

**As Concurred by the Senate**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Am. Sub. S. B. No. 267**

**Senator Faber**

**Cosponsors: Senators Seitz, Cates, Coughlin, Fedor, Harris, Kearney,  
Miller, D., Niehaus, Wilson, Spada, Miller, R., Wagoner, Stivers, Schuler,  
Mumper, Mason, Smith, Amstutz, Padgett, Patton**

**Representatives Stewart, D., Hite, Zehringer, Bacon, Batchelder, Bolon,  
Boyd, Chandler, Ciafardini, Coley, DeBose, Domenick, Dyer, Evans, Fende,  
Gibbs, Goyal, Grady, Hagan, J., Heard, Hughes, Letson, Luckie, Nero,  
Oelslager, Schlichter, Schneider, Sears, Slesnick, Wachtmann, Widener,  
Yuko**

—

**A B I L L**

To amend sections 145.01, 145.19, 145.191, 145.33, 1  
145.35, 145.49, 145.58, 742.45, and 742.63 and to 2  
enact section 145.2914 of the Revised Code 3  
regarding the Public Employees Retirement System 4  
(PERS) law enforcement division, the Ohio Public 5  
Safety Officers Death Benefit Fund, and 6  
reimbursement by PERS and the Ohio Police and Fire 7  
Pension Fund for Medicare Part B premiums. 8

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

**Section 1.** That sections 145.01, 145.19, 145.191, 145.33, 9  
145.35, 145.49, 145.58, 742.45, and 742.63 be amended and section 10  
145.2914 of the Revised Code be enacted to read as follows: 11

**Sec. 145.01.** As used in this chapter: 12

(A) "Public employee" means: 13

(1) Any person holding an office, not elective, under the 14  
state or any county, township, municipal corporation, park 15  
district, conservancy district, sanitary district, health 16  
district, metropolitan housing authority, state retirement board, 17  
Ohio historical society, public library, county law library, union 18  
cemetery, joint hospital, institutional commissary, state 19  
university, or board, bureau, commission, council, committee, 20  
authority, or administrative body as the same are, or have been, 21  
created by action of the general assembly or by the legislative 22  
authority of any of the units of local government named in 23  
division (A)(1) of this section, or employed and paid in whole or 24  
in part by the state or any of the authorities named in division 25  
(A)(1) of this section in any capacity not covered by section 26  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 27

(2) A person who is a member of the public employees 28  
retirement system and who continues to perform the same or similar 29  
duties under the direction of a contractor who has contracted to 30  
take over what before the date of the contract was a publicly 31  
operated function. The governmental unit with which the contract 32  
has been made shall be deemed the employer for the purposes of 33  
administering this chapter. 34

(3) Any person who is an employee of a public employer, 35  
notwithstanding that the person's compensation for that employment 36  
is derived from funds of a person or entity other than the 37  
employer. Credit for such service shall be included as total 38  
service credit, provided that the employee makes the payments 39  
required by this chapter, and the employer makes the payments 40  
required by sections 145.48 and 145.51 of the Revised Code. 41

(4) A person who elects in accordance with section 145.015 of 42  
the Revised Code to remain a contributing member of the public 43  
employees retirement system. 44

In all cases of doubt, the public employees retirement board shall determine whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical college, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been, created by action of the general assembly or by the legislative authority of any of the units of local government named in this division not covered by section 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. In addition, "employer" means the employer of any public employee.

(E) "Prior service" means all service as a public employee rendered before January 1, 1935, and all service as an employee of any employer who comes within the state teachers retirement system

or of the school employees retirement system or of any other 77  
retirement system established under the laws of this state 78  
rendered prior to January 1, 1935, provided that if the employee 79  
claiming the service was employed in any capacity covered by that 80  
other system after that other system was established, credit for 81  
the service may be allowed by the public employees retirement 82  
system only when the employee has made payment, to be computed on 83  
the salary earned from the date of appointment to the date 84  
membership was established in the public employees retirement 85  
system, at the rate in effect at the time of payment, and the 86  
employer has made payment of the corresponding full liability as 87  
provided by section 145.44 of the Revised Code. "Prior service" 88  
also means all service credited for active duty with the armed 89  
forces of the United States as provided in section 145.30 of the 90  
Revised Code. 91

If an employee who has been granted prior service credit by 92  
the public employees retirement system for service rendered prior 93  
to January 1, 1935, as an employee of a board of education 94  
establishes, before retirement, one year or more of contributing 95  
service in the state teachers retirement system or school 96  
employees retirement system, then the prior service ceases to be 97  
the liability of this system. 98

If the board determines that a position of any member in any 99  
calendar year prior to January 1, 1935, was a part-time position, 100  
the board shall determine what fractional part of a year's credit 101  
shall be allowed by the following formula: 102

(1) When the member has been either elected or appointed to 103  
an office the term of which was two or more years and for which an 104  
annual salary is established, the fractional part of the year's 105  
credit shall be computed as follows: 106

First, when the member's annual salary is one thousand 107  
dollars or less, the service credit for each such calendar year 108

shall be forty per cent of a year. 109

Second, for each full one hundred dollars of annual salary 110  
above one thousand dollars, the member's service credit for each 111  
such calendar year shall be increased by two and one-half per 112  
cent. 113

(2) When the member is paid on a per diem basis, the service 114  
credit for any single year of the service shall be determined by 115  
using the number of days of service for which the compensation was 116  
received in any such year as a numerator and using two hundred 117  
fifty days as a denominator. 118

(3) When the member is paid on an hourly basis, the service 119  
credit for any single year of the service shall be determined by 120  
using the number of hours of service for which the compensation 121  
was received in any such year as a numerator and using two 122  
thousand hours as a denominator. 123

(F) "Contributor" means any person who has an account in the 124  
employees' savings fund created by section 145.23 of the Revised 125  
Code. When used in the sections listed in division (B) of section 126  
145.82 of the Revised Code, "contributor" includes any person 127  
participating in a PERS defined contribution plan. 128

(G) "Beneficiary" or "beneficiaries" means the estate or a 129  
person or persons who, as the result of the death of a member, 130  
contributor, or retirant, qualify for or are receiving some right 131  
or benefit under this chapter. 132

(H)(1) "Total service credit," except as provided in section 133  
145.37 of the Revised Code, means all service credited to a member 134  
of the retirement system since last becoming a member, including 135  
restored service credit as provided by section 145.31 of the 136  
Revised Code; credit purchased under sections 145.293 and 145.299 137  
of the Revised Code; all the member's prior service credit; all 138  
the member's military service credit computed as provided in this 139

chapter; all service credit established pursuant to section 140  
145.297 of the Revised Code; and any other service credited under 141  
this chapter. In addition, "total service credit" includes any 142  
period, not in excess of three years, during which a member was 143  
out of service and receiving benefits under Chapters 4121. and 144  
4123. of the Revised Code. For the exclusive purpose of satisfying 145  
the service credit requirement and of determining eligibility for 146  
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 147  
and 145.361 of the Revised Code, "five or more years of total 148  
service credit" means sixty or more calendar months of 149  
contributing service in this system. 150

