
including all plans described in divisions (B)(2) and (3) of this 48
section, available with the consent of the spouse; 49

(c) That the spouse may consent to another plan of payment 50
and the procedure for giving consent; 51

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

Consent shall be valid only if it is signed, in writing, and witnessed by a notary public. The board may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason specified by the board. Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver.

(2) A member eligible to elect to receive the member's retirement allowance under a plan of payment other than "plan A" shall receive the member's retirement allowance under the plan described in division (B)(3) of this section or one of the following plans ~~elected at the time the member makes application for retirement:~~

(a) "Plan B," which shall consist of an allowance determined under section 145.33, 145.331, or 145.34 of the Revised Code;

(b) "Plan C," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable for life and one-half or some other portion of the allowance continuing after death to the member's sole surviving beneficiary designated at the time of the member's retirement, provided that the amount payable to the beneficiary does not exceed the amount payable to the member;

(c) "Plan D," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable for life and continuing after death to a surviving beneficiary designated at the time of the member's retirement;

(d) "Plan E," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section

145.33, 145.331, or 145.34 of the Revised Code in a lesser amount payable for a certain period from the member's retirement date as elected by the member and approved by the retirement board, and on the member's death before the expiration of that certain period the member's lesser retirement allowance payable for the remainder of that period to the member's surviving designated beneficiary nominated by written designation filed with the retirement board.

Should the nominated beneficiary designated in writing die prior to the expiration of the guarantee period, then for the purpose of completing payment for the remainder of the guarantee period, the present value of such payments shall be paid to the estate of the beneficiary last receiving.

(3)(a) A member may elect to receive a retirement allowance under a plan of payment consisting of both a lump sum in an amount the member designates that constitutes a portion of the member's retirement allowance under a plan described in division (B) of this section and the remainder as a monthly allowance under that plan.

The total amount paid as a lump sum and a monthly benefit shall be the actuarial equivalent of the amount that would have been paid had the lump sum not been selected.

(b) The lump sum designated by a member shall be not less than six times the monthly amount that would be payable to the member under the plan of payment elected under division (B)(3)(a) of this section had the lump sum not been elected and not more than thirty-six times that amount.

(4) An election under division (B)(2) or (3) of this section shall be made at the time the member makes application for retirement.

(5) A member eligible to elect to receive the member's

retirement allowance under a plan of payment other than "plan A" 114
because the member is unmarried who fails to make an election on 115
retirement shall receive the member's retirement allowance under 116
"plan B." 117

(C) If the retirement allowances, as a single life annuity or 118
payment plan as provided in this section, due and paid are in a 119
total amount less than (1) the accumulated contributions, and (2) 120
other deposits made by the member as provided by this chapter, 121
standing to the credit of the member at the time of retirement, 122
then the difference between the total amount of the allowances 123
paid and the accumulated contributions and other deposits shall be 124
paid to the beneficiary provided under division (D) of section 125
145.43 of the Revised Code. 126

(D)(1) The death of a spouse or any designated beneficiary 127
following retirement shall cancel any plan of payment to provide 128
continuing lifetime benefits to the spouse or beneficiary and 129
return the retirant to the retirant's single lifetime benefit 130
equivalent, as determined by the board, to be effective the month 131
following receipt by the board of notice of the death. 132

(2) On divorce, annulment, or marriage dissolution, a 133
retirant receiving a retirement allowance under a plan that 134
provides for continuation of all or part of the allowance after 135
death for the lifetime of the retirant's surviving spouse may, 136
with the written consent of the spouse or pursuant to an order of 137
the court with jurisdiction over the termination of the marriage, 138
elect to cancel the plan and receive the member's single lifetime 139
benefit equivalent as determined by the retirement board. The 140
election shall be made on a form provided by the board and shall 141
be effective the month following its receipt by the board. 142

(E) Following a marriage or remarriage, a retirant who is 143
receiving the retirant's retirement allowance under "plan B" may 144
elect a new plan of payment under division (B)(1), (2)(b), or 145

(2)(c) of this section based on the actuarial equivalent of the
retirant's single lifetime benefit as determined by the board. The
plan shall become effective the first day of the month following
receipt by the board of an application on a form approved by the
board.

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(F) Any person who, prior to July 24, 1990, selected an
optional plan of payment at retirement that provided for a return
to the single life benefit after the designated beneficiary's
death shall have the retirant's benefit adjusted to the optional
plan equivalent without such provision.

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(G) A retirant's receipt of the first month's retirement
allowance constitutes the retirant's final acceptance of the plan
of payment and may be changed only as provided in this chapter.

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Sec. 3307.01. As used in this chapter:

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(A) "Employer" means the board of education, school district,
governing authority of any community school established under
Chapter 3314. of the Revised Code, college, university,
institution, or other agency within the state by which a teacher
is employed and paid.

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(B) "Teacher" means all of the following:

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(1) Any person paid from public funds and employed in the
public schools of the state under any type of contract described
in section 3319.08 of the Revised Code in a position for which the
person is required to have a license issued pursuant to sections
3319.22 to 3319.31 of the Revised Code;

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(2) Any person employed as a teacher by a community school
pursuant to Chapter 3314. of the Revised Code;

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(3) Any person holding an internship certificate issued under
section 3319.28 of the Revised Code and employed in a public
school in this state;

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(4) Any person having a license issued pursuant to sections 176
3319.22 to 3319.31 of the Revised Code and employed in a public 177
school in this state in an educational position, as determined by 178
the state board of education, under programs provided for by 179
federal acts or regulations and financed in whole or in part from 180
federal funds, but for which no licensure requirements for the 181
position can be made under the provisions of such federal acts or 182
regulations; 183

(5) Any other teacher or faculty member employed in any 184
school, college, university, institution, or other agency wholly 185
controlled and managed, and supported in whole or in part, by the 186
state or any political subdivision thereof, including Central 187
state university, Cleveland state university, the university of 188
Toledo, and the medical college of Ohio at Toledo; 189

(6) The educational employees of the department of education, 190
as determined by the state superintendent of public instruction. 191
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In all cases of doubt, the state teachers retirement board 193
shall determine whether any person is a teacher, and its decision 194
shall be final. 195

"Teacher" does not include any academic or administrative 196
employee of a public institution of higher education, as defined 197
in section 3305.01 of the Revised Code, who participates in an 198
alternative retirement plan established under Chapter 3305. of the 199
Revised Code. 200

(C) "Member" means any person included in the membership of 201
the state teachers retirement system, which shall consist of all 202
teachers and contributors as defined in divisions (B) and (D) of 203
this section and all disability benefit recipients, as defined in 204
section 3307.50 of the Revised Code. However, for purposes of this 205
chapter, the following persons shall not be considered members: 206

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(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;	208 209 210
(2) A person denied membership pursuant to section 3307.24 of the Revised Code;	211 212
(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;	213 214
(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501.	215 216 217
(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund.	218 219
(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.	220 221 222
(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.	223 224 225 226 227
(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.	228 229 230 231
(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.	232 233 234 235
(I) "Five years of service credit" means employment covered	236

under this chapter and employment covered under a former 237
retirement plan operated, recognized, or endorsed by a college, 238
institute, university, or political subdivision of this state 239
prior to coverage under this chapter. 240

(J) "Actuary" means the actuarial consultant to the state 241
teachers retirement board, who shall be either of the following: 242

(1) A member of the American academy of actuaries; 243

(2) A firm, partnership, or corporation of which at least one 244
person is a member of the American academy of actuaries. 245

(K) "Fiduciary" means a person who does any of the following: 246
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(1) Exercises any discretionary authority or control with 248
respect to the management of the system, or with respect to the 249
management or disposition of its assets; 250

(2) Renders investment advice for a fee, direct or indirect, 251
with respect to money or property of the system; 252

(3) Has any discretionary authority or responsibility in the 253
administration of the system. 254

(L)(1) Except as provided in this division, "compensation" 255
means all salary, wages, and other earnings paid to a teacher by 256
reason of the teacher's employment, including compensation paid 257
pursuant to a supplemental contract. The salary, wages, and other 258
earnings shall be determined prior to determination of the amount 259
required to be contributed to the teachers' savings fund or 260
defined contribution fund under section 3307.26 of the Revised 261
Code and without regard to whether any of the salary, wages, or 262
other earnings are treated as deferred income for federal income 263
tax purposes. 264

