

## As Passed by the House

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Representatives Seitz, Calvert, Collier, Carano, Aslanides, Webster, Setzer,  
Buehrer, Clancy, D. Evans, McGregor, Schneider, Gibbs, Slaby, Allen,  
Reidelbach, Schmidt, T. Patton, G. Smith, Hughes, J. Stewart, Barrett, Beatty,  
Book, Brown, Chandler, Core, DeBose, Domenick, C. Evans, Flowers, Gilb,  
Hagan, Hollister, Key, Latta, Martin, Niehaus, Olman, Otterman, Perry, Price,  
Raussen, Schlichter, S. Smith, Strahorn, Widener, Willamowski, Wilson

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### A B I L L

To amend sections 145.384, 145.385, 742.26, 3307.352,  
and 3309.344 of the Revised Code to allow a  
retirant re-employed in a position covered by a  
state retirement system to receive a refund of the  
retirant's contributions in lieu of a benefit for  
the period of re-employment.

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

**Section 1.** That sections 145.384, 145.385, 742.26, 3307.352,  
and 3309.344 of the Revised Code be amended to read as follows:

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**Sec. 145.384.** (A) As used in this section, "PERS retirant"  
means a PERS retirant who is not subject to division (C) of  
section 145.38 of the Revised Code. For purposes of this section,  
"PERS retirant" also includes both of the following:

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(1) A member who retired under section 145.383 of the Revised  
Code;

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(2) A retirant whose retirement allowance resumed under 15  
section 145.385 of the Revised Code. 16

(B)(1) An other system retirant or PERS retirant who has made 17  
contributions under section 145.38 or 145.383 of the Revised Code 18  
or, in the case of a retirant described in division (A)(2) of this 19  
section, section 145.47 of the Revised Code may file an 20  
application with the public employees retirement system ~~for to~~ 21  
receive either a benefit under, as provided in division (B)(2) of 22  
this section, or payment of the retirant's contributions made 23  
under those sections, as provided in division (H) of this section. 24  
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(2) A benefit under this section shall consist of an annuity 26  
having a reserve equal to the amount of the retirant's accumulated 27  
contributions for the period of employment, other than the 28  
contributions excluded pursuant to division (B)(4)(a) or (b) of 29  
section 145.38 of the Revised Code, and an equal amount of the 30  
employer's contributions. ~~The~~ 31

(a) Unless, as described in division (I) of this section, the 32  
application is accompanied by a statement of the spouse's consent 33  
to another form of payment or the board waives the requirement of 34  
spousal consent, a PERS retirant or other system retirant who is 35  
married at the time of application under this section shall 36  
receive a monthly annuity under which the actuarial equivalent of 37  
the retirant's single life annuity is paid in a lesser amount for 38  
life and one-half of the lesser amount continues after the 39  
retirant's death to the surviving spouse. 40

(b) A PERS retirant or other system retirant who is not 41  
subject to division (B)(2)(a) of this section shall elect either 42  
to receive the benefit as a monthly annuity or a lump sum payment 43  
discounted to the present value using the current actuarial 44  
assumption rate of interest, ~~except that if the monthly annuity~~ 45

would be less than twenty five dollars per month, the retirant  
shall receive a lump sum payment. A retirant who elects to receive  
a monthly annuity shall select one of the following as the plan of  
payment:

~~(1)~~(i) The retirant's single life annuity;

~~(2)~~(ii) The actuarial equivalent of the retirant's single  
life annuity in a an equal or lesser amount for life and  
continuing after death to a surviving beneficiary designated at  
the time the plan of payment is selected.

If a retirant who is eligible to select a plan of payment  
under division (B)(2)(b) of this section fails to do so, the  
benefit shall be paid as a monthly annuity under the plan of  
payment specified in rules adopted by the public employees  
retirement board.

(c) Notwithstanding divisions (B)(2)(a) and (b) of this  
section, if a monthly annuity would be less than twenty-five  
dollars per month, the retirant shall receive a lump sum payment.

(C)(1) The death of a spouse or other designated beneficiary  
~~following selection of~~ under a plan of payment ~~under~~ described in  
division (B)(2) of this section cancels that plan of payment. The  
PERS retirant or other system retirant shall receive the  
equivalent of the retirant's single life annuity, as determined by  
the ~~public employees retirement~~ board, effective the first day of  
the month following receipt by the board of notice of the death.