(2) "One and one-half years of contributing service credit," 151  
as used in division (B) of section 145.45 of the Revised Code, 152  
also means eighteen or more calendar months of employment by a 153  
municipal corporation that formerly operated its own retirement 154  
plan for its employees or a part of its employees, provided that 155  
all employees of that municipal retirement plan who have eighteen 156  
or more months of such employment, upon establishing membership in 157  
the public employees retirement system, shall make a payment of 158  
the contributions they would have paid had they been members of 159  
this system for the eighteen months of employment preceding the 160  
date membership was established. When that payment has been made 161  
by all such employee members, a corresponding payment shall be 162  
paid into the employers' accumulation fund by that municipal 163  
corporation as the employer of the employees. 164

(3) Where a member also is a member of the state teachers 165  
retirement system or the school employees retirement system, or 166  
both, except in cases of retirement on a combined basis pursuant 167  
to section 145.37 of the Revised Code or as provided in section 168  
145.383 of the Revised Code, service credit for any period shall 169  
be credited on the basis of the ratio that contributions to the 170  
public employees retirement system bear to total contributions in 171

all state retirement systems.	172
(4) Not more than one year of credit may be given for any period of twelve months.	173 174
(5) "Ohio service credit" means credit for service that was rendered to the state or any of its political subdivisions or any employer.	175 176 177
(I) "Regular interest" means interest at any rates for the respective funds and accounts as the public employees retirement board may determine from time to time.	178 179 180
(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's individual account in the employees' savings fund together with any interest credited to the contributor's account under section 145.471 or 145.472 of the Revised Code.	181 182 183 184 185
(K)(1) "Final average salary" means the quotient obtained by dividing by three the sum of the three full calendar years of contributing service in which the member's earnable salary was highest, except that if the member has a partial year of contributing service in the year the member's employment terminates and the member's earnable salary for the partial year is higher than for any comparable period in the three years, the member's earnable salary for the partial year shall be substituted for the member's earnable salary for the comparable period during the three years in which the member's earnable salary was lowest.	186 187 188 189 190 191 192 193 194 195
(2) If a member has less than three years of contributing service, the member's final average salary shall be the member's total earnable salary divided by the total number of years, including any fraction of a year, of the member's contributing service.	196 197 198 199 200
(3) For the purpose of calculating benefits payable to a member qualifying for service credit under division (Z) of this	201 202

section, "final average salary" means the total earnable salary on 203  
which contributions were made divided by the total number of years 204  
during which contributions were made, including any fraction of a 205  
year. If contributions were made for less than twelve months, 206  
"final average salary" means the member's total earnable salary. 207

(L) "Annuity" means payments for life derived from 208  
contributions made by a contributor and paid from the annuity and 209  
pension reserve fund as provided in this chapter. All annuities 210  
shall be paid in twelve equal monthly installments. 211

(M) "Annuity reserve" means the present value, computed upon 212  
the basis of the mortality and other tables adopted by the board, 213  
of all payments to be made on account of any annuity, or benefit 214  
in lieu of any annuity, granted to a retirant as provided in this 215  
chapter. 216

(N)(1) "Disability retirement" means retirement as provided 217  
in section 145.36 of the Revised Code. 218

(2) "Disability allowance" means an allowance paid on account 219  
of disability under section 145.361 of the Revised Code. 220

(3) "Disability benefit" means a benefit paid as disability 221  
retirement under section 145.36 of the Revised Code, as a 222  
disability allowance under section 145.361 of the Revised Code, or 223  
as a disability benefit under section 145.37 of the Revised Code. 224

(4) "Disability benefit recipient" means a member who is 225  
receiving a disability benefit. 226

(O) "Age and service retirement" means retirement as provided 227  
in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of 228  
the Revised Code. 229

(P) "Pensions" means annual payments for life derived from 230  
contributions made by the employer that at the time of retirement 231  
are credited into the annuity and pension reserve fund from the 232



employers' accumulation fund and paid from the annuity and pension 233  
reserve fund as provided in this chapter. All pensions shall be 234  
paid in twelve equal monthly installments. 235

(Q) "Retirement allowance" means the pension plus that 236  
portion of the benefit derived from contributions made by the 237  
member. 238

(R)(1) Except as otherwise provided in division (R) of this 239  
section, "earnable salary" means all salary, wages, and other 240  
earnings paid to a contributor by reason of employment in a 241  
position covered by the retirement system. The salary, wages, and 242  
other earnings shall be determined prior to determination of the 243  
amount required to be contributed to the employees' savings fund 244  
under section 145.47 of the Revised Code and without regard to 245  
whether any of the salary, wages, or other earnings are treated as 246  
deferred income for federal income tax purposes. "Earnable salary" 247  
includes the following: 248

(a) Payments made by the employer in lieu of salary, wages, 249  
or other earnings for sick leave, personal leave, or vacation used 250  
by the contributor; 251

(b) Payments made by the employer for the conversion of sick 252  
leave, personal leave, and vacation leave accrued, but not used if 253  
the payment is made during the year in which the leave is accrued, 254  
except that payments made pursuant to section 124.383 or 124.386 255  
of the Revised Code are not earnable salary; 256

(c) Allowances paid by the employer for full maintenance, 257  
consisting of housing, laundry, and meals, as certified to the 258  
retirement board by the employer or the head of the department 259  
that employs the contributor; 260

(d) Fees and commissions paid under section 507.09 of the 261  
Revised Code; 262

(e) Payments that are made under a disability leave program 263

sponsored by the employer and for which the employer is required	264
by section 145.296 of the Revised Code to make periodic employer	265
and employee contributions;	266
(f) Amounts included pursuant to divisions (K)(3) and (Y) of	267
this section.	268
(2) "Earnable salary" does not include any of the following:	269
(a) Fees and commissions, other than those paid under section	270
507.09 of the Revised Code, paid as sole compensation for personal	271
services and fees and commissions for special services over and	272
above services for which the contributor receives a salary;	273
(b) Amounts paid by the employer to provide life insurance,	274
sickness, accident, endowment, health, medical, hospital, dental,	275
or surgical coverage, or other insurance for the contributor or	276
the contributor's family, or amounts paid by the employer to the	277
contributor in lieu of providing the insurance;	278
(c) Incidental benefits, including lodging, food, laundry,	279
parking, or services furnished by the employer, or use of the	280
employer's property or equipment, or amounts paid by the employer	281
to the contributor in lieu of providing the incidental benefits;	282
(d) Reimbursement for job-related expenses authorized by the	283
employer, including moving and travel expenses and expenses	284
related to professional development;	285
(e) Payments for accrued but unused sick leave, personal	286
leave, or vacation that are made at any time other than in the	287
year in which the sick leave, personal leave, or vacation was	288
accrued;	289
(f) Payments made to or on behalf of a contributor that are	290
in excess of the annual compensation that may be taken into	291
account by the retirement system under division (a)(17) of section	292
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	293

U.S.C.A. 401(a)(17), as amended;	294
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	295 296 297 298 299 300
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	301 302 303 304 305
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	306 307
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	308 309 310
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	311 312 313
(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.	314 315 316 317 318
(T)(1) "Contributing service" means all service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed by the following formula:	319 320 321 322 323

(a) For each month for which the member's earnable salary is 324  
two hundred fifty dollars or more, allow one month's credit. 325

(b) For each month for which the member's earnable salary is 326  
less than two hundred fifty dollars, allow a fraction of a month's 327  
credit. The numerator of this fraction shall be the earnable 328  
salary during the month, and the denominator shall be two hundred 329  
fifty dollars, except that if the member's annual earnable salary 330  
is less than six hundred dollars, the member's credit shall not be 331  
reduced below twenty per cent of a year for a calendar year of 332  
employment during which the member worked each month. Division 333  
(T)(1)(b) of this section shall not reduce any credit earned 334  
before January 1, 1985. 335