(2) Compensation does not include any of the following: 265

(a) Payments for accrued but unused sick leave or personal 266

leave, including payments made under a plan established pursuant	267
to section 124.39 of the Revised Code or any other plan	268
established by the employer;	269
(b) Payments made for accrued but unused vacation leave,	270
including payments made pursuant to section 124.13 of the Revised	271
Code or a plan established by the employer;	272
(c) Payments made for vacation pay covering concurrent	273
periods for which other salary, compensation, or benefits under	274
this chapter are paid;	275
(d) Amounts paid by the employer to provide life insurance,	276
sickness, accident, endowment, health, medical, hospital, dental,	277
or surgical coverage, or other insurance for the teacher or the	278
teacher's family, or amounts paid by the employer to the teacher	279
in lieu of providing the insurance;	280
(e) Incidental benefits, including lodging, food, laundry,	281
parking, or services furnished by the employer, use of the	282
employer's property or equipment, and reimbursement for	283
job-related expenses authorized by the employer, including moving	284
and travel expenses and expenses related to professional	285
development;	286
(f) Payments made by the employer in exchange for a member's	287
waiver of a right to receive any payment, amount, or benefit	288
described in division (L)(2) of this section;	289
(g) Payments by the employer for services not actually	290
rendered;	291
(h) Any amount paid by the employer as a retroactive increase	292
in salary, wages, or other earnings, unless the increase is one of	293
the following:	294
(i) A retroactive increase paid to a member employed by a	295
school district board of education in a position that requires a	296

license designated for teaching and not designated for being an 297
administrator issued under section 3319.22 of the Revised Code 298
that is paid in accordance with uniform criteria applicable to all 299
members employed by the board in positions requiring the licenses; 300

(ii) A retroactive increase paid to a member employed by a 301
school district board of education in a position that requires a 302
license designated for being an administrator issued under section 303
3319.22 of the Revised Code that is paid in accordance with 304
uniform criteria applicable to all members employed by the board 305
in positions requiring the licenses; 306

(iii) A retroactive increase paid to a member employed by a 307
school district board of education as a superintendent that is 308
also paid as described in division (L)(2)(h)(i) of this section; 309

(iv) A retroactive increase paid to a member employed by an 310
employer other than a school district board of education in 311
accordance with uniform criteria applicable to all members 312
employed by the employer. 313

(i) Payments made to or on behalf of a teacher that are in 314
excess of the annual compensation that may be taken into account 315
by the retirement system under division (a)(17) of section 401 of 316
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 317
401(a)(17), as amended. For a teacher who first establishes 318
membership before July 1, 1996, the annual compensation that may 319
be taken into account by the retirement system shall be determined 320
under division (d)(3) of section 13212 of the "Omnibus Budget 321
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 322

(j) Payments made under division (B), (C), or (E) of section 323
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 324
No. 3 of the 119th general assembly, Section 3 of Amended 325
Substitute Senate Bill No. 164 of the 124th general assembly, or 326
Amended Substitute House Bill No. 405 of the 124th general 327

assembly;	328
(k) Anything of value received by the teacher that is based on or attributable to retirement or an agreement to retire.	329 330
(3) The retirement board shall determine by rule both of the following:	331 332
(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	333 334
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	335 336
Decisions of the board made under this division shall be final.	337 338
(M) "Superannuate" means both of the following:	339
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	340 341
(2) A former teacher receiving any a benefit from the system under a plan established under section 3307.81 of the Revised Code, <u>except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.</u>	342 343 344 345 346
For purposes of section 3307.35 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	347 348 349 350 351
Sec. 3307.39. (A) The state teachers retirement board may enter into an agreement with insurance companies, health insuring corporations, or government agencies authorized to do business in the state for issuance of a policy or contract of health, medical, hospital, or surgical benefits, or any combination thereof, for	352 353 354 355 356

those individuals receiving, under the plan described in sections 357
3307.50 to 3307.79 of the Revised Code, service retirement or a 358
disability or survivor benefit who subscribe to the plan. 359
Notwithstanding any other provision of this chapter, the policy or 360
contract may also include coverage for any eligible individual's 361
spouse and dependent children and for any of the individual's 362
sponsored dependents as the board considers appropriate. If all or 363
any portion of the policy or contract premium is to be paid by any 364
individual receiving service retirement or a disability or 365
survivor benefit, the individual shall, by written authorization, 366
instruct the board to deduct the premium agreed to be paid by the 367
individual to the companies, corporations, or agencies. 368

The board may contract for coverage on the basis of part or 369
all of the cost of the coverage to be paid from appropriate funds 370
of the state teachers retirement system. The cost paid from the 371
funds of the system shall be included in the employer's 372
contribution rate provided by section 3307.28 of the Revised Code. 373

The board may enter into an agreement under this division for 374
coverage of recipients of benefits under a plan established under 375
section 3307.81 of the Revised Code if the plan selected includes 376
health, medical, hospital, or surgical benefits, or any 377
combination thereof. The board may contract for coverage on the 378
basis that the cost of the coverage will be paid by the recipient 379
or by the plan to which the recipient contributed under this 380
chapter. The board may offer to recipients plans that provide for 381
different levels of coverage or for prepayment of the cost of 382
coverage. 383

The board may provide for self-insurance of risk or level of 384
risk as set forth in the contract with the companies, 385
corporations, or agencies, and may provide through the 386
self-insurance method specific benefits as authorized by the rules 387
of the board. 388

~~(B) If the board provides health, medical, hospital, or surgical benefits through any means other than a health insuring corporation, it shall offer to each individual eligible for the benefits the alternative of receiving benefits through enrollment in a health insuring corporation, if all of the following apply:~~

~~(1) The health insuring corporation provides health care services in the geographical area in which the individual lives;~~

~~(2) The eligible individual was receiving health care benefits through a health maintenance organization or a health insuring corporation before retirement;~~

~~(3) The rate and coverage provided by the health insuring corporation to eligible individuals is comparable to that currently provided by the board under division (A) of this section. If the rate or coverage provided by the health insuring corporation is not comparable to that currently provided by the board under division (A) of this section, the board may deduct the additional cost from the eligible individual's monthly benefit.~~

~~The health insuring corporation shall accept as an enrollee any eligible individual who requests enrollment.~~

~~The board shall permit each eligible individual to change from one plan to another at least once a year at a time determined by the board.~~

~~(C) The board shall make a monthly payment to each recipient of service retirement, or a disability or survivor benefit under the plan described in sections 3307.50 to 3307.79 of the Revised Code who is eligible for insurance coverage under part B of "The Social Security Amendments of 1965," 79 Stat. 301, 42 U.S.C.A. 1395j, as amended, and may make a monthly payment to a recipient of benefits under a plan established under section 3307.81 of the Revised Code who is eligible for that insurance coverage if the monthly payments are funded through the plan selected by the~~

recipient. The payment shall be the greater of the following: 420

(1) Twenty-nine dollars and ninety cents; 421

(2) An amount determined by multiplying the basic premium for 422
the coverage by a percentage, not exceeding ninety per cent, 423
determined by multiplying the years of service used in calculating 424
the service retirement or benefit or, in the case of a recipient 425
of benefits under a plan established under section 3307.81 of the 426
Revised Code, the participant's years of service by a percentage 427
determined by the board not exceeding three per cent. 428

The board shall make all payments under this division 429
beginning the month following receipt of satisfactory evidence of 430
the payment for the coverage. 431

~~(D)~~(C) The board shall establish by rule requirements for the 432
coordination of any coverage, payment, or benefit provided under 433
this section or section 3307.61 of the Revised Code with any 434
similar coverage, payment, or benefit made available to the same 435
individual by the public employees retirement system, Ohio police 436
and fire pension fund, school employees retirement system, or 437
state highway patrol retirement system. 438

~~(E)~~(D) The board shall make all other necessary rules 439
pursuant to the purpose and intent of this section. 440

Sec. 3307.51. (A) The state teachers retirement board shall 441
have prepared annually by or under the supervision of an actuary 442
an actuarial valuation of the pension assets, liabilities, and 443
funding requirements of the plan described in sections 3307.50 to 444
3307.79 of the Revised Code. The actuary shall complete the 445
valuation in accordance with actuarial standards of practice 446
promulgated by the actuarial standards board of the American 447
academy of actuaries and prepare a report of the valuation. The 448
report shall include all of the following: 449

(1) A summary of the benefit provisions evaluated;	450
(2) A summary of the census data and financial information used in the valuation;	451 452
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system;	453 454 455 456 457
(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;	458 459 460
(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;	461 462 463
(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.	464 465 466
The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of January following the year for which the valuation was made.	467 468 469 470 471
(B) At such times as the state teachers retirement board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, and beneficiaries of the system, and other system retirants as defined in section 3307.35 of the Revised Code to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial	472 473 474 475 476 477 478 479 480

investigation. The report shall be prepared and any recommended
changes in actuarial assumptions shall be made in accordance with
the actuarial standards of practice promulgated by the actuarial
standards board of the American academy of actuaries. The report
shall include all of the following:

(1) A summary of relevant decrement and economic assumption
experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used
in subsequent actuarial valuations required by division (A) of
this section;

(3) A measurement of the financial effect of the recommended
changes in actuarial assumptions.

