

**As Reported by the Senate Health, Human Services and Aging  
Committee**

**126th General Assembly  
Regular Session  
2005-2006**

**Am. S. B. No. 206**

**Senators Coughlin, Fedor**

—

**A B I L L**

To amend sections 742.63, 5505.12, and 5505.18 and to 1  
enact sections 5505.50 to 5505.59 of the Revised 2  
Code to provide for the establishment of the State 3  
Highway Patrol Retirement System deferred 4  
retirement option plan. 5

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

**Section 1.** That sections 742.63, 5505.12, and 5505.18 be 6  
amended and sections 5505.50, 5505.51, 5505.52, 5505.53, 5505.54, 7  
5505.55, 5505.56, 5505.57, 5505.58, and 5505.59 of the Revised 8  
Code be enacted to read as follows: 9

**Sec. 742.63.** The board of trustees of the Ohio police and 10  
fire pension fund shall adopt rules for the management of the Ohio 11  
public safety officers death benefit fund and for disbursements of 12  
benefits as set forth in this section. 13

(A) As used in this section: 14

(1) "Member" means all of the following: 15

(a) A member of the Ohio police and fire pension fund, 16  
including a member of the fund who has elected to participate in 17  
the deferred retirement option plan established under section 18

742.43 of the Revised Code or a member of or contributor to a	19
police or firemen's relief and pension fund established under	20
former Chapter 521. or 741. of the Revised Code;	21
(b) A member of the state highway patrol retirement system,	22
<u>including a member who is participating in the deferred retirement</u>	23
<u>option plan established under section 5505.50 of the Revised Code;</u>	24
(c) A member of the public employees retirement system who at	25
the time of the member's death was one of the following:	26
(i) A county sheriff or deputy sheriff;	27
(ii) A full-time regular police officer in a municipal	28
corporation or township;	29
(iii) A full-time regular firefighter employed by the state,	30
an instrumentality of the state, a municipal corporation, a	31
township, a joint fire district, or another political subdivision;	32
(iv) A full-time park district ranger or patrol trooper;	33
(v) A full-time law enforcement officer of the department of	34
natural resources;	35
(vi) A full-time department of public safety enforcement	36
agent;	37
(vii) A full-time law enforcement officer of parks, waterway	38
lands, or reservoir lands under the control of a municipal	39
corporation;	40
(viii) A full-time law enforcement officer of a conservancy	41
district;	42
(ix) A correction officer at an institution under the control	43
of a county, a group of counties, a municipal corporation, or the	44
department of rehabilitation and correction;	45
(x) A state university law enforcement officer.	46
(d) A member of a retirement system operated by a municipal	47

corporation who at the time of death was a full-time law 48  
enforcement officer of parks, waterway lands, or reservoir lands 49  
under the control of the municipal corporation. 50

(2) Notwithstanding section 742.01 of the Revised Code, "fire 51  
or police department" includes a fire department of the state or 52  
an instrumentality of the state or of a municipal corporation, 53  
township, joint fire district, or other political subdivision, the 54  
state highway patrol, a county sheriff's office, the security 55  
force of an institution under the control of the department of 56  
rehabilitation and correction, the security force of a jail or 57  
workhouse under the control of a county, group of counties, or 58  
municipal corporation, the security force of a metropolitan, 59  
county, or township park district, the security force of lands 60  
under the control of the department of natural resources, 61  
department of public safety enforcement agents, the security force 62  
of parks, waterway lands, or reservoir lands under the control of 63  
a municipal corporation, the security force of a conservancy 64  
district, the police department of a township or municipal 65  
corporation, and the police force of a state university. 66

(3) "Firefighter or police officer" includes a state highway 67  
patrol trooper, a county sheriff or deputy sheriff, a correction 68  
officer at an institution under the control of a county, a group 69  
of counties, a municipal corporation, or the department of 70  
rehabilitation and correction, a police officer employed by a 71  
township or municipal corporation, a firefighter employed by the 72  
state, an instrumentality of the state, a municipal corporation, a 73  
township, a joint fire district, or another political subdivision, 74  
a full-time park district ranger or patrol trooper, a full-time 75  
law enforcement officer of the department of natural resources, a 76  
full-time department of public safety enforcement agent, a 77  
full-time law enforcement officer of parks, waterway lands, or 78  
reservoir lands under the control of a municipal corporation, a 79

full-time law enforcement officer of a conservancy district, and a  
state university law enforcement officer.

80  
81

(4) "Correction officer" includes, in addition to any  
correction officer, any correction corporal, sergeant, lieutenant,  
or captain, and the equivalents of all such persons.

82  
83  
84

(5) "A park district ranger or patrol trooper" means a peace  
officer commissioned to make arrests, execute warrants, and  
preserve the peace upon lands under the control of a board of park  
commissioners of a metropolitan, county, or township park  
district.

85  
86  
87  
88  
89

(6) "Metropolitan, county, or township park district" means a  
park district created under the authority of Chapter 511. or 1545.  
of the Revised Code.

90  
91  
92

(7) "Conservancy district" means a conservancy district  
created under the authority of Chapter 6101. of the Revised Code.