(2) Notwithstanding division (T)(1) of this section, an 336  
elected official who prior to January 1, 1980, was granted a full 337  
year of credit for each year of service as an elected official 338  
shall be considered to have earned a full year of credit for each 339  
year of service regardless of whether the service was full-time or 340  
part-time. The public employees retirement board has no authority 341  
to reduce the credit. 342

(U) "State retirement board" means the public employees 343  
retirement board, the school employees retirement board, or the 344  
state teachers retirement board. 345

(V) "Retirant" means any former member who retires and is 346  
receiving a monthly allowance as provided in sections 145.32, 347  
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 348

(W) "Employer contribution" means the amount paid by an 349  
employer as determined under section 145.48 of the Revised Code. 350

(X) "Public service terminates" means the last day for which 351  
a public employee is compensated for services performed for an 352  
employer or the date of the employee's death, whichever occurs 353  
first. 354

(Y) When a member has been elected or appointed to an office, 355  
the term of which is two or more years, for which an annual salary 356  
is established, and in the event that the salary of the office is 357  
increased and the member is denied the additional salary by reason 358  
of any constitutional provision prohibiting an increase in salary 359  
during a term of office, the member may elect to have the amount 360  
of the member's contributions calculated upon the basis of the 361  
increased salary for the office. At the member's request, the 362  
board shall compute the total additional amount the member would 363  
have contributed, or the amount by which each of the member's 364  
contributions would have increased, had the member received the 365  
increased salary for the office the member holds. If the member 366  
elects to have the amount by which the member's contribution would 367  
have increased withheld from the member's salary, the member shall 368  
notify the employer, and the employer shall make the withholding 369  
and transmit it to the retirement system. A member who has not 370  
elected to have that amount withheld may elect at any time to make 371  
a payment to the retirement system equal to the additional amount 372  
the member's contribution would have increased, plus interest on 373  
that contribution, compounded annually at a rate established by 374  
the board and computed from the date on which the last 375  
contribution would have been withheld from the member's salary to 376  
the date of payment. A member may make a payment for part of the 377  
period for which the increased contribution was not withheld, in 378  
which case the interest shall be computed from the date the last 379  
contribution would have been withheld for the period for which the 380  
payment is made. Upon the payment of the increased contributions 381  
as provided in this division, the increased annual salary as 382  
provided by law for the office for the period for which the member 383  
paid increased contributions thereon shall be used in determining 384  
the member's earnable salary for the purpose of computing the 385  
member's final average salary. 386

(Z) "Five years of service credit," for the exclusive purpose 387

of satisfying the service credit requirements and of determining 388  
eligibility for benefits under section 145.33 of the Revised Code, 389  
means employment covered under this chapter or under a former 390  
retirement plan operated, recognized, or endorsed by the employer 391  
prior to coverage under this chapter or under a combination of the 392  
coverage. 393

(AA) "Deputy sheriff" means any person who is commissioned 394  
and employed as a full-time peace officer by the sheriff of any 395  
county, and has been so employed since on or before December 31, 396  
1965, ~~and whose primary duties are to preserve the peace, to~~ 397  
~~protect life and property, and to enforce the laws of this state;~~ 398  
any person who is or has been commissioned and employed as a peace 399  
officer by the sheriff of any county since January 1, 1966, and 400  
who has received a certificate attesting to the person's 401  
satisfactory completion of the peace officer training school as 402  
required by section 109.77 of the Revised Code ~~and whose primary~~ 403  
~~duties are to preserve the peace, protect life and property, and~~ 404  
~~enforce the laws of this state;~~ or any person deputized by the 405  
sheriff of any county and employed pursuant to section 2301.12 of 406  
the Revised Code as a criminal bailiff or court constable who has 407  
received a certificate attesting to the person's satisfactory 408  
completion of the peace officer training school as required by 409  
section 109.77 of the Revised Code ~~and whose primary duties are to~~ 410  
~~preserve the peace, protect life and property, and enforce the~~ 411  
~~laws of this state.~~ 412

(BB) "Township constable or police officer in a township 413  
police department or district" means any person who is 414  
commissioned and employed as a full-time peace officer pursuant to 415  
Chapter 505. or 509. of the Revised Code, who has received a 416  
certificate attesting to the person's satisfactory completion of 417  
the peace officer training school as required by section 109.77 of 418  
the Revised Code, ~~and whose primary duties are to preserve the~~ 419

~~peace, protect life and property, and enforce the laws of this~~ 420  
~~state.~~ 421

(CC) "Drug agent" means any person who is either of the 422  
following: 423

(1) Employed ~~full-time~~ full time as a narcotics agent by a 424  
county narcotics agency created pursuant to section 307.15 of the 425  
Revised Code and has received a certificate attesting to the 426  
satisfactory completion of the peace officer training school as 427  
required by section 109.77 of the Revised Code; 428

(2) Employed ~~full-time~~ full time as an undercover drug agent 429  
as defined in section 109.79 of the Revised Code and is in 430  
compliance with section 109.77 of the Revised Code. 431

(DD) "Department of public safety enforcement agent" means a 432  
full-time employee of the department of public safety who is 433  
designated under section 5502.14 of the Revised Code as an 434  
enforcement agent and who is in compliance with section 109.77 of 435  
the Revised Code. 436

(EE) "Natural resources law enforcement staff officer" means 437  
a full-time employee of the department of natural resources who is 438  
designated a natural resources law enforcement staff officer under 439  
section 1501.013 of the Revised Code and is in compliance with 440  
section 109.77 of the Revised Code. 441

(FF) "Park officer" means a full-time employee of the 442  
department of natural resources who is designated a park officer 443  
under section 1541.10 of the Revised Code and is in compliance 444  
with section 109.77 of the Revised Code. 445

(GG) "Forest officer" means a full-time employee of the 446  
department of natural resources who is designated a forest officer 447  
under section 1503.29 of the Revised Code and is in compliance 448  
with section 109.77 of the Revised Code. 449

(HH) "Preserve officer" means a full-time employee of the department of natural resources who is designated a preserve officer under section 1517.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(II) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(MM) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed ~~full-time~~ full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(NN) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section



5119.14 of the Revised Code and is in compliance with section 481  
109.77 of the Revised Code. 482

(PP) "Special police officer for an institution for the 483  
mentally retarded and developmentally disabled" means any person 484  
who is designated as such pursuant to section 5123.13 of the 485  
Revised Code and is in compliance with section 109.77 of the 486  
Revised Code. 487

(QQ) "State university law enforcement officer" means any 488  
person who is employed ~~full-time~~ full time as a state university 489  
law enforcement officer pursuant to section 3345.04 of the Revised 490  
Code and who is in compliance with section 109.77 of the Revised 491  
Code. 492

(RR) "House sergeant at arms" means any person appointed by 493  
the speaker of the house of representatives under division (B)(1) 494  
of section 101.311 of the Revised Code who has arrest authority 495  
under division (E)(1) of that section. 496

(SS) "Assistant house sergeant at arms" means any person 497  
appointed by the house sergeant at arms under division (C)(1) of 498  
section 101.311 of the Revised Code. 499

(TT) "Regional transit authority police officer" means a 500  
person who is employed full time as a regional transit authority 501  
police officer under division (Y) of section 306.35 of the Revised 502  
Code and is in compliance with section 109.77 of the Revised Code. 503

(UU) "State highway patrol police officer" means a special 504  
police officer employed full time and designated by the 505  
superintendent of the state highway patrol pursuant to section 506  
5503.09 of the Revised Code or a person serving full time as a 507  
special police officer pursuant to that section on a permanent 508  
basis on October 21, 1997, who is in compliance with section 509  
109.77 of the Revised Code. 510

(VV) "Municipal public safety director" means a person who 511

512 serves ~~full-time~~ full time as the public safety director of a  
513 municipal corporation with the duty of directing the activities of  
514 the municipal corporation's police department and fire department.