The board shall submit the report to the Ohio retirement
study council and the standing committees of the house of
representatives and the senate with primary responsibility for
retirement legislation not later than the first day of May
following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any
other studies or actuarial valuations to determine the adequacy of
the normal and deficiency rates of contribution provided by
section 3307.28 of the Revised Code, and those rates may be
adjusted by the board, as recommended by the actuary, effective as
of the first of any year thereafter.

(D) The board shall have prepared by or under the supervision
of an actuary an actuarial analysis of any introduced legislation
expected to have a measurable financial impact on the retirement
system. The actuarial analysis shall be completed in accordance
with the actuarial standards of practice promulgated by the
actuarial standards board of the American academy of actuaries.
The actuary shall prepare a report of the actuarial analysis,
which shall include all of the following:

(1) A summary of the statutory changes that are being evaluated;	512 513
(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	514 515
(3) A description of the participant group or groups included in the report;	516 517
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period not to exceed thirty years;	518 519 520 521 522 523 524
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	525 526 527 528
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative budget office of the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	529 530 531 532 533 534
(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under sections 3307.39 and 3307.61 of the Revised Code. The report shall be made as of June 30, 1997, and the thirtieth day of June of each year thereafter. The report shall include the following:	535 536 537 538 539 540
(1) A description of the statutory authority for the benefits provided;	541 542

(2) A summary of the benefits;	543
(3) A summary of the eligibility requirements for the benefits;	544 545
(4) A statement of the number of participants eligible for the benefits;	546 547
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	548 549
(6) A statement of the net assets available for the provisions of benefits as of the last day of the fiscal year;	550 551
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	552 553 554 555 556
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	557 558 559 560
(9) A description of any significant changes that affect the comparability of the report required under this division;	561 562
(10) A statement of the amount paid under division (C) (B) of section 3307.39 of the Revised Code.	563 564
The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the thirty-first day of December following the year for which the report was made.	565 566 567 568 569
Sec. 3307.56. (A)(1) Subject to sections 3307.37 and 3307.561 of the Revised Code and except as provided in division (B)(2) of	570 571

this section, a member participating in the plan described in 572
sections 3307.50 to 3307.79 of the Revised Code who ceases to be a 573
teacher for any cause other than death, retirement, receipt of a 574
disability benefit, or current employment in a position in which 575
the member has elected to participate in an alternative retirement 576
plan under section 3305.05 of the Revised Code, upon application, 577
shall be paid the accumulated contributions standing to the credit 578
of the member's individual account in the teachers' savings fund 579
plus an amount calculated in accordance with section 3307.563 of 580
the Revised Code. If the member or the member's legal 581
representative cannot be found within ten years after the member 582
ceased making contributions pursuant to section 3307.26 of the 583
Revised Code, the accumulated contributions may be transferred to 584
the guarantee fund and thereafter paid to the member, to the 585
member's beneficiaries, or to the member's estate, upon proper 586
application. 587

(2) A member described in division (A)(1) of this section who 588
is married at the time of application for payment and is eligible 589
for age and service retirement under section 3307.58 or 3307.59 of 590
the Revised Code shall submit with the application a written 591
statement by the member's spouse attesting that the spouse 592
consents to the payment of the member's accumulated contributions. 593
Consent shall be valid only if it is signed and witnessed by a 594
notary public. If the statement is not submitted under this 595
division, the application shall be considered an application for 596
service retirement and shall be subject to division ~~(F)~~ (G)(1) of 597
section 3307.60 of the Revised Code. 598

The state teachers retirement board may waive the requirement 599
of consent if the spouse is incapacitated or cannot be located, or 600
for any other reason specified by the board. Consent or waiver is 601
effective only with regard to the spouse who is the subject of the 602
consent or waiver. 603

(B) This division applies to any member who is employed in a position in which the member has elected under section 3305.05 of the Revised Code to participate in an alternative retirement plan and due to the election ceases to be a teacher for the purposes of that position.

Subject to sections 3307.37 and 3307.561 of the Revised Code, the state teachers retirement system shall do the following:

(1) On receipt of a certified copy of an election under section 3305.05 of the Revised Code, pay, in accordance with section 3305.051 of the Revised Code, the amount described in that section to the appropriate provider;

(2) If a member has accumulated contributions, in addition to those subject to division (B)(1) of this section, standing to the credit of a member's individual account and is not otherwise in a position in which the member is considered a teacher for the purposes of that position, pay, to the provider the member selected pursuant to section 3305.05 of the Revised Code, the accumulated contributions standing to the credit of the member's individual account in the teachers' saving fund plus an amount calculated in accordance with section 3307.80 of the Revised Code. The payment shall be made on the member's application.

(C) Payment of a member's accumulated contributions under division (B) of this section cancels the member's total service credit in the state teachers retirement system. A member whose accumulated contributions are paid to a provider pursuant to division (B) of this section is forever barred from claiming or purchasing service credit under the state teachers retirement system for the period of employment attributable to those contributions.

Sec. 3307.561. A (A) Except as provided in division (B) of this section, a member of the state teachers retirement system

participating in the plan described in sections 3307.50 to 3307.79 635
of the Revised Code who has ceased to be a teacher, and who is 636
also a member of either the public employees retirement system or 637
school employees retirement system, or both, may not withdraw the 638
member's accumulated contributions ~~unless the~~. 639

(B) On application, the state teachers retirement board shall 640
pay a member described in division (A) of this section the 641
member's accumulated contributions if either of the following 642
applies: 643

(1) The member also withdraws the member's contributions from 644
the other systems. 645

(2) The member is a participant in a plan established under 646
section 145.81 or 3309.81 of the Revised Code. 647

Sec. 3307.563. For the purposes of this section, "service 648
credit" includes only service credit obtained pursuant to sections 649
3307.53, 3307.71, 3307.72, and 3307.77 of the Revised Code. 650

(A) The state teachers retirement system shall add to a 651
member's accumulated contributions to be paid under section 652
3307.56 or 3307.562 of the Revised Code an amount paid from the 653
employers' trust fund equal to one of the following: 654

(1) If the member has less than three full years of service 655
credit, an amount equal to interest on the member's accumulated 656
contributions, compounded annually, at a rate not greater than 657
four per cent established by the board; 658

(2) If the member has three or more full years of service 659
credit, but less than five full years, an amount equal to interest 660
on the member's accumulated contributions, compounded annually, at 661
a rate not greater than six per cent established by the board; 662

(3) If the member has five or more full years of service 663
credit, the sum of the following amounts: 664

(a) An amount equal to interest on the member's accumulated contributions, compounded annually, at a rate not greater than six per cent established by the board;

(b) An amount equal to fifty per cent of the sum of the member's contributions under section 3307.26 and division (C) of section 3307.77 of the Revised Code plus interest on that amount at a rate not greater than six per cent established by the board.

Interest for each year included in the calculation under this section shall be calculated from the first day of the following year to the last day of the month preceding payment under section 3307.56 or 3307.562 of the Revised Code.

(B) Notwithstanding sections 3307.56 and 3307.562 of the Revised Code, neither the beneficiaries, survivors, nor estate of a deceased member who was granted disability benefits prior to death is eligible for the payment of any amount calculated under this section.

Sec. 3307.58. Any member participating in the plan described in sections 3307.50 to 3307.79 of the Revised Code who has five years of service credit and has attained age sixty, or who has twenty-five years of service credit and has attained age fifty-five, or who has thirty years of service credit shall be granted service retirement after filing with the state teachers retirement board a completed application on a form approved by the board.

(A) Service retirement shall be effective on the first day of the month next following the later of:

(1) The last day for which compensation was paid; or

(2) The attainment of minimum age or service credit eligibility for benefits provided under this section.

Except as provided in division (E) of this section, the

service retirement benefit shall be the greater of the benefits
provided in divisions (B) and (D) of this section. 695
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(B) Subject to any adjustment made under division (C) of this
section, the annual single lifetime benefit of a member shall be 697
the greater of the amounts determined by the member's Ohio service 698
credit multiplied by one of the following: 699
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(1) Eighty-six dollars; 701

(2)(a) The sum of the following amounts: 702

(i) For each of the first thirty years of Ohio service 703
credit, two and two-tenths per cent of the member's final average 704
salary or, subject to the limitation described in division 705
(B)(2)(b) of this section, two and five-tenths per cent of the 706
member's final average salary if the member has thirty-five or 707
more years of service credit under section 3307.53, 3307.57, 708
3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.77, or 709
3307.771 of the Revised Code, division (A)(2) or (B) of former 710
section 3307.513 of the Revised Code, former section 3307.514 of 711
the Revised Code, section 3307.72 of the Revised Code earned after 712
July 1, 1978, or any combination of service credit under those 713
sections; 714