93  
94

(8) "Law enforcement officer" means an officer commissioned  
to make arrests, execute warrants, and preserve the peace upon  
lands under the control of the governmental entity granting the  
commission.

95  
96  
97  
98

(9) "Department of natural resources law enforcement officer"  
includes a forest officer designated pursuant to section 1503.29  
of the Revised Code, a preserve officer designated pursuant to  
section 1517.10 of the Revised Code, a wildlife officer designated  
pursuant to section 1531.13 of the Revised Code, a park officer  
designated pursuant to section 1541.10 of the Revised Code, and a  
state watercraft officer designated pursuant to section 1547.521  
of the Revised Code.

99  
100  
101  
102  
103  
104  
105  
106

(10) "Retirement eligibility date" means the last day of the  
month in which a deceased member would have first become eligible,  
had the member lived, for the retirement pension provided under

107  
108  
109

section 145.33, Chapter 521. or 741., division (C)(1) of section 110  
742.37, or division (A)(1) of section 5505.17 of the Revised Code 111  
or provided by a retirement system operated by a municipal 112  
corporation. 113

(11) "Death benefit amount" means an amount equal to the full 114  
monthly salary received by a deceased member prior to death, minus 115  
an amount equal to the benefit received under section 145.45, 116  
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 117  
received from a retirement system operated by a municipal 118  
corporation, plus any increases in salary that would have been 119  
granted the deceased member. 120

(12) "Killed in the line of duty" means either of the 121  
following: 122

(a) Death in the line of duty; 123

(b) Death from injury sustained in the line of duty, 124  
including heart attack or other fatal injury or illness caused 125  
while in the line of duty. 126

(B) A spouse of a deceased member shall receive a death 127  
benefit each month equal to the full death benefit amount, 128  
provided that the deceased member was a firefighter or police 129  
officer killed in the line of duty and there are no surviving 130  
children eligible for a benefit under this section. The spouse 131  
shall receive this benefit during the spouse's natural life until 132  
the deceased member's retirement eligibility date, on which date 133  
the benefit provided under this division shall terminate. 134

(C)(1) If a member killed in the line of duty as a 135  
firefighter or police officer is survived only by a child or 136  
children, the child or children shall receive a benefit each month 137  
equal to the full death benefit amount. If there is more than one 138  
surviving child, the benefit shall be divided equally among these 139  
children. 140

(2) If the death benefit paid under this division is divided 141  
among two or more surviving children and any of the children 142  
become ineligible to continue receiving a portion of the benefit 143  
as provided in division (H) of this section, the full death 144  
benefit amount shall be paid to the remaining eligible child or 145  
divided among the eligible children so that the benefit paid to 146  
the remaining eligible child or children equals the full death 147  
benefit amount. 148

(3) Notwithstanding divisions (C)(1) and (2) of this section, 149  
all death benefits paid under this division shall terminate on the 150  
deceased member's retirement eligibility date. 151

(D) If a member killed in the line of duty as a firefighter 152  
or police officer is survived by both a spouse and a child or 153  
children, the monthly benefit provided shall be as follows: 154

(1)(a) If there is a surviving spouse and one surviving 155  
child, the spouse shall receive an amount each month equal to 156  
one-half of the full death benefit amount and the child shall 157  
receive an amount equal to one-half of the full death benefit 158  
amount. 159

(b) If the surviving spouse dies or the child becomes 160  
ineligible as provided in division (H) of this section, the 161  
surviving spouse or child remaining eligible shall receive the 162  
full death benefit amount. 163

(2)(a) If there is a surviving spouse and more than one 164  
child, the spouse shall receive an amount each month equal to 165  
one-third of the full death benefit amount and the children shall 166  
receive an amount, equally divided among them, equal to two-thirds 167  
of the full death benefit amount. 168

(b) If a spouse and more than one child each are receiving a 169  
death benefit under division (D)(2)(a) of this section and the 170  
spouse dies, the children shall receive an amount each month, 171

equally divided among them, equal to the full death benefit amount. 172  
173

(c) If a spouse and more than one child each are receiving a benefit under division (D)(2)(a) of this section and any of the children becomes ineligible to receive a benefit as provided in division (H) of this section, the spouse and remaining eligible child or children shall receive a death benefit as follows: 174  
175  
176  
177  
178

(i) If there are two or more remaining eligible children, the spouse shall receive an amount each month equal to one-third of the full death benefit amount and the children shall receive an amount each month, equally divided among them, equal to two-thirds of the full death benefit amount; 179  
180  
181  
182  
183

(ii) If there is one remaining eligible child, the spouse shall receive an amount each month equal to one-half of the full death benefit amount, and the child shall receive an amount each month equal to one-half of the full death benefit amount. 184  
185  
186  
187

(d) If a spouse and more than one child each are receiving a benefit under division (D)(2)(a) of this section and all of the children become ineligible to receive a benefit as provided in division (H) of this section, the spouse shall receive the full death benefit amount. 188  
189  
190  
191  
192

(3) Notwithstanding divisions (D)(1) and (2) of this section, death benefits paid under this division to a surviving spouse shall terminate on the member's retirement eligibility date. Death benefits paid to a surviving child or children shall terminate on the deceased member's retirement eligibility date unless earlier terminated pursuant to division (H) of this section. 193  
194  
195  
196  
197  
198

(E) If a member, on or after January 1, 1980, is killed in the line of duty as a firefighter or police officer and is survived by only a parent or parents dependent upon the member for support, the parent or parents shall receive an amount each month 199  
200  
201  
202

equal to the full death benefit amount. If there is more than one  
surviving parent dependent upon the deceased member for support,  
the death benefit amount shall be divided equally among the  
surviving parents. On the death of one of the surviving parents,  
the full death benefit amount shall be paid to the other parent.