(2) On divorce, annulment, or marriage dissolution, a PERS  
retirant or other system retirant receiving a benefit ~~under~~  
described in division (B)(2) of this section under which the  
beneficiary is the spouse may, with the written consent of the  
spouse or pursuant to an order of the court with jurisdiction over  
the termination of the marriage, elect to cancel the plan and  
receive the equivalent of the ~~member's~~ retirant's single life

annuity as determined by the ~~retirement~~ board. The election shall 77  
be made on a form provided by the board and shall be effective the 78  
month following its receipt by the board. 79

(D) Following a marriage or remarriage, a PERS retirant or 80  
other system retirant who is receiving a benefit ~~under~~ described 81  
in division (B)(~~1~~)(2)(b)(i) of this section may elect a new plan 82  
of payment under division (B)(2)(b) of this section based on the 83  
actuarial equivalent of the retirant's single life annuity as 84  
determined by the board. The plan shall be effective the first day 85  
of the month following receipt by the board of an application on a 86  
form approved by the board. 87

(E) A benefit payable under division (B)(2) of this section 88  
shall commence on the latest of the following: 89

(1) The last day for which compensation for all employment 90  
subject to section 145.38, 145.383, or 145.385 of the Revised Code 91  
was paid; 92

(2) Attainment by the PERS retirant or other system retirant 93  
of age sixty-five; 94

(3) If the PERS retirant or other system retirant was 95  
previously employed under section 145.38, 145.383, or 145.385 of 96  
the Revised Code and is receiving or previously received a benefit 97  
under this section, completion of a period of twelve months since 98  
the effective date of the last benefit under this section. 99

(F)(1) If a PERS retirant or other system retirant dies while 100  
employed in employment subject to section 145.38, 145.383, or 101  
145.385 of the Revised Code, a lump sum payment calculated in 102  
accordance with division (B)(2) of this section shall be paid to 103  
the retirant's beneficiary under division (G) of this section. 104

(2) If at the time of death a PERS retirant or other system 105  
retirant receiving a monthly annuity has received less than the 106  
retirant would have received as a lump sum payment, the difference 107

between the amount received and the amount that would have been 108  
received as a lump sum payment shall be paid to the retirant's 109  
beneficiary under division (G) of this section. 110

(3) If a beneficiary receiving a monthly annuity under 111  
division (B)(2) of this section dies and, at the time of the 112  
beneficiary's death, the total of the amounts paid to the retirant 113  
and beneficiary are less than the amount the retirant would have 114  
received as a lump sum payment, the difference between the total 115  
of the amounts received by the retirant and beneficiary and the 116  
amount that the retirant would have received as a lump sum payment 117  
shall be paid to the beneficiary's estate. 118

(G) A PERS retirant or other system retirant employed under 119  
section 145.38, 145.383, or 145.385 of the Revised Code may 120  
designate one or more persons as beneficiary to receive any 121  
benefits payable under division (B)(2)(b) of this section due to 122  
death. The designation shall be in writing duly executed on a form 123  
provided by the public employees retirement board, signed by the 124  
PERS retirant or other system retirant, and filed with the board 125  
prior to death. The last designation of a beneficiary revokes all 126  
previous designations. The PERS retirant's or other system 127  
retirant's marriage, divorce, marriage dissolution, legal 128  
separation, withdrawal of account, birth of a child, or adoption 129  
of a child revokes all previous designations. If there is no 130  
designated beneficiary, the beneficiary is the beneficiary 131  
determined under division (D) of section 145.43 of the Revised 132  
Code. If any benefit payable under this section due to the death 133  
of a PERS retirant or other system retirant is not claimed by a 134  
beneficiary within five years after the death, the amount payable 135  
shall be transferred to the income fund and thereafter paid to the 136  
beneficiary or the estate of the PERS retirant or other system 137  
retirant on application to the board. 138

(H)(1) A PERS retirant or other system retirant who applies 139

under division (B)(1) of this section for payment of the 140  
retirant's contributions and is unmarried or is married and, 141  
unless the board has waived the requirement of spousal consent, 142  
includes with the application a statement of the spouse's consent 143  
to the payment, shall be paid the contributions made under section 144  
145.38 or 145.383 of the Revised Code or, in the case of a 145  
retirant described in division (A)(2) of this section, section 146  
145.47 of the Revised Code, plus interest as provided in section 147  
145.471 of the Revised Code, if the following conditions are met: 148

