

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 558

Representative Batchelder

Cosponsor: Representative Strahorn

—

A B I L L

To amend sections 145.201, 145.58, and 3501.12 of the
Revised Code to increase the salary paid to
members of boards of elections and to allow
members of boards of elections to purchase
additional service credit in the Public Employees
Retirement System.

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

Section 1. That sections 145.201, 145.58, and 3501.12 of the
Revised Code be amended to read as follows:

Sec. 145.201. (A) ~~Subject to the limit described in division~~
~~(C) of this section, any~~ As used in this section, "eligible
member" means a member of the public employees retirement system
who is either of the following:

(1) A member who has been appointed by the secretary of state
pursuant to section 3501.06 of the Revised Code to serve on a
county board of elections;

(2) Any member who is or has been an elected official of the
state or any political subdivision thereof or has been appointed
by the governor with the advice and consent of the senate to serve
full-time as a member of a board, commission, or other public

body. 20

A member of a board, commission, or other public body shall 21
be considered to be serving fulltime if full-time service is 22
required by law or if the director of administrative services 23
determines that the duties of the position require full-time 24
service. 25

(B) Subject to the limit described in division (D) of this 26
section, an eligible member may at any time prior to retirement 27
purchase additional service credit in an amount not to exceed 28
thirty-five per cent of the service credit allowed the member for 29
the period of service as an ~~elected or appointed official~~ eligible 30
member subsequent to January 1, 1935, other than credit for 31
military service, part-time service, and service subject to the 32
tax on wages imposed by the "Federal Insurance Contributions Act," 33
68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 34

~~The~~ (1) A member who is or has been an elected or appointed 35
official may purchase the additional service credit ~~may be~~ 36
~~purchased~~ by paying into the employees' savings fund an amount 37
computed by multiplying by the employee contribution rate in 38
effect at the time of purchase the ~~member's~~ official's earnable 39
salary for the period of service upon which the purchased credit 40
is based, by the number of years or portions thereof of additional 41
service credit to be purchased, and by paying into the employers' 42
accumulation fund an amount equal to the full amount paid into the 43
employees' savings fund. 44

(2) A member of a board of elections may purchase the 45
additional service credit by paying to the retirement system for 46
each year, or portion of a year, purchased an amount equal to the 47
additional liability resulting from the purchase of that year of 48
service, or portion of year of service, as determined by an 49
actuary employed by the public employees retirement board. 50

(3) If a an eligible member purchases less than the full amount of the additional service credit to which the member is entitled, the period of service upon which the purchase is computed shall be the member's earliest period of such service. The member shall receive full credit for such additional elective service in computing an allowance or benefit under section 145.20, 145.33, 145.331, 145.34, 145.36, 145.361, or 145.46 of the Revised Code, notwithstanding any other provision of this chapter. The payment to the ~~employees' savings fund and the employers' accumulation fund~~ retirement system for ~~such~~ additional elective service credit under this section shall, in the event of death or withdrawal from service, be considered as accumulated contributions of the member.

~~A member of a board, commission, or other public body shall be considered to be serving full time if full time service is required by law or if the director of administrative services determines that the duties of the position require full time service.~~

~~(B)~~(C) Notwithstanding division ~~(A)~~(B) of this section, a member who purchased service credit under this section prior to January 1, 1980, on the basis of part-time service shall be permitted to retain the credit and shall be given full credit for it in computing an allowance or benefit under section 145.20, 145.33, 145.331, 145.34, 145.36, 145.361, or 145.46 of the Revised Code. The public employees retirement board has no authority to cancel or rescind such credit.

~~(C)~~(D) A purchase made under this section shall not exceed the limits established by division (n) of section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as amended.

~~(D)~~(E) Subject to rules adopted by the public employees retirement board, a member who has purchased service credit under

this section is entitled to be refunded all or a portion of the 83
actual amount the member paid for the service credit if, in 84
computing an age and service retirement allowance under division 85
(A)(5) of section 145.33 of Revised Code, the allowance exceeds 86
the limit established by division (A)(6) of that section. 87

A refund under this division cancels the equivalent amount of 88
service credit. 89

(F) Credit for which the cost is calculated under division 90
(B)(2) of this section is subject to the restriction of division 91
(A)(1) of section 145.58 of the Revised Code. 92

Sec. 145.58. (A) As used in this section, "ineligible 93
individual" means all of the following: 94

(1) A former member receiving benefits pursuant to section 95
145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code for 96
whom eligibility is established more than five years after June 97
13, 1981, and who, at the time of establishing eligibility, has 98
accrued less than ten years' service credit, exclusive of credit 99
obtained pursuant to division (B)(2) of section 145.201 or section 100
145.297 or 145.298 of the Revised Code, credit obtained after 101
January 29, 1981, pursuant to section 145.293 or 145.301 of the 102
Revised Code, and credit obtained after May 4, 1992, pursuant to 103
section 145.28 of the Revised Code; 104

(2) The spouse of the former member; 105

(3) The beneficiary of the former member receiving benefits 106
pursuant to section 145.46 of the Revised Code. 107