(F)(1) The following shall receive a monthly death benefit  
under this division:

(a) A surviving spouse whose benefits are terminated in  
accordance with division (B) or (D)(3) of this section on the  
deceased member's retirement eligibility date, or who would  
qualify for a benefit under division (B) or (D) of this section  
except that the deceased member reached the member's retirement  
eligibility date prior to the member's death;

(b) A qualified surviving spouse of a deceased member of or  
contributor to a police or firemen's relief and pension fund  
established under former Chapter 521. or 741. of the Revised Code  
who was a firefighter or police officer killed in the line of  
duty.

(2) The monthly death benefit shall be one-half of an amount  
equal to the monthly salary received by the deceased member prior  
to the member's death, plus any salary increases the deceased  
member would have received prior to the member's retirement  
eligibility date. The benefit shall terminate on the surviving  
spouse's death. A death benefit payable under this division shall  
be reduced by an amount equal to any allowance or benefit payable  
to the surviving spouse under section 742.3714 of the Revised  
Code.

(3) A benefit granted to a surviving spouse under division  
(F)(1)(b) of this section shall commence on the first day of the  
month immediately following receipt by the board of a completed  
application on a form provided by the board and any evidence the



board may require to establish that the deceased spouse was killed 234  
in the line of duty. 235

(G)(1) If there is not a surviving spouse eligible to receive 236  
a death benefit under division (F) of this section or the 237  
surviving spouse receiving a death benefit under that division 238  
dies, a surviving child or children whose benefits under division 239  
(C) or (D) of this section are or have been terminated pursuant to 240  
division (C)(3) or (D)(3) of this section or who would qualify for 241  
a benefit under division (C) or (D) of this section except that 242  
the deceased member reached the member's retirement eligibility 243  
date prior to the member's death shall receive a monthly death 244  
benefit under this division. The monthly death benefit shall be 245  
one-half of an amount equal to the monthly salary received by the 246  
deceased member prior to the member's death, plus any salary 247  
increases the member would have received prior to the member's 248  
retirement eligibility date. If there is more than one surviving 249  
child, the benefit shall be divided equally among the surviving 250  
children. 251

(2) If two or more surviving children each are receiving a 252  
benefit under this division and any of those children becomes 253  
ineligible to continue receiving a benefit as provided in division 254  
(H) of this section, the remaining eligible child or children 255  
shall receive an amount equal to one-half of the monthly salary 256  
received by the deceased member prior to death, plus any salary 257  
increases the deceased member would have received prior to the 258  
retirement eligibility date. If there is more than one remaining 259  
eligible child, the benefit shall be divided equally among the 260  
eligible children. 261

(3) A death benefit, or portion of a death benefit, payable 262  
to a surviving child under this division shall be reduced by an 263  
amount equal to any allowance or benefit payable to that child 264  
under section 742.3714 of the Revised Code, but the reduction in 265

that child's benefit shall not affect the amount payable to any 266  
other surviving child entitled to a portion of the death benefit. 267

(H) A death benefit paid to a surviving child under division 268  
(C), (D), or (G) of this section shall terminate on the death of 269  
the child or, unless one of the following is the case, when the 270  
child reaches age eighteen: 271

(1) The child, because of physical or mental disability, is 272  
unable to provide the child's own support, in which case the death 273  
benefit shall terminate when the disability is removed; 274

(2) The child is unmarried, under age twenty-two, and a 275  
student in and attending an institution of learning or training 276  
pursuant to a program designed to complete in each school year the 277  
equivalent of at least two-thirds of the full-time curriculum 278  
requirements of the institution, as determined by the trustees of 279  
the fund. 280

(I) Acceptance of any death benefit under this section does 281  
not prohibit a spouse or child from receiving other benefits 282  
provided under the Ohio police and fire pension fund, the state 283  
highway patrol retirement system, the public employees retirement 284  
system, or a retirement system operated by a municipal 285  
corporation. 286

(J) No person shall receive a benefit under this section if 287  
any of the following occur: 288

(1) The person fails to exercise the right to a monthly 289  
survivor benefit under division (A) or (B) of section 145.45, 290  
division (D), (E), or (F) of section 742.37, or division (A)(3), 291  
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 292  
survivor benefit from a retirement system operated by a municipal 293  
corporation; or to a retirement allowance under section 742.3714 294  
of the Revised Code. 295