(ii) For each year or fraction of a year of Ohio service 715
credit in excess of thirty years, two and two-tenths per cent of 716
the member's final average salary or, subject to the limitation 717
described in division (B)(2)(b) of this section, if the member has 718
more than thirty years service credit under section 3307.53, 719
3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3307.77, 720
or 3307.771 of the Revised Code, division (A)(2) or (B) of former 721
section 3307.513 of the Revised Code, former section 3307.514 of 722
the Revised Code, section 3307.72 of the Revised Code earned after 723
July 1, 1978, or any combination of service credit under those 724
sections, the per cent of final average salary shown in the 725

following schedule for each corresponding year or fraction of a 726
 year of service credit under those sections that is in excess of 727
 thirty years: 728

Year	Per	Year	Per	
of	Cent	of	Cent	
Service	for that	Service	for that	
Credit	Year	Credit	Year	
30.01 - 31.00	2.5%	35.01 - 36.00	3.0%	729
31.01 - 32.00	2.6	36.01 - 37.00	3.1	730
32.01 - 33.00	2.7	37.01 - 38.00	3.2	731
33.01 - 34.00	2.8	38.01 - 39.00	3.3	732
34.01 - 35.00	2.9			733

For purposes of this schedule, years of service credit shall be 738
 rounded to the nearest one-hundredth of a year. 739

(b) For purposes of division (B)(2)(a) of this section, a 740
 percentage of final average salary in excess of two and two-tenths 741
 per cent shall be applied to service credit under section 3307.57 742
 of the Revised Code only if the service credit was established 743
 under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 744
 3309.021, 3309.022, or 3309.47, ~~or~~ of the Revised Code or restored 745
 under section 145.31 or 3309.26 of the Revised Code. 746

(C) The annual single lifetime benefit of a member determined 747
 under division (B) of this section shall be adjusted by the 748
 greater per cent shown in the following schedule opposite the 749
 member's attained age or Ohio service credit. 750

Attained	or	Years of	Per Cent	
Age		Ohio Service	of Base	
		Credit	Amount	
58		25	75%	751
59		26	80	752
60		27	85	753
61			88	754

	28	90	758
62		91	759
63		94	760
	29	95	761
64		97	762
65	30 or more	100	763

Members shall vest the right to a benefit in accordance with 764
the following schedule, based on the member's attained age by 765
September 1, 1976: 766

Attained	Per Cent	
Age	of Base	
	Amount	
66	102%	770
67	104	771
68	106	772
69	108	773
70 or more	110	774

The annual single lifetime benefit determined under division 775
(B) of this section shall not exceed the lesser of one hundred per 776
cent of the final average salary or the limit established by 777
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 778
2085, 26 U.S.C.A. 415, as amended. 779

(D) The annual single lifetime benefit of a member shall not 780
exceed the lesser of the sum of the following amounts or the limit 781
established by section 415 of the "Internal Revenue Code of 1986," 782
100 Stat. 2085, 26 U.S.C.A. 415, as amended: 783

(1) An annuity with a reserve equal to the member's 784
accumulated contributions; 785

(2) A pension equal to the amount in division (D)(1) of this 786
section; 787

(3) An additional pension of forty dollars annually 788

multiplied by the number of years of prior and military service 789
credit, except years of credit purchased under section 3307.751 or 790
3307.752 of the Revised Code; 791

(4) An additional basic annual pension of one hundred eighty 792
dollars, provided the member had ten or more years of Ohio service 793
credit as of October 1, 1956, except that the additional basic 794
annual pension shall not exceed the sum of the annual benefits 795
provided by divisions (D)(1), (2), and (3) of this section. 796

(E) Benefits determined under this section shall be paid as 797
provided in section 3307.60 of the Revised Code. 798

Sec. 3307.60. (A) Upon application for retirement as provided 799
in section 3307.58 or 3307.59 of the Revised Code, the retirant 800
may elect a plan of payment under this division or, on and after 801
the date specified in division (B) of this section, a plan of 802
payment under that division. Under this division, the retirant may 803
elect to receive a single lifetime benefit, or may elect to 804
receive the actuarial equivalent of the retirant's benefit in a 805
lesser amount, payable for life, and continuing after death to a 806
beneficiary under one of the following optional plans: 807

(1) Option 1. The retirant's lesser benefit shall be paid for 808
life to the sole beneficiary named at retirement. 809

(2) Option 2. Some other portion of the retirant's benefit 810
shall be paid for life to the sole beneficiary named at 811
retirement. The beneficiary's monthly amount shall not exceed the 812
monthly amount payable to the retirant during the retirant's 813
lifetime. 814

(3) Option 3. The retirant's lesser benefit established as 815
provided under option 1 or option 2 shall be paid for life to the 816
sole beneficiary named at retirement, except that in the event of 817
the death of the sole beneficiary or termination of a marital 818

relationship between the retirant and the sole beneficiary the 819
retirant may elect to return to a single lifetime benefit 820
equivalent as determined by the state teachers retirement board, 821
if, in the case of termination of a marital relationship, the 822
election is made with the written consent of the beneficiary or 823
pursuant to an order of the court with jurisdiction over 824
termination of the marital relationship. 825

(4) Option 4. Upon the retirant's death before the expiration 826
of a certain period from the retirement date and elected by the 827
retirant, and approved by the board, the retirant's benefit shall 828
be continued for the remainder of such period to the beneficiary. 829
Monthly benefits shall not be paid to joint beneficiaries, but 830
they may receive the present value of any remaining payments in a 831
lump sum settlement. If all beneficiaries die before the 832
expiration of the certain period, the present value of all 833
payments yet remaining in such period shall be paid to the estate 834
of the beneficiary last receiving. 835

(5) Option 5. A plan of payment established by the state 836
teachers retirement board combining any of the features of options 837
1, 2, and 4. 838

(B) Beginning on a date selected by the state teachers 839
retirement board, which shall be not later than July 1, 2004, a 840
retirant may elect, in lieu of a plan of payment under division 841
(A) of this section, a plan consisting of both of the following: 842

(1) A lump sum in an amount the member designates that 843
constitutes a portion of the member's single lifetime benefit; 844

(2) Either of the following: 845

(a) The remainder of the retirant's single lifetime benefit; 846

(b) The actuarial equivalent of the remainder of the 847
retirant's benefit in a lesser amount, payable for life, and 848
continuing after death to a beneficiary under one of the options 849

described in divisions (A)(1) to (5) of this section. 850

In the event of the death of the sole beneficiary or 851
termination of a marital relationship between the retirant and the 852
sole beneficiary, the retirant may elect to receive the actuarial 853
equivalent of the remainder of the retirant's single lifetime 854
benefit except that, in the case of termination of a marital 855
relationship, the election may be made only with the written 856
consent of the beneficiary or pursuant to an order of the court 857
with jurisdiction over termination of the marital relationship. 858

The amount designated by the member under division (B)(1) of 859
this section shall be not less than six times the monthly amount 860
that would be payable to the member as a single lifetime benefit 861
and not more than thirty-six times that amount. 862

(C) Until the first payment is made to a former member under 863
section 3307.58 or 3307.59 of the Revised Code, the former member 864
may change the selection of a plan of payment. If death occurs 865
prior to an election of a plan of payment before the first payment 866
is made to a former member under section 3307.58 or 3307.59 of the 867
Revised Code, option 1 as provided for in division (A)(1) of this 868
section shall be paid to the spouse or other sole dependent 869
beneficiary. 870

Beginning on a date selected by the board, which shall be not 871
later than July 1, 2004, the spouse or sole beneficiary of a 872
former member whose death occurred prior to the receipt of the 873
first payment under section 3307.58 or 3307.59 of the Revised Code 874
may elect, in lieu of option 1, a plan of payment consisting of 875
both of the following: 876

(1) A lump sum in an amount the spouse or other sole 877
dependent beneficiary designates that constitutes a portion of the 878
retirant's single life annuity; 879

(2) The actuarial equivalent of the remainder of the 880

retirant's single life annuity paid in a lesser amount for life to
the spouse or other sole dependent beneficiary.

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The amount designated by the spouse or other sole dependent
beneficiary under division (C)(1) of this section shall be not
less than six times the monthly amount that would be payable as
the retirant's single life annuity and not more than thirty-six
times that amount.

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~~(C)~~(D) If the total benefit paid under this section is less
than the balance in the teachers' savings fund, the difference
shall be paid to the beneficiary provided under division (D) of
section 3307.562 of the Revised Code.

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~~(D)~~(E) In the case of a retirant who elected an optional plan
prior to September 15, 1989:

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(1) The death of the spouse or other designated beneficiary
following retirement shall, at the election of the retirant,
cancel any optional plan selected at retirement to provide
continuing lifetime benefits to the spouse or other beneficiary
and return the retirant to a single lifetime benefit equivalent as
determined by the board.

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(2) A divorce, annulment, or marriage dissolution shall, at
the election of the retirant, cancel any optional plan selected at
retirement to provide continuing lifetime benefits to the spouse
as designated beneficiary and return the retirant to a single
lifetime benefit equivalent as determined by the board if the
election is made with the written consent of the beneficiary or
pursuant to an order of a court of common pleas or the court of
another state with jurisdiction over the termination of the
marriage.