(WW) Notwithstanding section 2901.01 of the Revised Code, 515  
"PERS law enforcement officer" means a sheriff, or any of the 516  
following whose primary duties are to preserve the peace, protect 517  
life and property, and enforce the laws of this state: a deputy 518  
sheriff, township constable or police officer in a township police 519  
department or district, drug agent, ~~municipal public safety~~ 520  
~~director~~, department of public safety enforcement agent, natural 521  
resources law enforcement staff officer, park officer, forest 522  
officer, preserve officer, wildlife officer, state watercraft 523  
officer, park district police officer, conservancy district 524  
officer, veterans' home police officer, special police officer for 525  
a mental health institution, special police officer for an 526  
institution for the mentally retarded and developmentally 527  
disabled, state university law enforcement officer, municipal 528  
police officer, house sergeant at arms, assistant house sergeant 529  
at arms, regional transit authority police officer, or state 530  
highway patrol police officer. PERS law enforcement officer also 531  
includes a person serving as a municipal public safety director at 532  
any time during the period from September 29, 2005 to the 533  
effective date of this amendment, if the duties of that service 534  
were to preserve the peace, protect life and property, and enforce 535  
the laws of this state. 536

(XX) "Hamilton county municipal court bailiff" means a person 537  
appointed by the clerk of courts of the Hamilton county municipal 538  
court under division (A)(3) of section 1901.32 of the Revised Code 539  
who is employed full time as a bailiff or deputy bailiff, who has 540  
received a certificate attesting to the person's satisfactory 541  
completion of the peace officer basic training described in 542  
division (D)(1) of section 109.77 of the Revised Code, ~~and whose~~ 543

~~primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state.~~ 544  
545

(YY) "PERS public safety officer" means a Hamilton county municipal court bailiff, or any of the following whose primary duties are other than to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety enforcement agent, natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, state university law enforcement officer, municipal police officer, house sergeant at arms, assistant house sergeant at arms, regional transit authority police officer, or state highway patrol police officer. PERS public safety officer also includes a person serving as a municipal public safety director at any time during the period from September 29, 2005 to the effective date of this amendment, if the duties of that service were other than to preserve the peace, protect life and property, and enforce the laws of this state. 546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567

(ZZ) "Fiduciary" means a person who does any of the following: 568  
569

(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets; 570  
571  
572

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system; 573  
574

(3) Has any discretionary authority or responsibility in the 575  
administration of the system. 576

~~(ZZ)~~(AAA) "Actuary" means an individual who satisfies all of 577  
the following requirements: 578

(1) Is a member of the American academy of actuaries; 579

(2) Is an associate or fellow of the society of actuaries; 580

(3) Has a minimum of five years' experience in providing 581  
actuarial services to public retirement plans. 582

~~(AAA)~~(BBB) "PERS defined benefit plan" means the plan 583  
described in sections 145.201 to 145.79 of the Revised Code. 584

~~(BBB)~~(CCC) "PERS defined contribution plans" means the plan 585  
or plans established under section 145.81 of the Revised Code. 586

**Sec. 145.19.** (A) Except as provided in division (D) of this 587  
section, an individual who becomes employed in a position subject 588  
to this chapter on or after the date on which the public employees 589  
retirement board first establishes a PERS defined contribution 590  
plan shall make an election under this section. Not later than one 591  
hundred eighty days after the date on which employment begins, the 592  
individual shall elect to participate either in the PERS defined 593  
benefit plan or a PERS defined contribution plan. If a form 594  
evidencing an election under this section is not received by the 595  
public employees retirement system not later than the last day of 596  
the one-hundred-eighty-day period, the individual is deemed to 597  
have elected to participate in the PERS defined benefit plan. 598

(B) An election under this section shall be made in writing 599  
on a form provided by the system and filed with the system. 600

(C) An election under this section shall take effect on the 601  
date employment began and, except as provided in section 145.814 602  
of the Revised Code or rules governing the PERS defined benefit 603  
plan, is irrevocable on receipt by the system. 604

(D) An individual is ineligible to make an election under 605  
this section if one of the following applies: 606

(1) At the time employment begins, the individual is a PERS 607  
retirant or other system retirant, as those terms are defined in 608  
section 145.38 of the Revised Code, or is retired under section 609  
145.383 of the Revised Code. 610

(2) The individual is participating or has elected to 611  
participate in an alternative retirement plan under section 612  
3305.05 or 3305.051 of the Revised Code and the employment is in a 613  
position that is subject to division (C)(4) of section 3305.05 or 614  
division (F) of section 3305.051 of the Revised Code. 615

(3) The individual is a contributor who, as of the last day 616  
of the month prior to the date employment begins, has five or more 617  
years of total service credit. 618

(4) The individual is employed in a position covered under 619  
this chapter to which section 145.193 of the Revised Code applies. 620

(5) The individual is a PERS law enforcement officer or 621  
~~Hamilton county municipal court bailiff~~ PERS public safety  
officer. 622  
623

**Sec. 145.191.** (A) Except as provided in division (E) of this 624  
section, a public employees retirement system member or 625  
contributor who, as of the last day of the month immediately 626  
preceding the date on which the public employees retirement board 627  
first establishes a PERS defined contribution plan, has less than 628  
five years of total service credit is eligible to make an election 629  
under this section. A member or contributor who is employed in 630  
more than one position subject to this chapter is eligible to make 631  
only one election. The election applies to all positions subject 632  
to this chapter. 633

Not later than one hundred eighty days after the day the 634

board first establishes a PERS defined contribution plan, an 635  
eligible member or contributor may elect to participate in a PERS 636  
defined contribution plan. If a form evidencing an election is not 637  
received by the system not later than the last day of the 638  
one-hundred-eighty-day period, a member or contributor to whom 639  
this section applies is deemed to have elected to continue 640  
participating in the PERS defined benefit plan. 641

(B) An election under this section shall be made in writing 642  
on a form provided by the system and filed with the system. 643

(C) On receipt of an election under this section, the system 644  
shall do both of the following: 645

(1) Credit to the plan elected both of the following: 646

(a) Any employer contributions attributable to the member for 647  
the period beginning on the day the board first established a PERS 648  
defined contribution plan; 649

(b) All accumulated contributions attributable to the member 650  
or contributor. 651

(2) Cancel all service credit and eligibility for any 652  
payment, benefit, or right under the PERS defined benefit plan. 653

(D) An election under this section is effective as of the 654  
date the board first established a PERS defined contribution plan 655  
and, except as provided in section 145.814 of the Revised Code or 656  
rules governing the PERS defined benefit plan, is irrevocable on 657  
receipt by the system. 658

(E) An election may not be made under this section by a 659  
member or contributor who is either of the following: 660