(2) The member's accumulated contributions under this chapter 296  
or Chapter 145. or 5505. of the Revised Code are refunded unless 297  
the member had been a member of the public employees retirement 298  
system and had fewer than eighteen months of total service credit 299  
at the time of death. 300

(3) In the case of a full-time park district ranger or patrol 301  
trooper, a full-time law enforcement officer of the department of 302  
natural resources, a full-time law enforcement officer of parks, 303  
waterway lands, or reservoir lands under the control of a 304  
municipal corporation, a full-time law enforcement officer of a 305  
conservancy district, a correction officer at an institution under 306  
the control of a county, group of counties, or municipal 307  
corporation, or a member of a retirement system operated by a 308  
municipal corporation who at the time of the member's death was a 309  
full-time law enforcement officer of parks, waterway lands, or 310  
reservoir lands under the control of the municipal corporation, 311  
the member died prior to April 9, 1981, in the case of a benefit 312  
under division (B), (C), or (D) of this section, or prior to 313  
January 1, 1980, in the case of a benefit under division (E) of 314  
this section. 315

(4) In the case of a full-time department of public safety 316  
enforcement agent who prior to June 30, 1999, was a liquor control 317  
investigator of the department of public safety, the member died 318  
prior to December 23, 1986; 319

(5) In the case of a full-time department of public safety 320  
enforcement agent other than an enforcement agent who, prior to 321  
June 30, 1999, was a liquor control investigator, the member died 322  
prior to June 30, 1999. 323

(K) A surviving spouse whose benefit was terminated prior to 324  
June 30, 1999, due to remarriage shall receive a benefit under 325  
division (B), (D), or (F) of this section beginning on the first 326

day of the month following receipt by the board of an application 327  
on a form provided by the board. The benefit amount shall be 328  
determined as of that date. 329

(1) If the benefit will begin prior to the deceased member's 330  
retirement eligibility date, it shall be paid under division (B) 331  
or (D) of this section and shall terminate as provided in those 332  
divisions. A benefit paid to a surviving spouse under division (D) 333  
of this section shall be determined in accordance with that 334  
division, even if benefits paid to surviving children are reduced 335  
as a result. 336

(2) If the benefit will begin on or after the deceased 337  
member's retirement eligibility date, it shall be paid under 338  
division (F) of this section and shall terminate as provided in 339  
that division. A benefit paid to a surviving spouse under division 340  
(F) of this section shall be determined in accordance with that 341  
division, even if benefits paid to surviving children are 342  
terminated as a result. 343

**Sec. 5505.12.** (A) The state highway patrol retirement board 344  
shall have prepared annually by or under the supervision of an 345  
actuary an actuarial valuation of the pension assets, liabilities, 346  
and funding requirements of the state highway patrol retirement 347  
system as established pursuant to this chapter. The actuary shall 348  
complete the valuation in accordance with actuarial standards of 349  
practice promulgated by the actuarial standards board of the 350  
American academy of actuaries and prepare a report of the 351  
valuation. The report shall include all of the following: 352

(1) A summary of the benefit provisions evaluated; 353

(2) A summary of the census data and financial information 354  
used in the valuation; 355

(3) A description of the actuarial assumptions, actuarial 356

cost method, and asset valuation method used in the valuation, 357  
including a statement of the assumed rate of payroll growth and 358  
assumed rate of growth or decline in the number of members 359  
contributing to the retirement system; 360

(4) A summary of findings that includes a statement of the 361  
actuarial accrued pension liabilities and unfunded actuarial 362  
accrued pension liabilities; 363

(5) A schedule showing the effect of any changes in the 364  
benefit provisions, actuarial assumptions, or cost methods since 365  
the last annual actuarial valuation; 366

(6) A statement of whether contributions to the retirement 367  
system are expected to be sufficient to satisfy the funding 368  
objectives established by the board. 369

The board shall submit the report to the Ohio retirement 370  
study council and the standing committees of the house of 371  
representatives and the senate with primary responsibility for 372  
retirement legislation not later than the first day of July 373  
following the year for which the valuation was made. 374

(B) At such times as the state highway patrol retirement 375  
board determines, and at least once in each five-year period after 376  
January 1, 1966, the board shall have prepared by or under the 377  
supervision of an actuary an actuarial investigation of the 378  
mortality, service, and other experience of the members, 379  
retirants, and beneficiaries to update the actuarial assumptions 380  
used in the actuarial valuation required by division (A) of this 381  
section. The actuary shall prepare a report of the actuarial 382  
investigation. The report shall be prepared and any recommended 383  
changes in actuarial assumptions shall be made in accordance with 384  
the actuarial standards of practice promulgated by the actuarial 385  
standards board of the American academy of actuaries. The report 386  
shall include all of the following: 387