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~~(E)~~(F) Following marriage or remarriage, a retirant may elect
a new optional plan of payment based on the actuarial equivalent
of the retirant's single lifetime benefit, as determined by the

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board, except that if the retirant is receiving a retirement 912
allowance under an optional plan that provides for continuation of 913
benefits after death to a former spouse, the retirant may elect a 914
new optional plan of payment only with the written consent of the 915
former spouse or pursuant to an order of the court with 916
jurisdiction over the termination of the marriage. Such plan shall 917
become effective the first of the month following an application 918
on a form approved by the board. 919

~~(F)~~(G)(1) Unless one of the following occurs, an application 920
for service retirement made pursuant to section 3307.58 or 3307.59 921
of the Revised Code by a married person shall be considered an 922
election of a benefit under option 2 as provided for in division 923
(A)(2) of this section under which one-half of the lesser benefit 924
payable during the life of the retirant will be paid after death 925
to the retirant's spouse for life as sole beneficiary: 926

(a) The retirant selects an optional plan under division (A) 927
of this section providing for payment after death to the 928
retirant's spouse for life as sole beneficiary of more than 929
one-half of the lesser benefit payable during the life of the 930
retirant. 931

(b) The retirant submits to the retirement board a written 932
statement signed by the spouse attesting that the spouse consents 933
to the retirant's election to receive a single lifetime annuity or 934
a payment under an optional benefit plan under which after the 935
death of the retirant the surviving spouse will receive less than 936
one-half of the lesser benefit payable during the life of the 937
retirant. 938

(2) An application for retirement shall include an 939
explanation of all of the following: 940

(a) That, if the member is married, unless the spouse 941
consents to another plan of payment, the member's retirement 942
allowance will be paid under "option 2" as provided for in 943

division (A)(2) of this section and consist of the actuarial 944
equivalent of the member's retirement allowance in a lesser amount 945
payable for life and one-half of the lesser allowance continuing 946
after death to the surviving spouse for the life of the spouse; 947

(b) A description of the alternative plans of payment 948
available with the consent of the spouse; 949

(c) That the spouse may consent to another plan of payment 950
and the procedure for giving consent; 951

(d) That consent is irrevocable once notice of consent is 952
filed with the board. 953

Consent shall be valid only if it is signed, in writing, and 954
witnessed by a notary public. 955

(3) If the retirant does not select an optional plan of 956
payment as described in division ~~(F)~~ (G)(1)(a) of this section and 957
the board does not receive the written statement provided for in 958
division ~~(F)~~ (G)(1)(b) of this section, it shall determine and pay 959
the retirement allowance in accordance with this division, except 960
that the board may provide by rule for waiver by the board of the 961
statement and payment of the benefits other than in accordance 962
with this division or payment under section 3307.56 of the Revised 963
Code if the retirant is unable to obtain the statement due to 964
absence or incapacity of the spouse or other cause specified by 965
the board. 966

~~(G)~~(H) For the purpose of determining actuarial equivalence 967
under this section, on the advice of an actuary employed by the 968
board, the board shall adopt mortality tables that may take into 969
consideration the membership experience of the state teachers 970
retirement system and may also include the membership experience 971
of the public employees retirement system and the school employees 972
retirement system. 973

Sec. 3307.761. (A) As used in this section and section	974
3307.765 of the Revised Code:	975
(1) "Uniform retirement system" or "uniform system" means the	976
Ohio police and fire pension fund or state highway patrol	977
retirement system.	978
(2) "Military service credit" means credit purchased or	979
obtained under this chapter or Chapter 742. or 5505. of the	980
Revised Code for service in the armed forces of the United States.	981
(B) A member of the state teachers retirement system	982
participating in the plan described in sections 3307.50 to 3307.79	983
of the Revised Code who has contributions on deposit with a	984
uniform retirement system shall, in computing years of total	985
service, be given full credit for service credit earned under	986
Chapter 742. or 5505. of the Revised Code or for military service	987
credit if a transfer to the state teachers retirement system is	988
made under this division. At the request of the member, the	989
uniform system shall transfer to the state teachers retirement	990
system, for each year of service, the sum of the following:	991
(1) An amount equal to the member's accumulated contributions	992
to the uniform system and any payments by the member for military	993
service credit;	994
(2) An amount equal to the lesser of the employer's	995
contributions to the uniform system or the amount that would have	996
been contributed by the employer for the service had the member	997
been a member of the state teachers retirement system at the time	998
the credit was earned;	999
(3) Interest, determined as provided in division (F) of this	1000
section, on the amounts specified in divisions (B)(1) and (2) of	1001
this section from the last day of the year for which the service	1002
credit in the uniform system was earned or in which payment was	1003
made for military service credit was purchased or obtained to the	1004

date the transfer is made.

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(C) A member participating in the plan described in sections 3307.50 to 3307.79 of the Revised Code who has at least ~~eighteen months~~ one and one-half years of contributing service with the state teachers retirement system, is a former member of a uniform retirement system, and has received a refund of contributions to that uniform system shall, in computing years of total service, be given full credit for service credit earned under Chapter 742. or 5505. of the Revised Code or for military service credit if, for each year of service, the state teachers retirement system receives the sum of the following:

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(1) An amount, which shall be paid by the member, equal to the amount refunded by the uniform system to the member for that year for accumulated contributions and payments for military service credit, with interest at a rate established by the state teachers retirement board on that amount from the date of the refund to the date of the payment;

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(2) Interest, which shall be transferred by the uniform system, on the amount refunded to the member that is attributable to the year of service from the last day of the year for which the service credit was earned or in which payment was made for military service credit to the date the refund was made;

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(3) An amount, which shall be transferred by the uniform system, equal to the lesser of the employer's contributions to the uniform system or the amount that would have been contributed by the employer for the service had the member been a member of the state teachers retirement system at the time the credit was earned, with interest on that amount from the last day of the year for which the service credit was earned or in which payment was made for military service to the date of the transfer.

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On receipt of payment from the member, the state teachers 1036
retirement system shall notify the uniform system, which, on 1037
receipt of the notice, shall make the transfer required by this 1038
division. Interest shall be determined as provided in division (F) 1039
of this section. 1040

A member may choose to purchase only part of the credit the 1041
member is eligible to purchase under this division in any one 1042
payment, subject to rules of the state teachers retirement board. 1043

(D) A member is ineligible to obtain credit under this 1044
section for service that is used in the calculation of any 1045
retirement benefit currently being paid or payable in the future 1046
under any other retirement program or for service credit that may 1047
be transferred under section 3307.765 of the Revised Code. 1048

(E) If a member of the state teachers retirement system who 1049
is not a current contributor elects to obtain credit under section 1050
742.21 or 5505.40 of the Revised Code for service for which the 1051
member contributed to the system or purchased for military service 1052
credit, the system shall transfer to the uniform retirement 1053
system, as applicable, the amount specified in division (D) of 1054
section 742.21 or division (B)(2) of section 5505.40 of the 1055
Revised Code. 1056

(F) Interest charged under this section shall be calculated 1057
separately for each year of service credit. Unless otherwise 1058
specified in this section it shall be calculated at the lesser of 1059
the actuarial assumption rate for that year of the state teachers 1060
retirement system or of the uniform retirement system in which the 1061
credit was earned. The interest shall be compounded annually. 1062

(G) The state teachers retirement board shall credit to a 1063
member's account in the teachers' savings fund the amounts 1064
described in divisions (B)(1) and (C)(1) of this section, except 1065
that the interest paid by the member under division (C)(1) of this 1066

section shall be credited to the employers' trust fund. The board 1067
shall credit to the employers' trust fund the amounts described in 1068
divisions (B)(2) and (3) and (C)(2) and (3) of this section. 1069

(H) At the request of the state teachers retirement system, 1070
the Ohio police and fire pension fund or state highway patrol 1071
retirement system shall certify to the state teachers retirement 1072
system a copy of the records of the service and contributions of a 1073
state teachers retirement system member who seeks service credit 1074
under this section. 1075

Sec. 3307.763. (A) If the conditions described in division 1076
(B) of section 3307.762 of the Revised Code are met, a member of 1077
the state teachers retirement system who is not receiving a 1078
pension or benefit from the state teachers retirement system is 1079
eligible to obtain credit for service as a member of the 1080
Cincinnati retirement system under this section. 1081

(B) A member of the state teachers retirement system 1082
participating in the plan described in sections 3307.50 to 3307.79 1083
of the Revised Code who has contributions on deposit with, but is 1084
no longer contributing to, the Cincinnati retirement system shall, 1085
in computing years of service credit, be given credit for service 1086
credit earned under the Cincinnati retirement system or purchased 1087
or obtained as military service credit if, for each year of 1088
service, the Cincinnati retirement system transfers to the state 1089
teachers retirement system the sum of the following: 1090