(1) A PERS retirant who is a member under division (C) of 661  
section 145.38 of the Revised Code; 662

(2) A PERS law enforcement officer or a ~~Hamilton county~~ 663  
~~municipal court bailiff~~ PERS public safety officer. 664

Sec. 145.2914. (A) The public employees retirement board may 665  
adopt rules in accordance with section 145.09 of the Revised Code 666  
to establish a program under which service credit earned under 667  
division (A) or (B)(2)(b) of section 145.33 of the Revised Code is 668  
treated as service credit earned under division (B)(2)(a) of that 669  
section if the member makes payment to the public employees 670  
retirement system in accordance with the rules. 671

(B) If the board adopts rules under division (A) of this 672  
section, all of the following apply: 673

(1) For each year or portion of a year of service credit 674  
earned under division (A) or (B)(2)(b) of section 145.33 of the 675  
Revised Code that is to be treated as service credit earned under 676  
division (B)(2)(a) of that section, the member shall pay to the 677  
retirement system an amount specified by the retirement board that 678  
is not less than one hundred per cent of the additional liability 679  
resulting from the purchase of that year, or portion of a year, of 680  
service. 681

(2) The number of years of service credit earned under 682  
division (A) or (B)(2)(b) of section 145.33 of the Revised Code 683  
that may be treated as service credit earned under division 684  
(B)(2)(a) of that section shall not exceed five. 685

(3) Any amounts paid under this section shall be credited to 686  
the employees' savings fund. 687

(4) The amounts paid by the member under this section are 688  
subject to the limits established by division (n) of section 415 689  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 690  
415(n), as amended. 691

(C) A member may make payments authorized by this section if 692  
the member is eligible to retire under this chapter or will become 693  
eligible to retire as a result of the payment. The member shall 694

agree to retire not later than ninety days after receiving notice 695  
of the additional liability specified under division (B)(1) of 696  
this section. Payment shall be made in full for any credit earned 697  
under division (A) or (B)(2)(b) of section 145.33 of the Revised 698  
Code that is to be treated as service credit earned under division 699  
(B)(2)(a) of that section, but the member may choose to make 700  
payment for only part of the credit for which the member is 701  
eligible. 702

(D) If the member does not retire not later than ninety days 703  
after making the payment authorized by this section, the system 704  
shall refund the payment and shall not treat the credit for which 705  
payment was made as service credit earned under division (B)(2)(a) 706  
of section 145.33 of the Revised Code. 707

(E) The board's rules may deal with any other matter 708  
necessary to implement this section. 709

**Sec. 145.33.** (A) Except as provided in division (B) or (C) of 710  
this section, a member with at least five years of total service 711  
credit who has attained age sixty, or who has thirty years of 712  
total Ohio service credit, may apply for age and service 713  
retirement, which shall consist of: 714

(1) An annuity having a reserve equal to the amount of the 715  
member's accumulated contributions at that time; 716

(2) A pension equal to the annuity provided by division 717  
(A)(1) of this section; 718

(3) An additional pension, if the member can qualify for 719  
prior service, equal to forty dollars multiplied by the number of 720  
years, and fraction thereof, of such prior and military service 721  
credit; 722

(4) A basic annual pension equal to one hundred eighty 723  
dollars if the member has ten or more years of total service 724



credit as of October 1, 1956, except that the basic annual pension 725  
shall not exceed the sum of the annual benefits provided by 726  
divisions (A)(1), (2), and (3) of this section. 727

(5) When a member retires on age and service retirement, the 728  
member's total annual single lifetime allowance, including the 729  
allowances provided in divisions (A)(1), (2), (3), and (4) of this 730  
section, shall be not less than a base amount adjusted in 731  
accordance with division (A)(5) of this section and determined by 732  
multiplying the member's total service credit by the greater of 733  
the following: 734

(a) Eighty-six dollars; 735

(b) Two and two-tenths per cent of the member's final average 736  
salary for each of the first thirty years of service plus two and 737  
one-half per cent of the member's final average salary for each 738  
subsequent year of service. 739

The allowance shall be adjusted by the factors of attained 740  
age or years of service to provide the greater amount as 741  
determined by the following schedule: 742

Attained	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	746
59		26	80	747
60		27	85	748
61			88	749
		28	90	750
62			91	751
63			94	752
		29	95	753
64			97	754
65		30 or more	100	755

Members shall vest the right to a benefit in accordance with 756  
the following schedule, based on the member's attained age by 757  
September 1, 1976: 758

	Percentage	
Attained	of	760
Birthday	Base Amount	761
66	102	762
67	104	763
68	106	764
69	108	765
70 or more	110	766

(6) The total annual single lifetime allowance that a member 767  
shall receive under division (A)(5) of this section shall not 768  
exceed the lesser of one hundred per cent of the member's final 769  
average salary or the limit established by section 415 of the 770  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 771  
as amended. 772

(B)(1) For the purposes of divisions (B) to (G) of this 773  
section, "total service credit as a PERS law enforcement officer" 774  
and "total service credit as a ~~Hamilton county municipal court~~ 775  
~~bailiff~~ PERS public safety officer" include credit for military 776  
service to the extent permitted by division (E)(2) of this section 777  
and credit for service as a police officer or state highway patrol 778  
trooper to the extent permitted by divisions (E)(3) and (4) of 779  
this section. 780

(2) A member who meets the conditions in division (B)(2)(a), 781  
(b), or (c), ~~or~~ (d) of this section may apply for an age and 782  
service retirement benefit under this division: 783

(a) The member has attained age forty-eight and has at least 784  
twenty-five years of total service credit as a PERS law 785  
enforcement officer ~~whose primary duties were to preserve the~~ 786  
~~peace, protect life and property, and enforce the laws in the~~ 787

~~member's jurisdiction;~~ 788

(b) The member has attained age fifty-two, and has at least 789  
twenty-five years of total service credit as a PERS law 790  
~~enforcement public safety officer, but the member's primary duties~~ 791  
~~were other than to preserve the peace, protect life and property,~~ 792  
~~and enforce the laws in the member's jurisdiction or has service~~ 793  
as a PERS public safety officer and service as a PERS law 794  
enforcement officer that when combined equal at least twenty-five 795  
years of total service credit; 796

~~(c) The member has attained age fifty two and has at least~~ 797  
~~twenty five years of total service as a Hamilton county municipal~~ 798  
~~court bailiff;~~ 799

~~(d)~~ The member has attained age sixty-two and has at least 800  
fifteen years of total service credit as either of the following: 801

(i) A PERS law enforcement officer; 802

(ii) A ~~Hamilton county municipal court bailiff~~ PERS public 803  
safety officer. 804

(3) A benefit paid under division (B)(2) of this section 805  
shall consist of an annual single lifetime allowance equal to the 806  
sum of two and one-half per cent of the member's final average 807  
salary multiplied by the first twenty-five years of the member's 808  
total service plus two and one-tenth per cent of the member's 809  
final average salary multiplied by the number of years of the 810  
member's total service credit in excess of twenty-five years. 811

(4) A member with at least fifteen years of total service 812  
credit as a PERS law enforcement officer or ~~Hamilton county~~ 813  
~~municipal court bailiff~~ PERS public safety officer who voluntarily 814  
resigns or is discharged for any reason except death, dishonesty, 815  
cowardice, intemperate habits, or conviction of a felony may apply 816  
for an age and service retirement benefit, which shall consist of 817  
an annual single lifetime allowance equal to one and one-half per 818

cent of the member's final average salary multiplied by the number 819  
of years of the member's total service credit. The allowance shall 820  
commence on the first day of the calendar month following the 821  
month in which the application is filed with the public employees 822  
retirement board on or after the attainment by the applicant of 823  
age fifty-two. 824