(1) A summary of relevant decrement and economic assumption	388
experience observed over the period of the investigation;	389
(2) Recommended changes in actuarial assumptions to be used	390
in subsequent actuarial valuations required by division (A) of	391
this section;	392
(3) A measurement of the financial effect of the recommended	393
changes in actuarial assumptions;	394
<u>(4) If the investigation required by this division includes</u>	395
<u>the investigation required by division (F) of this section, a</u>	396
<u>report of the result of that investigation.</u>	397
The board shall submit the report to the Ohio retirement	398
study council and the standing committees of the house of	399
representatives and the senate with primary responsibility for	400
retirement legislation not later than the first day of November	401
following the last fiscal year of the period the report covers.	402
(C) The board may at any time request the actuary to make any	403
studies or actuarial valuations to determine the adequacy of the	404
rates of contributions provided by section 5505.15 of the Revised	405
Code.	406
(D) The board shall have prepared by or under the supervision	407
of an actuary an actuarial analysis of any introduced legislation	408
expected to have a measurable financial impact on the retirement	409
system. The actuarial analysis shall be completed in accordance	410
with the actuarial standards of practice promulgated by the	411
actuarial standards board of the American academy of actuaries.	412
The actuary shall prepare a report of the actuarial analysis,	413
which shall include all of the following:	414
(1) A summary of the statutory changes that are being	415
evaluated;	416
(2) A description of or reference to the actuarial	417

assumptions and actuarial cost method used in the report;	418
(3) A description of the participant group or groups included in the report;	419 420
(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;	421 422 423 424 425 426 427
(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.	428 429 430 431
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 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.	432 433 434 435 436 437
(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 section 5505.28 of the Revised Code. The report shall be made as of December 31, 1997, and the thirty-first day of December of each year thereafter. The report shall include the following:	438 439 440 441 442 443
(1) A description of the statutory authority for the benefits provided;	444 445
(2) A summary of the benefits;	446
(3) A summary of the eligibility requirements for the	447

benefits;	448
(4) A statement of the number of participants eligible for the benefits;	449 450
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	451 452
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	453 454
(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;	455 456 457 458 459
(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;	460 461 462 463
(9) A description of any significant changes that affect the comparability of the report required under this division;	464 465
(10) A statement of the amount paid under division (B) of section 5505.28 of the Revised Code.	466 467
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 thirtieth day of June following the year for which the report was made.	468 469 470 471 472
<u>(F) At least once in each five-year period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the deferred retirement option plan established under section 5505.50 of the Revised Code. The investigation shall include an examination of the financial</u>	473 474 475 476 477



impact, if any, on the retirement system of offering the plan to 478  
members. 479

The actuary shall prepare a report of the actuarial 480  
investigation. The report shall include a determination of whether 481  
the plan, as established or modified, has a negative financial 482  
impact on the retirement system and, if so, recommendations on how 483  
to modify the plan to eliminate the negative financial impact. If 484  
the actuarial report indicates that the plan has a negative 485  
financial impact on the retirement system, the board shall modify 486  
the plan. If the board modifies the plan, the rights and 487  
obligations of members who have already elected to participate 488  
shall not be altered. 489

The state's contributions to the employer accumulation fund 490  
shall not be increased to offset any negative financial impact of 491  
the deferred retirement option plan. 492

The board may include the actuarial investigation required 493  
under this division as part of the actuarial investigation 494  
required under division (B) of this section. If the report of the 495  
actuarial investigation required by this division is not included 496  
in the report required by division (B) of this section, the board 497  
shall submit the report required by this division to the Ohio 498  
retirement study council and the standing committees of the house 499  
of representatives and the senate with primary responsibility for 500  
retirement legislation not later than the first day of November 501  
following the last fiscal year of the period the report covers. 502

**Sec. 5505.18.** As used in this section, "member" does not 503  
include state highway patrol cadets attending training schools 504  
pursuant to section 5503.05 of the Revised Code. 505

(A) Upon the application of a member of the state highway 506  
patrol retirement system, a person acting on behalf of a member, 507

or the superintendent of the state highway patrol on behalf of a 508  
member, a member who becomes totally and permanently incapacitated 509  
for duty in the employ of the state highway patrol may be retired 510  
by the board. 511

The medical or psychological examination of a member who has 512  
applied for disability retirement shall be conducted by a 513  
competent health-care professional or professionals appointed by 514  
the board. The health-care professional or professionals shall 515  
file a written report with the board containing the following 516  
information: 517

(1) Whether the member is totally incapacitated for duty in 518  
the employ of the patrol; 519

(2) Whether the incapacity is expected to be permanent; 520

(3) The cause of the member's incapacity. 521

The board shall determine whether the member qualifies for 522  
disability retirement and its decision shall be final. The board 523  
shall consider the written medical or psychological report, 524  
opinions, statements, and other competent evidence in making its 525  
determination. If the incapacity is a result of heart disease or 526  
any cardiovascular disease of a chronic nature, which disease or 527  
any evidence of which was not revealed by the physical examination 528  
passed by the member on entry into the patrol, the member is 529  
presumed to have incurred the disease in the line of duty as a 530  
member of the patrol, unless the contrary is shown by competent 531  
evidence. 532