(a) The retirant has not attained sixty-five years of age and 149  
has terminated employment subject to section 145.38, 145.383, or 150  
145.385 of the Revised Code for any cause other than death or the 151  
receipt of a benefit under this section. 152

(b) Three months have elapsed since the termination of the 153  
retirant's employment subject to section 145.38, 145.383, or 154  
145.385 of the Revised Code, other than employment exempted from 155  
contribution pursuant to section 145.03 of the Revised Code. 156

(c) The retirant has not returned to public service, other 157  
than service exempted from contribution pursuant to section 145.03 158  
of the Revised Code, during the three-month period. 159

(2) Payment of a retirant's contributions cancels the 160  
retirant's right to a benefit under division (B)(2) of this 161  
section. 162

(I) A statement of a spouse's consent under division (B)(2) 163  
of this section to the form of a benefit or under division (H) of 164  
this section to a payment of contributions is valid only if signed 165  
by the spouse and witnessed by a notary public. The board may 166  
waive the requirement of spousal consent if the spouse is 167  
incapacitated or cannot be located, or for any other reason 168  
specified by the board. Consent or waiver is effective only with 169  
regard to the spouse who is the subject of the consent or waiver. 170

(J) No amount received under this section shall be included 171  
in determining an additional benefit under section 145.323 of the 172  
Revised Code or any other post-retirement benefit increase. 173

**Sec. 145.385.** (A) A PERS retirant who made an election under 174  
former section 145.381 of the Revised Code under which the annuity 175  
portion of the retirant's retirement allowance was suspended and 176  
the pension portion forfeited may have the entire retirement 177  
allowance resume by giving notice to the public employees 178  
retirement system. The notice must be given not later than ninety 179  
days after ~~the effective date of this section~~ October 1, 2002. 180

(B) The retirement allowance shall resume on the first day of 181  
the month following receipt of notice by the retirement system. 182

(C) The annuity portion of the retirement allowance that has 183  
accumulated to the retirant's credit shall be paid as a single 184  
payment on the first day of the month following receipt of notice 185  
by the retirement system. 186

(D) Contributions made by the retirant and employer during 187  
the period of forfeiture and contributions made after the 188  
retirement allowance resumes shall be left on deposit with the 189  
system and, except in the case of a retirant who elects, under 190  
division (H) of section 145.384 of the Revised Code, to receive a 191  
payment of the retirant contributions, shall be used in the 192  
calculation of a benefit under section 145.384 of the Revised 193  
Code. 194

**Sec. 742.26.** (A) As used in this section: 195

(1) "Actuarial present value" means the calculation under 196  
which the probability of occurrence, based on a specified 197  
mortality table, and the discount for future monetary growth at a 198  
specified interest rate are considered by an actuary to determine 199  
the value of an annuity. 200

(2) "Other system retirant" means a former member of the public employees retirement system, state teachers retirement system, school employees retirement system, state highway patrol retirement system, or Cincinnati retirement system who is receiving a disability benefit or an age and service or commuted age and service retirement benefit or allowance from a system of which the person is a former member.

(3) "OPFPF retirant" means any person who is receiving a retirement allowance, other than a disability benefit, from the Ohio police and fire pension fund.

(B) The mortality table and interest rate used in determining actuarial present value shall be determined by the board of trustees of the fund based on the recommendations of an actuary employed by the board.

(C)(1) An OPFPF retirant or other system retirant may be employed as a member of a police or fire department. If so employed, the retirant shall make contributions to the fund in accordance with section 742.31 of the Revised Code, and the employer shall make contributions in accordance with sections 742.33 and 742.34 of the Revised Code.

(2) An employer that employs an OPFPF retirant or other system retirant shall notify the board of trustees of the fund of the employment not later than the end of the month in which the employment commences. On receipt of notice from an employer that a person who is an other system retirant has been employed, the fund shall notify the retirement system of which the other system retirant was a member of such employment.