(C)(1) A member with at least twenty-five years of total 825  
service credit who would be eligible to retire under division 826  
(B)(2)(b) ~~or (e)~~ of this section had the member attained age 827  
fifty-two and who voluntarily resigns or is discharged for any 828  
reason except death, dishonesty, cowardice, intemperate habits, or 829  
conviction of a felony, on or after the date of attaining 830  
forty-eight years of age, but before the date of attaining 831  
fifty-two years of age, may elect to receive a reduced benefit as 832  
determined by the following schedule: 833

Attained Age	Reduced Benefit	
48	75% of the benefit payable under	835
	division (B)(3) of this section	836
49	80% of the benefit payable under	837
	division (B)(3) of this section	838
50	86% of the benefit payable under	839
	division (B)(3) of this section	840
51	93% of the benefit payable under	841
	division (B)(3) of this section	842

(2) If a member elects to receive a reduced benefit after 843  
attaining age forty-eight the reduced benefit is payable from the 844  
later of the date of the member's most recent birthday or the date 845  
the member becomes eligible to receive the reduced benefit. 846

(3) Once a member elects to receive a reduced benefit 847  
determined by the schedule in division (C)(1) of this section and 848  
has received a payment, the member may not reelect to change that 849  
election. 850

(4) If a member who has resigned or been discharged has left on deposit the member's accumulated contributions in the employees' savings fund and has not elected to receive a reduced benefit determined by the schedule in division (C)(1) of this section, upon attaining fifty-two years of age, the member shall be entitled to receive a benefit computed and paid under division (B)(3) of this section.

(D) A benefit paid under division (B) or (C) of this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(E)(1) A member with service credit as a PERS law enforcement officer or a ~~Hamilton county municipal court bailiff~~ PERS public safety officer and other service credit under this chapter may elect one of the following:

(a) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement officer or ~~Hamilton county municipal court bailiff~~ PERS public safety officer, used in calculating a retirement allowance under division (A) of this section if the member qualifies for an allowance under that division;

(b) If the member qualifies for an allowance under division (B)(2)(a) of this section, to have the member's service credit as a PERS law enforcement officer used in calculating a benefit under that division and the member's credit for all service other than PERS law enforcement service used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service and an equal amount of employer contributions.

(c) If the member qualifies for an allowance under division 882  
(B)(2)(b) or (c), (B)(4), or (C) of this section, to have the 883  
member's service credit as a PERS law enforcement officer or 884  
~~Hamilton county municipal court bailiff~~ PERS public safety officer 885  
used in calculating a benefit under the appropriate division and 886  
the member's credit for all service other than PERS law 887  
enforcement service or service as a ~~Hamilton county municipal~~ 888  
~~court bailiff~~ PERS public safety officer under this chapter used 889  
in calculating a benefit consisting of a single life annuity 890  
having a reserve equal to the amount of the member's accumulated 891  
contributions for all service other than PERS law enforcement 892  
service or PERS public safety officer service and an equal amount 893  
of the employer's contributions. 894

(2) Notwithstanding sections 145.01 and 145.30 of the Revised 895  
Code, no more than four years of military service credit granted 896  
under section 145.30 of the Revised Code and five years of 897  
military service credit purchased under section 145.301 or 145.302 898  
of the Revised Code shall be used in calculating service as a PERS 899  
law enforcement officer or ~~Hamilton county municipal court bailiff~~ 900  
PERS public safety officer or the total service credit of that 901  
person. 902

(3) Only credit for the member's service as a PERS law 903  
enforcement officer, PERS public safety officer, or service credit 904  
obtained as a police officer or state highway patrol trooper shall 905  
be used in computing the benefit of a member who qualifies for a 906  
benefit under division (B)(2)(a), (b), or (d)(ii) or (4) or 907  
~~division~~ (C) of this section for the following: 908

(a) Any person who originally is commissioned and employed as 909  
a deputy sheriff by the sheriff of any county, or who originally 910  
is elected sheriff, on or after January 1, 1975; 911

(b) Any deputy sheriff who originally is employed as a 912  
criminal bailiff or court constable on or after April 16, 1993; 913

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;	914 915 916
(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;	917 918
(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;	919 920 921 922 923 924 925 926 927 928
(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;	929 930
(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;	931 932 933
(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;	934 935
(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;	936 937 938
(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;	939 940
(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;	941 942 943

(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;

(m) Any person who is originally employed as a municipal public safety director on or after ~~the effective date of this amendment~~ September 29, 2005, but not later than the effective date of this amendment.

(4) Only credit for a member's service as a ~~Hamilton county municipal court bailiff~~ PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(2)(b) or (c) ~~or (d)(ii)~~ or (4) or division (C) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.

(F) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

(G) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.

**Sec. 145.35.** (A) As used in this section, "on-duty illness or injury" means an illness or injury that occurred during or resulted from performance of duties under the direct supervision of a member's appointing authority.

(B) The public employees retirement system shall provide disability coverage to each member who has at least five years of total service credit and disability coverage for on-duty illness or injury to each member who is a PERS law enforcement officer or ~~Hamilton county municipal court bailiff~~ PERS public safety



officer, regardless of length of service. 974

Not later than October 16, 1992, the public employees 975  
retirement board shall give each person who is a member on July 976  
29, 1992, the opportunity to elect disability coverage either 977  
under section 145.36 of the Revised Code or under section 145.361 978  
of the Revised Code. The board shall mail notice of the election, 979  
accompanied by an explanation of the coverage under each of the 980  
Revised Code sections and a form on which the election is to be 981  
made, to each member at the member's last known address. The board 982  
shall also provide the explanation and form to any member on 983  
request. 984

Regardless of whether the member actually receives notice of 985  
the right to make an election, a member who fails to file a valid 986  
election under this section shall be considered to have elected 987  
disability coverage under section 145.36 of the Revised Code. To 988  
be valid, an election must be made on the form provided by the 989  
retirement board, signed by the member, and filed with the board 990  
not later than one hundred eighty days after the date the notice 991  
was mailed, or, in the case of a form provided at the request of a 992  
member, a date specified by rule of the retirement board. Once 993  
made, an election is irrevocable, but if the member ceases to be a 994  
member of the retirement system, the election is void. If a person 995  
who makes an election under this section also makes an election 996  
under section 3307.62 or 3309.39 of the Revised Code, the election 997  
made for the system that pays a disability benefit to that person 998  
shall govern the benefit. 999

Disability coverage shall be provided under section 145.361 1000  
of the Revised Code for persons who become members after July 29, 1001  
1992, and for members who elect under this division to be covered 1002  
under section 145.361 of the Revised Code. 1003

The retirement board may adopt rules governing elections made 1004  
under this division. 1005

(C) Application for a disability benefit may be made by a member, by a person acting in the member's behalf, or by the member's employer, provided the member has disability coverage under section 145.36 or 145.361 of the Revised Code and is not receiving a disability benefit under any other Ohio state or municipal retirement program. Application must be made within two years from the date the member's contributing service terminated or the date the member ceased to make contributions to the PERS defined benefit plan under section 145.814 of the Revised Code, unless the retirement board determines that the member's medical records demonstrate conclusively that at the time the two-year period expired, the member was physically or mentally incapacitated for duty and unable to make an application. Application may not be made by or for any person receiving age and service retirement benefits under section 145.33, 145.331, 145.34, or 145.37 of the Revised Code or any person who, pursuant to section 145.40 of the Revised Code, has been paid the accumulated contributions standing to the credit of the person's individual account in the employees' savings fund. The application shall be made on a form provided by the retirement board.