(B)(1) ~~A~~ Except as provided under division (A) of section 533  
5505.58 of the Revised Code, a member whose retirement on account 534  
of disability incurred in the line of duty shall receive the 535  
applicable pension provided for in section 5505.17 of the Revised 536  
Code, except that if the member has less than twenty-five years of 537  
contributing service, the member's service credit shall be deemed 538

to be twenty-five years for the purpose of this provision. In no 539  
case shall the member's disability pension be less than sixty-one 540  
and one-quarter per cent or exceed the lesser of seventy-nine and 541  
one-quarter per cent of the member's final average salary or the 542  
limit established by section 415 of the "Internal Revenue Code of 543  
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 544

(2) A Except as provided under division (B) of section 545  
5505.58 of the Revised Code, a member whose retirement on account 546  
of disability incurred not in the line of duty shall receive the 547  
applicable pension provided for in section 5505.17 of the Revised 548  
Code, except that if the member has less than twenty years of 549  
contributing service, the member's service credit shall be deemed 550  
to be twenty years for the purpose of this provision. In no case 551  
shall the member's disability pension exceed the lesser of 552  
seventy-nine and one-quarter per cent of the member's final 553  
average salary or the limit established by section 415 of the 554  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 555  
as amended. 556

(C) The state highway patrol retirement board shall adopt 557  
rules requiring a disability pension recipient, as a condition of 558  
continuing to receive a disability pension, to agree in writing to 559  
obtain any medical or psychological treatment recommended by the 560  
board's health-care professional and submit medical or 561  
psychological reports regarding the treatment. If the board 562  
determines that a disability pension recipient is not obtaining 563  
the medical or psychological treatment or the board does not 564  
receive a required medical or psychological report, the disability 565  
pension shall be suspended until the treatment is obtained, the 566  
report is received by the board, or the board's health-care 567  
professional certifies that the treatment is no longer helpful or 568  
advisable. Should the recipient's failure to obtain treatment or 569  
submit a medical or psychological report continue for one year, 570

the recipient's right to the disability benefit shall be 571  
terminated as of the effective date of the original suspension. 572

(D) A member placed on a disability pension who has not 573  
attained the age of ~~fifty-five~~ sixty years shall be subject to an 574  
annual medical or psychological re-examination by health-care 575  
professionals appointed by the board, except that the board may 576  
waive the re-examination if the board's health-care professionals 577  
certify that the member's disability is ongoing. If any member 578  
placed on a disability pension refuses to submit to a medical or 579  
psychological re-examination, the member's disability pension 580  
shall be suspended until the member withdraws the refusal. If the 581  
refusal continues for one year, all the member's rights under and 582  
to the disability pension shall be terminated as of the effective 583  
date of the original suspension. 584

(E) Each recipient of a disability pension who has not 585  
attained the age of ~~fifty-five~~ sixty years shall file with the 586  
board an annual statement of earnings, current medical or 587  
psychological information on the recipient's condition, and any 588  
other information required in rules adopted by the board. The 589  
board may waive the requirement that a disability benefit 590  
recipient file an annual statement of earnings or current medical 591  
or psychological information if the board's health-care 592  
professional certifies that the recipient's disability is ongoing. 593

The board shall annually examine the information submitted by 594  
the recipient. If a recipient refuses to file the statement or 595  
information, the disability pension shall be suspended until the 596  
statement and information are filed. If the refusal continues for 597  
one year, the right to the pension shall be terminated as of the 598  
effective date of the original suspension. 599

(F)(1) Except as provided in division (F)(2) of this section, 600  
a retirant who has been on disability pension, and who has been 601

physically or psychologically examined and found no longer 602  
incapable of performing the retirant's duties, shall be restored 603  
to the rank the retirant held at the time the retirant was 604  
pensioned and all previous rights shall be restored, including the 605  
retirant's civil service status, and the disability pension shall 606  
terminate. Upon return to employment in the patrol, the retirant 607  
shall again become a contributing member of the retirement system, 608  
the total service at the time of the retirant's retirement shall 609  
be restored to the retirant's credit, and the retirant shall be 610  
given service credit for the period the retirant was in receipt of 611  
a disability pension. The provisions of division (F)(1) of this 612  
section shall be retroactive to September 5, 1941. 613

(2) The state highway patrol is not required to take action 614  
under division (F)(1) of this section if the retirant was 615  
dismissed or resigned in lieu of dismissal for dishonesty, 616  
misfeasance, malfeasance, or conviction of a felony. 617

(G) The board may adopt rules to carry out this section, 618  
including rules that specify the types of health-care 619  
professionals the board may appoint for the purpose of this 620  
section. 621

Sec. 5505.50. The state highway patrol retirement board shall 622  
establish and administer a deferred retirement option plan. In 623  
establishing and administering the plan, the board shall comply 624  
with sections 5505.51 to 5505.59 of the Revised Code and may do 625  
all things necessary to meet the requirements of section 401(a) of 626  
the "Internal Revenue Code of 1986," (26 U.S.C. 401(a)) as 627  
amended, applicable to governmental plans. 628

The board shall adopt rules to implement this section and 629  
sections 5505.51 to 5505.59 of the Revised Code. The rules shall 630  
specify the date of initial implementation of the plan established 631  
under this section. The rules may also specify a period during 632

which an election made under section 5505.51 of the Revised Code 633  
may be rescinded. 634