(D) An OPFPF retirant or other system retirant who has received a retirement allowance or benefit for less than two months when employment subject to this section commences shall forfeit the retirement allowance or benefit for the period that



begins on the date the employment commences and ends on the 232  
earlier of the date the employment terminates or the date that is 233  
two months after the date on which the retirement allowance or 234  
benefit commenced. Service and contributions for that period shall 235  
not be included in the calculation of any benefits payable under 236  
this section, and those contributions shall be refunded on the 237  
retirant's death or termination of the employment. 238

(E) On receipt of notice from the public employees retirement 239  
system, school employees retirement system, or state teachers 240  
retirement system of the re-employment of an OPFPF retirant, the 241  
Ohio police and fire pension fund shall not pay, or if paid shall 242  
recover, the amount to be forfeited by the OPFPF retirant in 243  
accordance with section 145.38, 3307.35, or 3309.341 of the 244  
Revised Code. 245

(F)(1)~~(a)~~ On termination of employment under this section, an 246  
OPFPF retirant or other system retirant ~~shall elect one of the~~ 247  
~~following:~~ 248

~~(i) A monthly~~ may file an application with the board of 249  
trustees of the fund to receive either a benefit, as provided in 250  
division (F)(2) of this section, or payment of the retirant's 251  
contributions made under this section, as provided in division (H) 252  
of this section. 253

(2) A benefit under this section shall consist of an annuity 254  
the actuarial present value of which is equal to two times the sum 255  
of all amounts deducted from the salary of the OPFPF retirant or 256  
other system retirant and credited to the retirant's individual 257  
account in the fund, other than contributions excluded pursuant to 258  
division (D) of this section, together with interest credited 259  
thereon at the rate determined by the board, ~~provided the annuity~~ 260  
~~equals or exceeds twenty-five dollars per month.~~ 261

~~(ii) A~~ (a) Unless, as described in division (I) of this 262

section, the application is accompanied by a statement of the 263  
spouse's consent to another form of payment or the board of 264  
trustees waives the requirement of spousal consent, a retirant who 265  
is married at the time of application under this division shall 266  
receive a monthly annuity under which the actuarial equivalent of 267  
the retirant's single life annuity is paid in a lesser amount for 268  
life and one-half of the lesser amount continues after the 269  
retirant's death to the surviving spouse. 270

(b) A retirant who is not subject to division (F)(2)(a) of 271  
this section shall elect to receive either a monthly annuity or a 272  
lump-sum payment equal to two times the sum of all amounts 273  
deducted from the salary of the OPFPPF retirant or other system 274  
retirant and credited to the retirant's individual account in the 275  
fund, other than contributions excluded pursuant to division (D) 276  
of this section, together with interest credited thereon at the 277  
rate determined by the board. If the retirant fails to elect a 278  
plan of payment, the annuity shall be paid as a monthly annuity 279  
under the plan of payment specified in rules adopted by the board 280  
of trustees of the fund. 281

A retirant who elects to receive a monthly annuity shall 282  
select one of the following as the plan of payment: 283

(i) The retirant's single life annuity; 284

(ii) The actuarial equivalent of the retirant's single life 285  
annuity in an equal or lesser amount for life and continuing after 286  
death to a surviving beneficiary designated at the time the plan 287  
of payment is selected. 288

(c) Notwithstanding divisions (F)(2)(a) and (b) of this 289  
section, if a monthly annuity would be less than twenty-five 290  
dollars per month, the retirant shall receive a lump sum payment. 291

~~(b)~~(3) Interest shall be credited to accounts only at the 292  
time of calculation of a benefit payable under division (F)(~~1~~)(2) 293

of this section. 294

~~(2)~~(4) A benefit payable under this division shall commence 295  
on the first day of the month immediately after the latest of the 296  
following: 297

(a) The last day for which compensation for employment 298  
subject to this section was paid; 299

(b) Attainment by the OPFPPF retirant or other system retirant 300  
of age sixty; 301

(c) If the OPFPPF retirant or other system retirant was 302  
previously employed under this section and is receiving or 303  
previously received a benefit under this division, completion of a 304  
period of twelve months since the last benefit paid under this 305  
section commenced. 306

~~(3)~~(5) No amount received under this division shall be 307  
included in determining an additional benefit under section 308  
742.3711, 742.3716, or 742.3717 of the Revised Code or any other 309  
post-retirement benefit increase. 310

(G)(1) If an OPFPPF retirant or other system retirant dies 311  
while employed in employment subject to this section, a lump-sum 312  
payment calculated in accordance with division (F)~~(1)(a)(ii)~~(2) of 313  
this section shall be paid to the retirant's surviving spouse, or 314  
if there is no surviving spouse, to the retirant's estate. 315