(D) The benefit payable to any member who is approved for a disability benefit shall become effective on the first day of the month immediately following the later of the following:

- (1) The last day for which compensation was paid;
- (2) The attainment of eligibility for a disability benefit.

(E) Medical examination of a member who has applied for a disability benefit shall be conducted by a competent disinterested physician or physicians selected by the board to determine whether the member is mentally or physically incapacitated for the performance of duty by a disabling condition either permanent or presumed to be permanent. The disability must have occurred since last becoming a member or have increased since last becoming a

member to such extent as to make the disability permanent or 1038  
presumed to be permanent. A disability is presumed to be permanent 1039  
if it is expected to last for a continuous period of not less than 1040  
twelve months following the filing of the application. 1041

If the physician or physicians determine that the member 1042  
qualifies for a disability benefit, the board concurs with the 1043  
determination, and the member agrees to medical treatment as 1044  
specified in division (F) of this section, the member shall 1045  
receive a disability benefit under section 145.36 or 145.361 of 1046  
the Revised Code. The action of the board shall be final. 1047

(F) The public employees retirement board shall adopt rules 1048  
requiring a disability benefit recipient, as a condition of 1049  
continuing to receive a disability benefit, to agree in writing to 1050  
obtain any medical treatment recommended by the board's physician 1051  
and submit medical reports regarding the treatment. If the board 1052  
determines that a disability benefit recipient is not obtaining 1053  
the medical treatment or the board does not receive a required 1054  
medical report, the disability benefit shall be suspended until 1055  
the treatment is obtained, the report is received by the board, or 1056  
the board's physician certifies that the treatment is no longer 1057  
helpful or advisable. Should the recipient's failure to obtain 1058  
treatment or submit a medical report continue for one year, the 1059  
recipient's right to the disability benefit shall be terminated as 1060  
of the effective date of the original suspension. 1061

(G) In the event an employer files an application for a 1062  
disability benefit as a result of a member having been separated 1063  
from service because the member is considered to be mentally or 1064  
physically incapacitated for the performance of the member's 1065  
present duty, and the physician or physicians selected by the 1066  
board reports to the board that the member is physically and 1067  
mentally capable of performing service similar to that from which 1068  
the member was separated and the board concurs in the report, the 1069

board shall so certify to the employer and the employer shall 1070  
restore the member to the member's previous position and salary or 1071  
to a similar position and salary. 1072

**Sec. 145.49.** (A) Notwithstanding section 145.47 of the 1073  
Revised Code: 1074

(1) The public employees retirement system shall be 1075  
authorized to calculate the employee contribution rates separately 1076  
for those public employees contributing toward benefits as PERS 1077  
public safety officers under ~~division (B)(2)(b), (c), or (d)~~ of 1078  
section 145.33 of the Revised Code. 1079

(2) Each public employee contributing toward benefits as PERS 1080  
law enforcement officers under ~~division (B)(2)(a)~~ of section 1081  
145.33 of the Revised Code shall contribute to the employees' 1082  
savings fund ~~ten and one-tenth~~ the rate determined under division 1083  
(A)(1) of this section plus an additional percentage specified by 1084  
the public employees retirement board, which shall initially be 1085  
one per cent of the employee's earnable salary and shall not be 1086  
increased to more than two per cent of the employee's earnable 1087  
salary. 1088

(B) Notwithstanding section 145.48 of the Revised Code, the 1089  
public employees retirement system shall be authorized to 1090  
calculate the employer contribution rates separately for those 1091  
public employees contributing toward benefits as PERS public 1092  
safety officers under ~~division (B)(2)(a)~~ of section 145.33 of the 1093  
Revised Code or as PERS law enforcement officers under ~~division~~ 1094  
~~(B)(2)(b), (c), or (d)~~ of that section, except that the employer 1095  
contribution rate shall not exceed eighteen and one-tenth per cent 1096  
of the earnable salaries of those employees. 1097

**Sec. 145.58.** (A) As used in this section, "ineligible 1098  
individual" means all of the following: 1099

(1) A former member receiving benefits pursuant to section 1100  
145.32, 145.33, 145.331, 145.34, or 145.46 of the Revised Code for 1101  
whom eligibility is established more than five years after June 1102  
13, 1981, and who, at the time of establishing eligibility, has 1103  
accrued less than ten years' service credit, exclusive of credit 1104  
obtained pursuant to section 145.297 or 145.298 of the Revised 1105  
Code, credit obtained after January 29, 1981, pursuant to section 1106  
145.293 or 145.301 of the Revised Code, and credit obtained after 1107  
May 4, 1992, pursuant to section 145.28 of the Revised Code; 1108

(2) The spouse of the former member; 1109

(3) The beneficiary of the former member receiving benefits 1110  
pursuant to section 145.46 of the Revised Code. 1111

(B) The public employees retirement board may enter into 1112  
agreements with insurance companies, health insuring corporations, 1113  
or government agencies authorized to do business in the state for 1114  
issuance of a policy or contract of health, medical, hospital, or 1115  
surgical benefits, or any combination thereof, for those 1116  
individuals receiving age and service retirement or a disability 1117  
or survivor benefit subscribing to the plan, or for PERS retirants 1118  
employed under section 145.38 of the Revised Code, for coverage of 1119  
benefits in accordance with division (D)(2) of section 145.38 of 1120  
the Revised Code. Notwithstanding any other provision of this 1121  
chapter, the policy or contract may also include coverage for any 1122  
eligible individual's spouse and dependent children and for any of 1123  
the individual's sponsored dependents as the board determines 1124  
appropriate. If all or any portion of the policy or contract 1125  
premium is to be paid by any individual receiving age and service 1126  
retirement or a disability or survivor benefit, the individual 1127  
shall, by written authorization, instruct the board to deduct the 1128  
premium agreed to be paid by the individual to the company, 1129  
corporation, or agency. 1130

The board may contract for coverage on the basis of part or 1131

all of the cost of the coverage to be paid from appropriate funds 1132  
of the public employees retirement system. The cost paid from the 1133  
funds of the system shall be included in the employer's 1134  
contribution rate provided by sections 145.48 and 145.51 of the 1135  
Revised Code. The board may by rule provide coverage to ineligible 1136  
individuals if the coverage is provided at no cost to the 1137  
retirement system. The board shall not pay or reimburse the cost 1138  
for coverage under this section or section 145.325 of the Revised 1139  
Code for any ineligible individual. 1140

The board may provide for self-insurance of risk or level of 1141  
risk as set forth in the contract with the companies, 1142  
corporations, or agencies, and may provide through the 1143  
self-insurance method specific benefits as authorized by rules of 1144  
the board. 1145