Sec. 5505.51. A state highway patrol retirement system member 635  
who meets the following requirements may, at any time prior to 636  
applying for a pension under section 5505.16 of the Revised Code, 637  
elect to participate in the deferred retirement option plan 638  
established under section 5505.50 of the Revised Code: 639

(1) The member is younger than fifty-eight years of age. 640

(2) The member is eligible to apply for a pension under 641  
section 5505.16 of the Revised Code, unless the pension is a 642  
reduced pension as described in division (B) of that section. 643

The member shall make the election by filing with the 644  
retirement system an election form provided by the system. The 645  
election is effective on the day the member files the election 646  
form. 647

At the time of making the election to participate in the 648  
deferred retirement option plan, the member also shall make an 649  
election under section 5505.162 of the Revised Code. Except as 650  
provided in that section, the election under section 5505.162 of 651  
the Revised Code is irrevocable from the date it is received by 652  
the retirement system. 653

A member electing to participate in the deferred retirement 654  
option plan must agree to terminate active service in the state 655  
highway patrol and begin receiving the member's pension not later 656  
than the earlier of the member's sixtieth birthday or the date 657  
that is eight years after the effective date of the election to 658  
participate in the plan. If the member refuses or neglects to 659  
terminate active service in accordance with the agreement, the 660  
state highway patrol retirement board shall deem the member's 661  
service terminated. 662

A member electing to participate in the deferred retirement option plan is a retirant for the purposes of rules adopted by the state highway patrol retirement board. 663  
664  
665

Sec. 5505.52. (A) A member who makes an election under section 5505.51 of the Revised Code shall continue in the active service of the state highway patrol but shall not earn service credit under this chapter for employment after the election's effective date. While the member is in the active service of the state highway patrol, the member shall contribute, and the state shall contribute and report, to the state highway patrol retirement system in accordance with section 5505.15 of the Revised Code. 666  
667  
668  
669  
670  
671  
672  
673  
674

On and after the effective date of the member's election to participate in the deferred retirement option plan, the member is ineligible to purchase service credit under this chapter. 675  
676  
677

Neither the member nor the member's spouse and dependents are eligible for any benefit under section 5505.28 of the Revised Code while the member is participating in the deferred retirement option plan. 678  
679  
680  
681

(B) A member participating in the deferred retirement option plan is eligible to vote in elections for the retirant members of the state highway patrol retirement system board, but not eligible to vote in elections for the employee members of the board. 682  
683  
684  
685

Sec. 5505.53. For each member who elects to participate in the deferred retirement option plan, the state highway patrol retirement system shall determine the member's pension amount under section 5505.17 of the Revised Code. In determining the pension amount, the retirement system shall use the member's total service credit and final average salary as of the last day of the employer's payroll period immediately prior to the effective date 686  
687  
688  
689  
690  
691  
692

of the member's election to participate in the plan. The pension 693  
amount shall be calculated using the election made by the member 694  
under section 5505.162 of the Revised Code. 695

**Sec. 5505.54.** (A) During the period beginning on the 696  
effective date of an election to participate in the deferred 697  
retirement option plan and ending on the date participation 698  
ceases, a member's monthly pension amount determined under section 699  
5505.53 of the Revised Code shall accrue to the member's benefit. 700  
To this amount shall be added any benefit increases the member 701  
would be eligible for under section 5505.174 of the Revised Code 702  
had the member, on the effective date of the member's election, 703  
retired under section 5505.16 of the Revised Code. 704

(B)(1) The amounts contributed under section 5505.15 of the 705  
Revised Code by a member participating in the deferred retirement 706  
option plan shall accrue to the member's benefit. 707

(2) The state highway patrol retirement system shall credit 708  
to the employer's accumulation fund the amounts contributed by the 709  
state under section 5505.15 of the Revised Code on behalf of a 710  
member participating in the deferred retirement option plan. 711

(C) During the period beginning on the election's effective 712  
date and ending on the date the member ceases participation in the 713  
plan, the amounts described in divisions (A) and (B)(1) of this 714  
section shall earn interest at an annual rate established by the 715  
state highway patrol retirement board and compounded annually 716  
using a method established by rule adopted under section 5505.50 717  
of the Revised Code. 718

**Sec. 5505.55.** A member's participation in the deferred 719  
retirement option plan ceases on the occurrence of the earliest of 720  
the following: 721



(A) Termination of the member's active service in the state highway patrol; 722  
723

(B) The last day of the eight-year period that begins on the effective date of the member's election to participate in the plan; 724  
725  
726

(C) The member's sixtieth birthday; 727

(D) Acceptance by the member of a disability benefit awarded by the state highway patrol retirement board under section 5505.18 of the Revised Code; 728  
729  
730

(E) The member's death. 731

**Sec. 5505.56.** (A) A member participating in the deferred retirement option plan who terminates active service in the state highway patrol shall notify the state highway patrol retirement system of the date of termination on a form prescribed by the retirement system. The member is not eligible to make another election under section 5505.51 of the Revised Code. 732  
733  
734  
735  
736  
737