(2) If at the time of death an OPFPPF retirant or other system 316  
retirant receiving a monthly annuity under division 317  
(F)~~(1)(a)(i)~~(2) of this section has received less than would have 318  
been received as a lump-sum payment under division 319  
(F)~~(1)(a)(ii)~~(2) of this section, the difference between the 320  
amount received and the amount that would have been received as a 321  
lump-sum payment shall be paid to the retirant's surviving spouse, 322  
or if there is no surviving spouse, to the retirant's estate. 323

(3) If a beneficiary receiving a monthly annuity under 324  
division (F)(2) of this section dies and, at the time of the 325  
beneficiary's death, the total of the amounts paid to the retirant 326  
and beneficiary are less than the amount the retirant would have 327  
received as a lump sum payment, the difference between the total 328  
of the amounts received by the retirant and beneficiary and the 329  
amount that the retirant would have received as a lump sum payment 330  
shall be paid to the beneficiary's estate. 331

(H)(1) An OPFPF retirant or other system retirant who applies 332  
under division (F)(1) of this section for payment of the 333  
retirant's contributions and is unmarried or is married and, 334  
unless the board of trustees has waived the requirement of spousal 335  
consent, includes with the application a statement of the spouse's 336  
consent to the payment shall be paid the contributions made under 337  
division (C) of this section, plus interest, if the following 338  
conditions are met: 339

(a) The retirant has not attained sixty years of age and has 340  
terminated employment subject to this section for any cause other 341  
than death or the receipt of a benefit under division (F) of this 342  
section. 343

(b) Three months have elapsed since the termination of 344  
employment subject to this section. 345

(c) The retirant has not returned to service subject to this 346  
chapter or Chapter 145., 3307., or 3309. of the Revised Code, 347  
other than service exempted from contribution to the public 348  
employees retirement system pursuant to section 145.03 of the 349  
Revised Code, during the three-month period. 350

(2) Payment of a retirant's contributions cancels the 351  
retirant's right to a benefit under division (F) of this section. 352

(I) A statement of a spouse's consent under division (F) of 353  
this section to the form of a benefit or under division (H) of 354

this section to a payment of contributions is valid only if signed 355  
by the spouse and witnessed by a notary public. The board of 356  
trustees may waive the requirement of spousal consent if the 357  
spouse is incapacitated or cannot be located, or for any other 358  
reason specified by the board. Consent or waiver is effective only 359  
with regard to the spouse who is the subject of the consent or 360  
waiver. 361

(J) An other system retirant subject to this section is not a 362  
member of the Ohio police and fire pension fund, does not have any 363  
of the rights, privileges, or obligations of membership, except as 364  
specified in this section, and is not eligible to receive health, 365  
medical, hospital, or surgical benefits under section 742.45 of 366  
the Revised Code for employment subject to this section. 367

~~(I)~~(K) If any payment is made by the Ohio police and fire 368  
pension fund to an OPFPF retirant or other system retirant to 369  
which the retirant is not entitled, the retirant shall repay it to 370  
the fund. If the retirant fails to make the repayment, the fund 371  
shall withhold the amount due from any allowances or other amounts 372  
due the OPFPF retirant or other system retirant. 373

~~(J)~~(L) An OPFPF retirant who is employed under this section 374  
is not eligible to receive any benefits under section 742.37 of 375  
the Revised Code for the employment under this section. 376

~~(K)~~(M) This section does not affect the receipt of benefits 377  
by or eligibility for benefits of any person who on August 20, 378  
1976, was receiving a disability benefit or service retirement 379  
pension or allowance from a state or municipal retirement system 380  
in Ohio and was a member of any other state or municipal 381  
retirement system of this state. 382

~~(L)~~(N) The board of trustees of the fund may adopt rules to 383  
carry out this section. 384

Sec. 3307.352. For purposes of this section, "superannuate" 385  
includes a member who retired under section 3307.351 of the 386  
Revised Code. 387

(A)(1) A superannuate or other system retirant who has made 388  
contributions under section 3307.35 or 3307.351 of the Revised 389  
Code may file an application with the state teachers retirement 390  
system ~~for~~ to receive either a benefit under, as provided in 391  
division (A)(2) of this section, or payment of the superannuate or 392  
retirant's contributions made under this section, as provided in 393  
division (D) of this section. 394