(1) The amount contributed by the member, or, in the case of 1091
military service credit, paid by the member, that is attributable 1092
to the year of service; 1093

(2) An amount equal to the lesser of the employer's 1094
contributions to the Cincinnati retirement system or the amount 1095
that would have been contributed by the employer for the service 1096
had the member been a member of the state teachers retirement 1097

system at the time the credit was earned; 1098

(3) Interest on the amounts specified in divisions (B)(1) and 1099
(2) of this section from the last day of the year for which 1100
service credit was earned or in which payment was made for 1101
military service credit to the date the transfer is made. 1102

(C) A member of the state teachers retirement system with at 1103
least ~~eighteen months~~ one and one-half years of contributing 1104
service credit with the state teachers retirement system who has 1105
received a refund of the member's contributions to the Cincinnati 1106
retirement system shall, in computing years of service, be given 1107
credit for service credit earned under the Cincinnati retirement 1108
system or purchased or obtained as military service credit if, for 1109
each year of service, the state teachers retirement system 1110
receives the sum of the following: 1111

(1) An amount, paid by the member, equal to the sum of the 1112
following: 1113

(a) The amount refunded by the Cincinnati retirement system 1114
to the member for that year for contributions and payments for 1115
military service credit, with interest at a rate established by 1116
the state teachers retirement board on that amount from the date 1117
of the refund to the date of payment; 1118

(b) The amount of interest, if any, the member received when 1119
the refund was made that is attributable to the year of service. 1120

(2) An amount, transferred by the Cincinnati retirement 1121
system to the state teachers retirement system, equal to the sum 1122
of the following: 1123

(a) Interest on the amount refunded to the member that is 1124
attributable to the year of service from the last day of the year 1125
for which the service credit was earned or in which payment was 1126
made for military service credit to the date the refund was made; 1127

(b) An amount equal to the lesser of the employer's 1128
contributions to the Cincinnati retirement system or the amount 1129
that would have been contributed by the employer for the service 1130
had the member been a member of the state teachers retirement 1131
system at the time the credit was earned, with interest on that 1132
amount from the last day of the year for which the service credit 1133
was earned to the date of the transfer. 1134

(D) The amount transferred under division (C)(2)(a) of this 1135
section shall not include any amount of interest the Cincinnati 1136
retirement system paid to the person when it made the refund. 1137

(E) On receipt of payment from the member under division 1138
(C)(1) of this section, the state teachers retirement system shall 1139
notify the Cincinnati retirement system. On receipt of the notice, 1140
the Cincinnati retirement system shall transfer the amount 1141
described in division (C)(2) of this section. 1142

(F) Interest charged under this section shall be calculated 1143
separately for each year of service credit. Unless otherwise 1144
specified in this section, it shall be calculated at the lesser of 1145
the actuarial assumption rate for that year of the state teachers 1146
retirement system or the Cincinnati retirement system. The 1147
interest shall be compounded annually. 1148

(G) At the request of the state teachers retirement system, 1149
the Cincinnati retirement system shall certify to the state 1150
teachers retirement system a copy of the records of the service 1151
and contributions of a state teachers retirement system member who 1152
seeks service credit under this section. 1153

(H) A member may choose to purchase only part of the credit 1154
the member is eligible to purchase under division (C) of this 1155
section in any one payment, subject to rules of the state teachers 1156
retirement board. 1157

(I) A member is ineligible to obtain credit under this 1158

section for service that is used in the calculation of any 1159
retirement benefit currently being paid or payable in the future. 1160

(J) The state teachers retirement board shall credit to the 1161
member's account in the teachers' savings fund the amounts 1162
described in divisions (B)(1) and (C)(1)(a) of this section, 1163
except that interest paid by the member under division (C)(1)(a) 1164
of this section shall be credited to the employers' trust fund. 1165
The board shall credit to the employers' trust fund the amounts 1166
described in divisions (B)(2), (B)(3), (C)(1)(b), and (C)(2) of 1167
this section. 1168

Sec. 3307.764. (A) If the conditions described in division 1169
(B) of section 3307.762 of the Revised Code are met and a person 1170
who is a member or former member of the state teachers retirement 1171
system through participation in the plan described in sections 1172
3307.50 to 3307.79 of the Revised Code, but is not a current 1173
contributor and who is not receiving a pension or benefit from the 1174
state teachers retirement system elects to receive credit under 1175
the Cincinnati retirement system for service for which the person 1176
contributed to the state teachers retirement system or purchased 1177
or obtained as military service credit, the state teachers 1178
retirement system shall transfer the amounts specified in division 1179
(B) or (C) of this section to the Cincinnati retirement system. 1180

(B) If the person has contributions on deposit with the state 1181
teachers retirement system, the retirement system shall, for each 1182
year of service credit, transfer to the Cincinnati retirement 1183
system the sum of the following: 1184

(1) An amount equal to the person's contributions to the 1185
state teachers retirement system and payments made by the member 1186
for military service credit; 1187

(2) An amount equal to the lesser of the employer's 1188
contributions to the state teachers retirement system or the 1189

amount that would have been contributed by the employer for the 1190
service had the person been a member of the Cincinnati retirement 1191
system at the time the credit was earned; 1192

(3) Interest on the amounts specified in divisions (B)(1) and 1193
(2) of this section for the period from the last day of the year 1194
for which the service credit was earned or in which payment was 1195
made for military service credit to the date the transfer was 1196
made. 1197

(C)(1) If the person has received a refund of accumulated 1198
contributions to the state teachers retirement system, the state 1199
teachers retirement system shall, for each year of service credit, 1200
transfer to the Cincinnati retirement system the sum of the 1201
following: 1202

(a) Interest on the amount refunded to the former member that 1203
is attributable to the year of service from the last day of the 1204
year for which the service credit was earned or in which payment 1205
was made for military service credit to the date the refund was 1206
made; 1207

(b) An amount equal to the lesser of the employer's 1208
contributions to the state teachers retirement system or the 1209
amount that would have been contributed by the employer for the 1210
service had the person been a member of the Cincinnati retirement 1211
system at the time the credit was earned, with interest on that 1212
amount from the last day of the year for which the service credit 1213
was earned to the date of the transfer. 1214

(2) The amount transferred under division (C)(1) of this 1215
section shall not include any amount added to the member's 1216
accumulated contributions under section 3307.563 of the Revised 1217
Code and paid under section 3307.56 or 3307.562 of the Revised 1218
Code. 1219

(3) On receipt of notice from the Cincinnati retirement 1220

system that the Cincinnati retirement system has received payment 1221
from a person described in division (C)(1) of this section, the 1222
state teachers retirement system shall transfer the amount 1223
described in that division. 1224

(D) Interest charged under this section shall be calculated 1225
separately for each year of service credit. Unless otherwise 1226
specified in this section, it shall be calculated at the lesser of 1227
the actuarial assumption rate for that year of the state teachers 1228
retirement system or the Cincinnati retirement system. The 1229
interest shall be compounded annually. 1230

(E) The transfer of any amount under this section cancels an 1231
equivalent amount of service credit. 1232

(F) At the request of the Cincinnati retirement system, the 1233
state teachers retirement system shall certify to the Cincinnati 1234
retirement system a copy of the records of the service and 1235
contributions of a member or former member of the state teachers 1236
retirement system who elects to receive service credit under the 1237
Cincinnati retirement system. 1238

Sec. 3307.87. (A)(1) If a member participating in a plan 1239
established under section 3307.81 of the Revised Code is married 1240
at the time any benefits under the plan commence, benefits shall 1241
be paid in accordance with division (A)(2) of this section, unless 1242
the spouse has consented under division (C) of this section to a 1243
different form of payment. 1244

(2) The benefits described in division (A)(1) of this section 1245
shall be paid in the form of an annuity, which shall consist of 1246
the actuarial equivalent of the member's benefits, in an amount 1247
that is payable for the life of the member and one-half of the 1248
amount continuing after the member's death to the spouse for the 1249
life of the spouse. 1250

(B) If a member participating in a plan established under section 3307.81 of the Revised Code is married at the time of the member's death, any benefits that are payable to the member shall be paid to the member's spouse, unless the spouse has consented under division (C) of this section to the designation of a different beneficiary.

~~(C) A plan established under section 3307.81 of the Revised Code shall include requirements for consent under this section that are the same as the requirements specified in division (a)(2) of section 417 of the Internal Revenue Code, 26 U.S.C.A. 417(a)(2), as amended. Consent is valid only if it is evidenced by a signed statement that is witnessed by a notary public. Each plan may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason specified by the plan or in the regulations adopted under that section rules adopted by the state teachers retirement board.~~

Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver.

Sec. 3309.45. Except as provided in division (C)(1) of this section, in lieu of accepting the payment of the accumulated account of a member who dies before service retirement, the beneficiary, as determined in section 3309.44 of the Revised Code, may elect to forfeit the accumulated account and to substitute certain other benefits either under division (A) or (B) of this section.