(B)(1) With regard to a member who was younger than age fifty-two on the effective date of the election to participate in the plan, if the date of termination of the member's active service occurs on or after the first day of the fourth year after the effective date of the election, the entire amount that has accrued to the member's benefit under the deferred retirement option plan shall be distributed to the member pursuant to the member's selection under section 5505.57 of the Revised Code. 738  
739  
740  
741  
742  
743  
744  
745

If the date of termination occurs earlier than four years after the effective date of the election to participate, the member shall forfeit the interest credited under division (C) of section 5505.54 of the Revised Code. 746  
747  
748  
749

(2) With regard to a member who, on the effective date of the election to participate in the plan, was age fifty-two or older, 750  
751

if the date of termination of the member's active service occurs 752  
on or after the first day of the third year after the effective 753  
date of the election, the entire amount that has accrued to the 754  
member's benefit under the deferred retirement option plan shall 755  
be distributed to the member pursuant to the member's selection 756  
under section 5505.57 of the Revised Code. 757

If the termination of active service occurs earlier than 758  
three years after the effective date of the election to 759  
participate, the member shall forfeit the interest credited under 760  
division (C) of section 5505.54 of the Revised Code. 761

(C) Once a member ceases participation in the deferred 762  
retirement option plan as described in division (A), (B), or (C) 763  
of section 5505.55 of the Revised Code, the member's monthly 764  
pension amount determined under section 5505.53 of the Revised 765  
Code shall be paid to the member, commencing the day following the 766  
member's last day of active service in the state highway patrol. 767

**Sec. 5505.57.** (A) On ceasing participation in the deferred 768  
retirement option plan as described in division (A), (B), or (C) 769  
of section 5505.55 of the Revised Code, a member shall select as 770  
the method of distribution of the amount accrued to the member 771  
under the plan one of the distribution options provided under 772  
section 401(a) of the "Internal Revenue Code of 1986," (26 U.S.C. 773  
401(a)) as amended, applicable to governmental plans. 774

(B) The retirement system shall distribute the amount accrued 775  
to a member's benefit under the deferred retirement option plan as 776  
follows: 777

(1) For a member who was younger than fifty-two years of age 778  
on the date of the election to participate in the plan, 779  
distribution shall not commence until the first day of the fourth 780  
year after the effective date of the member's election to 781

participate in the plan.

782

(2) For a member who was fifty-two years of age or older on the date of the election to participate in the plan, distribution shall not commence until the first day of the third year after the effective date of the member's election to participate in the plan.

783

784

785

786

787

**Sec. 5505.58.** (A) A member participating in the deferred retirement option plan who qualifies for disability retirement under division (B)(1) of section 5505.18 of the Revised Code shall elect to receive one of the following:

788

789

790

791

(1) The applicable pension provided for in section 5505.53 of the Revised Code, plus any amounts that have accrued under section 5505.54 of the Revised Code to the member's benefit under the deferred retirement option plan.

792

793

794

795

(2) The disability pension provided for by division (B)(1) of section 5505.18 of the Revised Code. Acceptance of a disability pension requires forfeiture of all amounts accrued under section 5505.54 of the Revised Code to the member's benefit under the deferred retirement option plan, and those amounts shall be treated as if the member had continued in the active service of the state highway patrol and not participated in the plan. The member shall be granted service credit for the period the member was participating in the plan.

796

797

798

799

800

801

802

803

804

(B) A member participating in the deferred retirement option plan who qualifies for disability retirement under division (B)(2) of section 5505.18 of the Revised Code shall receive the applicable pension provided for in section 5505.53 of the Revised Code, plus any amounts that have accrued under section 5505.54 of the Revised Code to the member's benefit under the deferred retirement option plan.

805

806

807

808

809

810

811

Sec. 5505.59. If a member dies while participating in the 812  
deferred retirement option plan, all of the following apply: 813

(A) The amounts accrued to the member's benefit shall be paid 814  
to the member's surviving spouse or, if there is no surviving 815  
spouse, the beneficiary designated by the member on a form 816  
provided by the state highway patrol retirement system. If there 817  
is no surviving spouse or designated beneficiary, the amounts 818  
accrued to the member's benefit shall be paid to the member's 819  
estate. 820

Any payment made under this division shall be made in the 821  
form of a single lump sum payment. 822

(B) The surviving spouse and, if eligible, each surviving 823  
child, shall receive a pension as described in division 824  
(A)(3)(b)(iii) or (4) of section 5505.17 of the Revised Code, 825  
utilizing the pension amount calculated under section 5505.53 of 826  
the Revised Code. 827

(C) If the member has no surviving spouse or surviving 828  
children, but has a parent or parents dependent on the member for 829  
support, the parent or parents shall receive a pension determined 830  
under division (A)(7) of section 5505.17 of the Revised Code. 831

(D) The lump sum payment described in section 5505.30 of the 832  
Revised Code shall be paid to the member's surviving spouse or, if 833  
there is no surviving spouse, to the member's estate. 834

**Section 2.** That existing sections 742.63, 5505.12, and 835  
5505.18 of the Revised Code are hereby repealed. 836