(2) A benefit under this section. ~~The benefit~~ shall consist 395  
of a single life annuity having a reserve equal to the amount of 396  
the superannuate's or retirant's accumulated contributions, as 397  
defined in section 3307.50 of the Revised Code, for the period of 398  
employment, other than the contributions excluded pursuant to 399  
division (F) of ~~the~~ section 3307.35 of the Revised Code, and an 400  
equal amount from the employers' trust created by section 3307.14 401  
of the Revised Code, plus interest credited to the date of 402  
retirement at the then current actuarial rate of interest. ~~The~~ 403

(a) Unless as described in division (E) of this section the 404  
application is accompanied by a statement of the spouse's consent 405  
to another form of payment or the board waives the requirement of 406  
spousal consent, a superannuate or other system retirant who is 407  
married at the time of application for a benefit under this 408  
division shall receive the benefit as a monthly annuity under 409  
which the actuarial equivalent of the superannuate or retirant's 410  
single life annuity is paid in a lesser amount for life and 411  
one-half of the lesser amount continues after the superannuate or 412  
retirant's death to the surviving spouse. 413

(b) A superannuate or other system retirant who is not 414  
subject to division (A)(2)(a) of this section shall elect either 415

to receive the benefit as a monthly annuity for life or a lump sum 416  
payment discounted to the present value using the current 417  
actuarial assumption rate of interest, except that if the monthly 418  
annuity would be less than twenty-five dollars per month the 419  
superannuate or retirant shall receive a lump sum payment. 420

A superannuate or other system retirant who elects to receive 421  
a monthly annuity shall select one of the following as the plan of 422  
payment: 423

(i) The superannuate or retirant's single life annuity; 424

(ii) The actuarial equivalent of the superannuate or 425  
retirant's single life annuity in an equal or lesser amount for 426  
life and continuing after death to a surviving beneficiary 427  
designated at the time the plan of payment is selected. 428

If a superannuate or retirant who is eligible to select a 429  
plan of payment under division (A)(2)(b) of this section fails to 430  
do so, the benefit shall be paid as a monthly annuity under the 431  
plan of payment specified in rules adopted by the state teachers 432  
retirement board. 433

(c) Notwithstanding divisions (A)(2)(a) and (b) of this 434  
section, if a monthly annuity would be less than twenty-five 435  
dollars per month, the superannuate or retirant shall receive a 436  
lump sum payment. 437

(B) A benefit payable under this section shall commence on 438  
the latest of the following: 439

(1) The last day for which compensation for all employment as 440  
a teacher was paid; 441

(2) Attainment by the superannuate or other system retirant 442  
of age sixty-five; 443

(3) If the superannuate or other system retirant was 444  
previously employed under section 3307.35 or 3307.351 of the 445

Revised Code and previously received or is receiving a benefit 446  
under this section, completion of a period of twelve months since 447  
the effective date of the last benefit under this section. 448

(C)(1) If a superannuate or other system retirant dies while 449  
employed in employment subject to section 3307.35 or 3307.351 of 450  
the Revised Code, a lump sum payment calculated in accordance with 451  
division (A) of this section shall be paid to the beneficiary 452  
designated under division (D) of section 3307.562 of the Revised 453  
Code. 454

(2) If at the time of death a superannuate or other system 455  
retirant receiving a monthly annuity has received less than the 456  
superannuate or retirant would have received as a lump sum 457  
payment, the difference between the amount received and the amount 458  
that would have been received as a lump sum payment shall be paid 459  
to the superannuate's or retirant's beneficiary designated under 460  
division (D) of section 3307.562 of the Revised Code. 461

(3) If a beneficiary receiving a monthly annuity under 462  
division (A)(2) of this section dies and, at the time of the 463  
beneficiary's death, the total of the amounts paid to the 464  
superannuate or retirant and to the beneficiary are less than the 465  
amount the superannuate or retirant would have received as a lump 466  
sum payment, the difference between the total of the amounts 467  
received by the superannuate or retirant and by the beneficiary 468  
and the amount that the superannuate or retirant would have 469  
received as a lump sum payment shall be paid to the beneficiary's 470  
estate. 471

(D)(1) A superannuate or other system retirant who applies 472  
under division (A)(1) of this section for payment of the 473  
superannuate or retirant's contributions and is unmarried or is 474  
married and, unless the board has waived the requirement of 475  
spousal consent, includes with the election a statement of the 476  
spouse's consent to the payment, shall be paid the contributions 477



made under section 3307.35 or 3307.351 of the Revised Code, plus 478  
interest credited to the date of retirement at the then current 479  
actuarial rate of interest, if the following conditions are met: 480