(A)(1) If a deceased member was eligible for a service retirement allowance as provided in section 3309.36, 3309.38, or 3309.381 of the Revised Code, a surviving spouse or other sole dependent beneficiary may elect to receive a monthly benefit computed as the joint-survivor allowance designated as "plan D" in section 3309.46 of the Revised Code, which the member would have

received had the member retired on the last day of the month of 1282
death and had the member at that time selected such joint-survivor 1283
plan. Payment shall begin with the month subsequent to the 1284
member's death. 1285

(2) Beginning on a date selected by the school employees 1286
retirement board, which shall be not later than July 1, 2004, a 1287
surviving spouse or other sole dependent beneficiary may elect, in 1288
lieu of a monthly payment under division (A)(1) of this section, a 1289
plan of payment consisting of both of the following: 1290

(a) A lump sum in an amount the surviving spouse or other 1291
sole dependent beneficiary designates that constitutes a portion 1292
of the allowance that would be payable under division (A)(1) of 1293
this section; 1294

(b) The remainder of that allowance in monthly payments. 1295

The total amount paid as a lump sum and a monthly benefit 1296
shall be the actuarial equivalent of the amount that would have 1297
been paid had the lump sum not been selected. 1298

The lump sum amount designated by the surviving spouse or 1299
other sole dependent beneficiary under division (A)(2)(a) of this 1300
section shall be not less than six times the monthly amount that 1301
would be payable to the surviving spouse or other sole dependent 1302
beneficiary under division (A)(1) of this section and not more 1303
than thirty-six times that amount. 1304

(B) If the deceased member had completed at least one and 1305
one-half years of credit for Ohio service, with at least 1306
one-quarter year of Ohio contributing service credit within the 1307
two and one-half years prior to the date of death, or was 1308
receiving at the time of death a disability benefit as provided in 1309
section 3309.40 or 3309.401 of the Revised Code, qualified 1310
survivors who elect to receive monthly benefits shall receive the 1311
greater of the benefits provided in division (B)(1)(a) or (b) as 1312

allocated in accordance with division (B)(5) of this section.			1313
(1)(a) Number			1314
of Qualified		Or	1315
survivors	Annual Benefit as a Per	Monthly Benefit	1316
affecting	Cent of Decedent's Final	shall not be	1317
the benefit	Average Salary	less than	1318
1	25%	\$96	1319
2	40	186	1320
3	50	236	1321
4	55	236	1322
5 or more	60	236	1323
(b) Years of Service	Annual Benefit as a Per Cent of		1324
	Member's Final Average Salary		
20		29%	1325
21		33	1326
22		37	1327
23		41	1328
24		45	1329
25		48	1330
26		51	1331
27		54	1332
28		57	1333
29 or more		60	1334
(2) Benefits shall begin as qualified survivors meet			1335
eligibility requirements as follows:			1336
(a) A qualified spouse is the surviving spouse of the			1337
deceased member who is age sixty-two, or regardless of age if the			1338
deceased member had ten or more years of Ohio service credit, or			1339
regardless of age if caring for a surviving child, or regardless			1340
of age if adjudged physically or mentally incompetent.			1341
(b) A qualified child is any child of the deceased member who			1342
has never been married and to whom one of the following applies:			1343

1344
(i) Is under age eighteen, or under age twenty-two if the 1345
child is attending an institution of learning or training pursuant 1346
to a program designed to complete in each school year the 1347
equivalent of at least two-thirds of the full-time curriculum 1348
requirements of such institution and as further determined by 1349
board policy; 1350

(ii) Regardless of age, is adjudged physically or mentally 1351
incompetent if the incompetence existed prior to the member's 1352
death and prior to the child attaining age eighteen, or age 1353
twenty-two if attending an institution described in division 1354
(B)(2)(b)(i) of this section. 1355

(c) A qualified parent is a dependent parent aged sixty-five 1356
or older. 1357

(3) "Physically or mentally incompetent" as used in this 1358
section may be determined by a court of jurisdiction, or by a 1359
physician appointed by the retirement board. Incapability of 1360
earning a living because of a physically or mentally disabling 1361
condition shall meet the qualifications of this division. 1362

(4) Benefits to a qualified survivor shall terminate upon a 1363
first marriage, abandonment, adoption, or during active military 1364
service. Benefits to a deceased member's surviving spouse that 1365
were terminated under a former version of this section that 1366
required termination due to remarriage and were not resumed prior 1367
to September 16, 1998, shall resume on the first day of the month 1368
immediately following receipt by the board of an application on a 1369
form provided by the board. 1370

Upon the death of any subsequent spouse who was a member of 1371
the public employees retirement system, state teachers retirement 1372
system, or school employees retirement system, the surviving 1373
spouse of such member may elect to continue receiving benefits 1374

under this division, or to receive survivor's benefits, based upon 1375
the subsequent spouse's membership in one or more of the systems, 1376
for which such surviving spouse is eligible under this section or 1377
section 145.45 or 3307.66 of the Revised Code. If the surviving 1378
spouse elects to continue receiving benefits under this division, 1379
such election shall not preclude the payment of benefits under 1380
this division to any other qualified survivor. 1381

Benefits shall begin or resume on the first day of the month 1382
following the attainment of eligibility and shall terminate on the 1383
first day of the month following loss of eligibility. 1384

(5)(a) If a benefit is payable under division (B)(1)(a) of 1385
this section, benefits to a qualified spouse shall be paid in the 1386
amount determined for the first qualifying survivor in division 1387
(B)(1)(a) of this section, but shall not be less than one hundred 1388
six dollars per month if the deceased member had ten or more years 1389
of Ohio service credit. All other qualifying survivors shall share 1390
equally in the benefit or remaining portion thereof. 1391

(b) All qualifying survivors shall share equally in a benefit 1392
payable under division (B)(1)(b) of this section, except that if 1393
there is a surviving spouse, the surviving spouse shall receive no 1394
less than the greater of the amount determined for the first 1395
qualifying survivor in division (B)(1)(a) of this section or one 1396
hundred six dollars per month. 1397

(6) The beneficiary of a member who is also a member of the 1398
public employees retirement system, or of the state teachers 1399
retirement system, must forfeit the member's accumulated 1400
contributions in those systems, if the beneficiary takes a 1401
survivor benefit. Such benefit shall be exclusively governed by 1402
section 3309.35 of the Revised Code. 1403

(C)(1) Regardless of whether the member is survived by a 1404
spouse or designated beneficiary, if the school employees 1405

retirement system receives notice that a deceased member described 1406
in division (A) or (B) of this section has one or more qualified 1407
children, all persons who are qualified survivors under ~~Division~~ 1408
division (B) of this section shall receive monthly benefits as 1409
provided in division (B) of this section. 1410

If, after determining the monthly benefits to be paid under 1411
division (B) of this section, the system receives notice that 1412
there is a qualified survivor who was not considered when the 1413
determination was made, the system shall, notwithstanding section 1414
3309.661 of the Revised Code, recalculate the monthly benefits 1415
with that qualified survivor included, even if the benefits to 1416
qualified survivors already receiving benefits are reduced as a 1417
result. The benefits shall be calculated as if the qualified 1418
survivor who is the subject of the notice became eligible on the 1419
date the notice was received and shall be paid to qualified 1420
survivors effective on the first day of the first month following 1421
the system's receipt of the notice. 1422

If the retirement system did not receive notice that a 1423
deceased member has one or more qualified children prior to making 1424
payment under section 3309.44 of the Revised Code to a beneficiary 1425
as determined by the retirement system, the payment is a full 1426
discharge and release of the system from any future claims under 1427
this section or section 3309.44 of the Revised Code. 1428

(2) If benefits under division (C)(1) of this section to all 1429
persons, or to all persons other than a surviving spouse or other 1430
sole beneficiary, terminate, there are no children under the age 1431
of twenty-two years, and the surviving spouse or beneficiary 1432
qualifies for benefits under division (A) of this section, the 1433
surviving spouse or beneficiary may elect to receive benefits 1434
under division (A) of this section. Benefits shall be effective on 1435
the first day of the month following receipt by the board of an 1436
application for benefits under division (A) of this section. 1437

(D) The final average salary used in the calculation of a 1438
benefit payable pursuant to division (A) or (B) of this section to 1439
a survivor or beneficiary of a disability benefit recipient shall 1440
be adjusted for each year between the disability benefit's 1441
effective date and the recipient's date of death by the lesser of 1442
three per cent or the actual average percentage increase in the 1443
consumer price index prepared by the United States bureau of labor 1444
statistics (U.S. City Average for Urban Wage Earners and Clerical 1445
Workers: "All Items 1982-84=100"). 1446