(B) The public employees retirement board may enter into 108
agreements with insurance companies, health insuring corporations, 109
or government agencies authorized to do business in the state for 110
issuance of a policy or contract of health, medical, hospital, or 111
surgical benefits, or any combination thereof, for those 112

individuals receiving age and service retirement or a disability 113
or survivor benefit subscribing to the plan, or for PERS retirants 114
employed under section 145.38 of the Revised Code, for coverage of 115
benefits in accordance with division (D)(2) of section 145.38 of 116
the Revised Code. Notwithstanding any other provision of this 117
chapter, the policy or contract may also include coverage for any 118
eligible individual's spouse and dependent children and for any of 119
the individual's sponsored dependents as the board determines 120
appropriate. If all or any portion of the policy or contract 121
premium is to be paid by any individual receiving age and service 122
retirement or a disability or survivor benefit, the individual 123
shall, by written authorization, instruct the board to deduct the 124
premium agreed to be paid by the individual to the company, 125
corporation, or agency. 126

The board may contract for coverage on the basis of part or 127
all of the cost of the coverage to be paid from appropriate funds 128
of the public employees retirement system. The cost paid from the 129
funds of the system shall be included in the employer's 130
contribution rate provided by sections 145.48 and 145.51 of the 131
Revised Code. The board may by rule provide coverage to ineligible 132
individuals if the coverage is provided at no cost to the 133
retirement system. The board shall not pay or reimburse the cost 134
for coverage under this section or section 145.325 of the Revised 135
Code for any ineligible individual. 136

The board may provide for self-insurance of risk or level of 137
risk as set forth in the contract with the companies, 138
corporations, or agencies, and may provide through the 139
self-insurance method specific benefits as authorized by rules of 140
the board. 141

(C) The board shall, beginning the month following receipt of 142
satisfactory evidence of the payment for coverage, pay monthly to 143
each recipient of service retirement, or a disability or survivor 144

benefit under the public employees retirement system who is 145
eligible for medical insurance coverage under part B of Title 146
XVIII of "The Social Security Act," 79 Stat. 301 (1965), 42 147
U.S.C.A. 1395j, as amended, an amount equal to the basic premium 148
for such coverage, except that the board shall make no such 149
payment to any ineligible individual. 150

(D) The board shall establish by rule requirements for the 151
coordination of any coverage, payment, or benefit provided under 152
this section or section 145.325 of the Revised Code with any 153
similar coverage, payment, or benefit made available to the same 154
individual by the Ohio police and fire pension fund, state 155
teachers retirement system, school employees retirement system, or 156
state highway patrol retirement system. 157

(E) The board shall make all other necessary rules pursuant 158
to the purpose and intent of this section. 159

Sec. 3501.12. The annual compensation of members of the board 160
of elections shall be determined on the basis of the population of 161
the county according to the next preceding federal census, and 162
shall be paid monthly out of the appropriations made to the board 163
and upon vouchers or payrolls certified by the chairperson, or a 164
member of the board designated by it, and countersigned by the 165
director or in the director's absence by the deputy director. Upon 166
presentation of any such voucher or payroll, the county auditor 167
shall issue a warrant upon the county treasurer for the amount 168
thereof as in the case of vouchers or payrolls for county offices 169
and the treasurer shall pay such warrant. 170

(A) Except as provided in divisions (B) and (C) of this 171
section, the amount of annual compensation of members of the board 172
shall be as follows: 173

(1) ~~Eighty-five~~ One hundred eighty-five dollars and 174
seventy-six cents for each full one thousand of the first one 175

hundred thousand population; 176

(2) ~~Forty~~ Eighty-eight dollars and ~~fifty~~ fifty-one cents for 177
each full one thousand of the second one hundred thousand 178
population; 179

(3) ~~Twenty-two~~ Forty-eight dollars and eight cents for each 180
full one thousand of the third one hundred thousand population; 181

(4) ~~Six~~ Fourteen dollars and seventy-five cents for each full 182
one thousand above three hundred thousand population. 183

(B) Except as provided in division (C) of this section, the 184
compensation of a member of the board shall not be less than ~~three~~ 185
seven thousand three hundred seventy-five dollars and ninety-one 186
cents and shall not exceed ~~twenty~~ forty-three thousand seven 187
hundred nine dollars and eight cents annually. 188

(C) ~~In calendar year 2001, the annual compensation of each~~ 189
~~member of the board shall be computed after increasing the dollar~~ 190
~~amounts specified in divisions (A) and (B) of this section by~~ 191
~~three per cent.~~ 192

(D) ~~In calendar year 2002, the annual compensation of each~~ 193
~~member of the board shall be computed after increasing by three~~ 194
~~per cent the dollar amounts used to compute the compensation of a~~ 195
~~member under division (C) of this section.~~ 196

(E) ~~In calendar year 2003 and thereafter, the annual~~ 197
~~compensation of each member of the board shall be computed after~~ 198
~~increasing by three per cent the dollar amounts used to compute~~ 199
~~the compensation of a member under division (D) of this section.~~ 200

For the purposes of this section, members of boards of 201
elections shall be deemed to be appointed and not elected, and 202
therefore not subject to Section 20 of Article II of the Ohio 203
Constitution. 204

Section 2. That existing sections 145.201, 145.58, and 205

3501.12 of the Revised Code are hereby repealed.

206