(a) The superannuate or retirant has not attained sixty-five 481  
years of age and has terminated employment subject to this section 482  
for any cause other than death or the receipt of a benefit under 483  
division (A)(2) of this section. 484

(b) Three months have elapsed since the termination of the 485  
superannuate or retirant's employment subject to this section. 486

(c) The superannuate or retirant has not returned to service 487  
subject to this chapter or Chapter 145., 742., or 3309. of the 488  
Revised Code, other than service exempted from contribution to the 489  
public employees retirement system pursuant to section 145.03 of 490  
the Revised Code, during the three-month period. 491

(2) Payment of a superannuate or retirant's contributions 492  
cancels the retirant's right to a benefit under division (A)(2) of 493  
this section. 494

(E) A statement of a spouse's consent under division (A)(2) 495  
of this section to the form of a benefit or under division (D) of 496  
this section to a payment of contributions is valid only if signed 497  
by the spouse and witnessed by a notary public. The board may 498  
waive the requirement of spousal consent if the spouse is 499  
incapacitated or cannot be located, or for any other reason 500  
specified by the board. Consent or waiver is effective only with 501  
regard to the spouse who is the subject of the consent or waiver. 502

(F) No amount received under this section shall be included 503  
in determining an additional benefit under section 3307.67 of the 504  
Revised Code or any other post-retirement benefit increase. 505

**Sec. 3309.344.** For purposes of this section, "SERS retirant" 506  
includes a member who retired under section 3309.343 of the 507

Revised Code. 508

(A)(1) An SERS retirant or other system retirant who has made 509  
contributions under section 3309.341 or 3309.343 of the Revised 510  
Code may file an application with the school employees retirement 511  
system ~~for to receive either a benefit under, as provided in~~ 512  
~~division (A)(2) of this section, or payment of the retirant's~~ 513  
~~contributions made under those sections, as provided in division~~ 514  
~~(E) of this section. The~~ 515

(2) A benefit shall consist of a single life annuity having a 516  
reserve equal to the amount of the retirant's accumulated 517  
contributions for the period of employment, other than the 518  
contributions excluded pursuant to division (C) of section 519  
3309.341 of the Revised Code, and an equal amount of the 520  
employer's contributions, plus interest credited to the date of 521  
retirement at the rate provided in division (I)(2) of section 522  
3309.01 of the Revised Code. The 523

(a) Unless the application is accompanied by a statement of 524  
the spouse's consent to another form of payment as described in 525  
division (J) of this section or the board waives the requirement 526  
for spousal consent, an SERS retirant or other system retirant who 527  
is married at the time of application for a benefit under this 528  
section shall receive the benefit as a monthly annuity under which 529  
the actuarial equivalent of the retirant's single life annuity is 530  
paid in a lesser amount for life and one-half of the lesser amount 531  
continues after the retirant's death to the surviving spouse. 532

(b) An SERS retirant or other system retirant who is not 533  
subject to division (A)(2)(a) of this section shall elect either 534  
to receive the benefit as a monthly annuity for life or a lump sum 535  
payment discounted to the present value using the current 536  
actuarial assumption rate of interest, ~~except that if the monthly~~ 537  
~~annuity would be less than twenty five dollars per month, the~~ 538

retirant shall receive a lump sum payment. If a retirant who is 539  
eligible to select a plan of payment under division (A)(2) of this 540  
section fails to do so, the benefit shall be paid as a monthly 541  
annuity under the plan of payment specified in rules adopted by 542  
the school employees retirement board. 543

A retirant who elects to receive a monthly annuity shall 544  
select one of the following as the plan of payment: 545

(i) The retirant's single life annuity; 546

(ii) The actuarial equivalent of the retirant's single life 547  
annuity in an equal or lesser amount for life and continuing after 548  
death to a surviving beneficiary designated at the time the plan 549  
of payment is selected. 550

(c) Notwithstanding divisions (A)(2)(a) and (b) of this 551  
section, if a monthly annuity would be less than twenty-five 552  
dollars per month, the retirant shall receive a lump sum payment. 553

(B) A benefit payable under this section shall commence on 554  
the first day of the month after the latest of the following: 555

(1) The last day for which compensation for all employment 556  
subject to sections 3309.341 and 3309.343 of the Revised Code was 557  
paid; 558