(E) If the survivor benefits due and paid under this section 1447
are in a total amount less than the member's accumulated account 1448
that was transferred from the employees' savings fund, the state 1449
teachers retirement fund, and the public employees retirement fund 1450
to the survivors' benefit fund, then the difference between the 1451
total amount of the benefits paid shall be paid to the beneficiary 1452
under section 3309.44 of the Revised Code. 1453

Sec. 3309.46. (A) The retirement allowance calculated under 1454
section 3309.36, 3309.38, or 3309.381 of the Revised Code shall be 1455
paid as provided in this section. If the member is eligible to 1456
elect a plan of payment under this section, the election shall be 1457
made on the application for retirement. A plan of payment elected 1458
under this section shall be effective only if it is certified by 1459
the actuary engaged by the school employees retirement board to be 1460
the actuarial equivalent of the member's retirement allowance and 1461
is approved by the retirement board. 1462

(B)(1) Unless the member is eligible to elect another plan of 1463
payment, a member who retires under section 3309.36, 3309.38, or 1464
3309.381 of the Revised Code shall receive a retirement allowance 1465
under "plan A," which shall consist of the actuarial equivalent of 1466
the member's retirement allowance determined under section 1467
3309.36, 3309.38, or 3309.381 of the Revised Code in a lesser 1468

amount payable for life and one-half of such allowance continuing 1469
after death to the member's surviving spouse for the life of the 1470
spouse. 1471

A member may elect to receive a retirement allowance under a 1472
plan of payment other than "plan A" if the member is not married 1473
or either the member's spouse consents in writing to the member's 1474
election to a plan of payment other than "plan A" or the board 1475
waives the requirement that the spouse consent. 1476

An application for retirement shall include an explanation of 1477
all of the following: 1478

(a) That, if the member is married, unless the spouse 1479
consents to another plan of payment, the member's retirement 1480
allowance will be paid under "plan A," which consists of the 1481
actuarial equivalent of the member's retirement allowance in a 1482
lesser amount payable for life and one-half of the allowance 1483
continuing after death to the surviving spouse for the life of the 1484
spouse; 1485

(b) A description of the alternative plans of payment, 1486
including all plans described in divisions (B)(2) and (3) of this 1487
section, available with the consent of the spouse; 1488

(c) That the spouse may consent to another plan of payment 1489
and the procedure for giving consent; 1490

(d) That consent is irrevocable once notice of consent is 1491
filed with the board. 1492

Consent shall be valid only if it is in writing, signed by 1493
the spouse, and witnessed by an employee of the school employees 1494
retirement system or a notary public. The board may waive the 1495
requirement of consent if the spouse is incapacitated or cannot be 1496
located or for any other reason specified by the board. Consent or 1497
waiver is effective only with regard to the spouse who is the 1498
subject of the consent or waiver. 1499

(2) A member eligible to elect to receive a retirement allowance under a plan of payment other than "plan A" shall receive the retirement allowance under the plan described in division (B)(3) of this section or one of the following plans elected at the time the member makes application for retirement:

(a) "Plan B," which shall consist of an allowance determined under section 3309.36, 3309.38, or 3309.381 of the Revised Code;

(b) "Plan C," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 3309.36, 3309.38, or 3309.381 of the Revised Code in a lesser amount payable for life and one-half or some other portion of the allowance continuing after death to the member's sole surviving beneficiary designated at the time of the member's retirement, provided that the amount payable to the beneficiary does not exceed the amount payable to the member;

(c) "Plan D," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 3309.36, 3309.38, or 3309.381 of the Revised Code in a lesser amount payable for life and continuing after death to a surviving designated beneficiary designated at the time of the member's retirement;

(d) "Plan E," which shall consist of the actuarial equivalent of the member's retirement allowance determined under section 3309.36, 3309.38, or 3309.381 of the Revised Code in a lesser amount payable for a certain period from the member's retirement date as elected by the member and approved by the retirement board, and on the member's death before the expiration of that certain period, the member's lesser retirement allowance continued for the remainder of that period to, and in such order, the beneficiaries as the member has nominated by written designation and filed with the retirement board.

Monthly benefits shall not be paid to joint beneficiaries, 1531
but they may receive the present value of any remaining payments 1532
in a lump sum settlement. If all beneficiaries die before the 1533
expiration of the certain period, the present value of all such 1534
payments yet remaining in such period shall be paid to the estate 1535
of the beneficiary last receiving. 1536

(3)(a) Beginning on a date selected by the board, which shall 1537
be not later than July 1, 2004, a member may elect, in lieu of a 1538
plan of payment under division (B)(1) or (2) of this section, a 1539
plan consisting of both a lump sum in an amount the member 1540
designates that constitutes a portion of the retirement allowance 1541
payable under a plan described in division (B)(1) or (2) of this 1542
section and the remainder of the allowance payable under that plan 1543
in monthly payments. 1544

The total amount paid as a lump sum and a monthly benefit 1545
shall be the actuarial equivalent of the amount that would have 1546
been paid had the lump sum not been selected. 1547

(b) The lump sum amount designated by the member shall be not 1548
less than six times the monthly amount that would be payable to 1549
the member under the plan of payment elected under this section 1550
had the lump sum not been elected and not more than thirty-six 1551
times that amount. 1552

(4) An election under division (B)(2) or (3) of this section 1553
shall be made at the time the member makes application for 1554
retirement. 1555

(5) A member eligible to elect to receive a retirement 1556
allowance under a plan of payment other than "plan A" because the 1557
member is unmarried who fails to make an election on retirement 1558
shall receive a retirement allowance under "plan B." 1559

(C) Until the first payment of any retirement allowance is 1560
made, as provided in sections 3309.36, 3309.38, or 3309.381 of the 1561

Revised Code, a member may change the member's election of a 1562
payment plan if the election is made in accordance with and is 1563
consistent with division (B) of this section. 1564

(D) If the retirement allowances due and paid under the above 1565
provisions of this section are in a total amount less than (1) the 1566
accumulated contributions, (2) the deposits for additional credit 1567
as provided by section 3309.31 of the Revised Code, (3) the 1568
deposits for additional annuities as provided by section 3309.47 1569
of the Revised Code, (4) the deposits for repurchase of service 1570
credit as provided by section 3309.26 of the Revised Code, (5) the 1571
accumulated contributions provided by section 3309.65 of the 1572
Revised Code, (6) the deposits for purchase of military service 1573
credit provided by section 3309.021 or 3309.022 of the Revised 1574
Code, and (7) the deposits for the purchase of service credit 1575
provided by section 3309.73 of the Revised Code, standing to the 1576
credit of the member at the time of retirement, then the 1577
difference between the total amount of the allowances paid and the 1578
accumulated contributions and other deposits shall be paid to the 1579
beneficiary provided under division (D) of section 3309.44 of the 1580
Revised Code. 1581

(E)(1) The death of a spouse or any other designated 1582
beneficiary following the member's retirement shall cancel any 1583
plan of payment to provide continuing lifetime benefits to the 1584
spouse or designated beneficiary and the retirant shall receive 1585
the retirant's single lifetime retirement allowance equivalent as 1586
determined by the board. 1587

(2) On divorce, annulment, or marriage dissolution, a 1588
retirant receiving a retirement allowance under a plan of payment 1589
that provides for continuation of all or part of the allowance 1590
after death for the lifetime of the member's surviving spouse may 1591
elect to cancel the plan and receive the member's single lifetime 1592
retirement allowance equivalent as determined by the retirement 1593

board, except that in the case of a member who retires on or after 1594
July 24, 1990, the election may be made only with the written 1595
consent of the spouse or pursuant to an order of the court with 1596
jurisdiction over the termination of the marriage. The election 1597
shall be made on a form provided by the board and shall be 1598
effective the month following its receipt by the board. 1599

(3) Following marriage or remarriage, a retirant who is 1600
receiving a benefit pursuant to "plan B" may elect a new plan of 1601
payment under division (B)(1), (2)(b), or (2)(c) of this section 1602
based on the actuarial equivalent of the member's single lifetime 1603
retirement allowance as determined by the board. The plan shall 1604
become effective the first day of the month following receipt by 1605
the board of an application on a form approved by the board. 1606

Section 2. That existing sections 145.46, 3307.01, 3307.39, 1607
3307.51, 3307.56, 3307.561, 3307.563, 3307.58, 3307.60, 3307.761, 1608
3307.763, 3307.764, 3307.87, 3309.45, and 3309.46 of the Revised 1609
Code are hereby repealed. 1610

Section 3. Section 3307.58 of the Revised Code is presented 1611
in this act as a composite of the section as amended by both Sub. 1612
H.B. 535 and Sub. S.B. 270 of the 123rd General Assembly. The 1613
General Assembly, applying the principle stated in division (B) of 1614
section 1.52 of the Revised Code that amendments are to be 1615
harmonized if reasonably capable of simultaneous operation, finds 1616
that the composite is the resulting version of the section in 1617
effect prior to the effective date of the section as presented in 1618
this act. 1619