(2) Attainment by the SERS retirant or other system retirant 559  
of age sixty-five; 560

(3) If the SERS retirant or other system retirant was 561  
previously employed under section 3309.341 or 3309.343 of the 562  
Revised Code and is receiving or previously received a benefit 563  
under this section, completion of a period of twelve months since 564  
the effective date of that benefit. 565

(C)(1) If an SERS retirant or other system retirant dies 566  
while employed in employment subject to section 3309.341 or 567  
3309.343 of the Revised Code, a lump sum payment calculated in 568

accordance with division (A) of this section shall be paid to the 569  
beneficiary under division (D) of this section. 570

(2) If at the time of death an SERS retirant or other system 571  
retirant receiving a monthly annuity has received less than the 572  
retirant would have received as a lump sum payment, the difference 573  
between the amount received and the amount that would have been 574  
received as a lump sum payment shall be paid to the retirant's 575  
beneficiary under division (D) of this section. 576

(3) If a beneficiary receiving a monthly annuity under 577  
division (A)(2) of this section dies and, at the time of the 578  
beneficiary's death, the total of the amounts paid to the retirant 579  
and beneficiary are less than the amount the retirant would have 580  
received as a lump sum payment, the difference between the total 581  
of the amounts received by the retirant and beneficiary and the 582  
amount that the retirant would have received as a lump sum payment 583  
shall be paid to the beneficiary's estate. 584

(D) An SERS retirant or other system retirant employed under 585  
section 3309.341 or 3309.343 of the Revised Code may designate one 586  
or more persons as beneficiary to receive any benefits payable 587  
under this section due to death. The designation shall be in 588  
writing duly executed on a form provided by the school employees 589  
retirement board, signed by the SERS retirant or other system 590  
retirant, and filed with the board prior to death. The last 591  
designation of a beneficiary revokes all previous designations. 592  
The SERS retirant's or other system retirant's marriage, divorce, 593  
marriage dissolution, legal separation, withdrawal of account, 594  
birth of the retirant's child, or adoption of a child revokes all 595  
previous designations. If there is no designated beneficiary, the 596  
beneficiary is the beneficiary designated under division (D) of 597  
section 3309.44 of the ~~revised code~~ Revised Code. If any benefit 598  
payable under this section due to the death of an SERS retirant or 599  
other system retirant is not claimed by a beneficiary within five 600

years after the death, the amount payable shall be transferred to 601  
the guarantee fund and thereafter paid to the beneficiary or the 602  
estate of the SERS retirant or other system retirant on 603  
application to the board. 604

(E)(1) An SERS retirant or other system retirant who applies 605  
under division (A)(1) of this section for payment of the 606  
retirant's contributions and is unmarried or is married and, 607  
unless the board has waived the requirement of spousal consent, 608  
includes with the election a statement of the spouse's consent to 609  
the payment, shall be paid the contributions made under section 610  
3309.341 or 3309.343 of the Revised Code if the following 611  
conditions are met: 612

(a) The retirant has not attained sixty-five years of age and 613  
has terminated employment subject to this section for any cause 614  
other than death or the receipt of a benefit under division (A) of 615  
this section. 616

(b) Three months have elapsed since the termination of the 617  
retirant's employment subject to this section. 618

(c) The retirant has not returned to service subject to this 619  
chapter or Chapter 145., 742., or 3309. of the Revised Code, other 620  
than service exempted from contribution to the public employees 621  
retirement system pursuant to section 145.03 of the Revised Code, 622  
during the three-month period. 623

(2) Payment of a retirant's contributions cancels the 624  
retirant's right to a benefit under division (A) of this section. 625

(F) A statement of a spouse's consent under division (A)(2) 626  
of this section to the form of a benefit or under division (E) of 627  
this section to a payment of contributions is valid only if signed 628  
by the spouse and witnessed by a notary public. The board may 629  
wave the requirement of spousal consent if the spouse is 630  
incapacitated or cannot be located, or for any other reason 631

specified by the board. Consent or waiver is effective only with 632  
regard to the spouse who is the subject of the consent or waiver. 633

(G) No amount received under this section shall be included 634  
in determining an additional benefit under section 3309.374 of the 635  
Revised Code or any other post-retirement benefit increases. 636

**Section 2.** That existing sections 145.384, 145.385, 742.26, 637  
3307.352, and 3309.344 of the Revised Code are hereby repealed. 638