(C) The board shall, beginning the month following receipt of 1146  
satisfactory evidence of the payment for coverage, pay monthly to 1147  
each recipient of service retirement, or a disability or survivor 1148  
benefit under the public employees retirement system who is 1149  
eligible for medical insurance coverage under part B of Title 1150  
XVIII of "The Social Security Act," 79 Stat. 301 (1965), 42 1151  
U.S.C.A. 1395j, as amended, an amount ~~equal to the basic premium~~ 1152  
determined by the board for such coverage that is not less than 1153  
ninety-six dollars and forty cents, except that the board shall 1154  
make no such payment to any ineligible individual or pay an amount 1155  
that exceeds the amount paid by the recipient for the coverage. 1156

At the request of the board, the recipient shall certify to 1157  
the retirement system the amount paid by the recipient for 1158  
coverage described in this division. 1159

(D) The board shall establish by rule requirements for the 1160  
coordination of any coverage, payment, or benefit provided under 1161  
this section or section 145.325 of the Revised Code with any 1162  
similar coverage, payment, or benefit made available to the same 1163

individual by the Ohio police and fire pension fund, state 1164  
teachers retirement system, school employees retirement system, or 1165  
state highway patrol retirement system. 1166

(E) The board shall make all other necessary rules pursuant 1167  
to the purpose and intent of this section. 1168

**Sec. 742.45.** (A) The board of trustees of the Ohio police and 1169  
fire pension fund may enter into an agreement with insurance 1170  
companies, health insuring corporations, or government agencies 1171  
authorized to do business in the state for issuance of a policy or 1172  
contract of health, medical, hospital, or surgical benefits, or 1173  
any combination thereof, for those individuals receiving service 1174  
or disability pensions or survivor benefits subscribing to the 1175  
plan. Notwithstanding any other provision of this chapter, the 1176  
policy or contract may also include coverage for any eligible 1177  
individual's spouse and dependent children and for any of the 1178  
eligible individual's sponsored dependents as the board considers 1179  
appropriate. 1180

If all or any portion of the policy or contract premium is to 1181  
be paid by any individual receiving a service, disability, or 1182  
survivor pension or benefit, the individual shall, by written 1183  
authorization, instruct the board to deduct from the individual's 1184  
benefit the premium agreed to be paid by the individual to the 1185  
company, corporation, or agency. 1186

The board may contract for coverage on the basis of part or 1187  
all of the cost of the coverage to be paid from appropriate funds 1188  
of the Ohio police and fire pension fund. The cost paid from the 1189  
funds of the Ohio police and fire pension fund shall be included 1190  
in the employer's contribution rates provided by sections 742.33 1191  
and 742.34 of the Revised Code. 1192

The board may provide for self-insurance of risk or level of 1193  
risk as set forth in the contract with the companies, 1194

corporations, or agencies, and may provide through the 1195  
self-insurance method specific benefits as authorized by the rules 1196  
of the board. 1197

(B) The Except as otherwise provided in this division, the 1198  
board shall, beginning the month following receipt of satisfactory 1199  
evidence of the payment for coverage, pay monthly to each 1200  
recipient of service, disability, or survivor benefits under the 1201  
Ohio police and fire pension fund who is eligible for medical 1202  
insurance coverage under part B of "The Social Security Amendments 1203  
of 1965," 79 Stat. 301, 42 U.S.C.A. 1395j, as amended, an amount 1204  
equal to the basic premiums specified by the board or determined 1205  
pursuant to a formula established by the board that is not less 1206  
than ninety-six dollars and forty cents, for such coverage, except 1207  
that the board shall not pay an amount that exceeds the amount 1208  
paid by the recipient for the coverage. 1209

The board shall pay not more than one monthly premium under 1210  
this division to an eligible benefit recipient even if the 1211  
recipient is receiving more than one monthly benefit from the 1212  
fund. The board shall not pay a monthly premium under this 1213  
division to an eligible benefit recipient who is receiving 1214  
reimbursement for the premium from any other source. 1215

(C) The board shall establish by rule requirements for the 1216  
coordination of any coverage, payment, or benefit provided under 1217  
this section with any similar coverage, payment, or benefit made 1218  
available to the same individual by the public employees 1219  
retirement system, state teachers retirement system, school 1220  
employees retirement system, or state highway patrol retirement 1221  
system. 1222

(D) The board shall make all other necessary rules pursuant 1223  
to the purpose and intent of this section. 1224

**Sec. 742.63.** The board of trustees of the Ohio police and 1225



fire pension fund shall adopt rules for the management of the Ohio	1226
public safety officers death benefit fund and for disbursements of	1227
benefits as set forth in this section.	1228
(A) As used in this section:	1229
(1) "Member" means all of the following:	1230
(a) A member of the Ohio police and fire pension fund,	1231
including a member of the fund who has elected to participate in	1232
the deferred retirement option plan established under section	1233
742.43 of the Revised Code or a member of or contributor to a	1234
police or firemen's relief and pension fund established under	1235
former Chapter 521. or 741. of the Revised Code;	1236
(b) A member of the state highway patrol retirement system,	1237
including a member who is participating in the deferred retirement	1238
option plan established under section 5505.50 of the Revised Code;	1239
(c) A member of the public employees retirement system who at	1240
the time of the member's death was one of the following:	1241
(i) A county sheriff or deputy sheriff;	1242
(ii) A full-time regular police officer in a municipal	1243
corporation or township;	1244
(iii) A full-time regular firefighter employed by the state,	1245
an instrumentality of the state, a municipal corporation, a	1246
township, a joint fire district, or another political subdivision;	1247
(iv) A full-time park district ranger or patrol trooper;	1248
(v) A full-time law enforcement officer of the department of	1249
natural resources;	1250
(vi) A full-time department of public safety enforcement	1251
agent;	1252
(vii) A full-time law enforcement officer of parks, waterway	1253
lands, or reservoir lands under the control of a municipal	1254

corporation;	1255
(viii) A full-time law enforcement officer of a conservancy district;	1256 1257
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	1258 1259 1260
(x) A state university law enforcement officer;	1261
<u>(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation.</u>	1262 1263 1264
<u>(xii) A drug agent, as defined in section 145.01 of the Revised Code.</u>	1265 1266
(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.	1267 1268 1269 1270
(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal	1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284 1285

corporation, and the police force of a state university. 1286

(3) "Firefighter or police officer" includes a state highway 1287  
patrol trooper, a county sheriff or deputy sheriff, a correction 1288  
officer at an institution under the control of a county, a group 1289  
of counties, a municipal corporation, or the department of 1290  
rehabilitation and correction, a police officer employed by a 1291  
township or municipal corporation, a firefighter employed by the 1292  
state, an instrumentality of the state, a municipal corporation, a 1293  
township, a joint fire district, or another political subdivision, 1294  
a full-time park district ranger or patrol trooper, a full-time 1295  
law enforcement officer of the department of natural resources, a 1296  
full-time department of public safety enforcement agent, a 1297  
full-time law enforcement officer of parks, waterway lands, or 1298  
reservoir lands under the control of a municipal corporation, a 1299  
full-time law enforcement officer of a conservancy district, and a 1300  
state university law enforcement officer. 1301

(4) "Correction officer" includes, in addition to any 1302  
correction officer, any correction corporal, sergeant, lieutenant, 1303  
or captain, and the equivalents of all such persons. 1304

(5) "A park district ranger or patrol trooper" means a peace 1305  
officer commissioned to make arrests, execute warrants, and 1306  
preserve the peace upon lands under the control of a board of park 1307  
commissioners of a metropolitan, county, or township park 1308  
district. 1309

(6) "Metropolitan, county, or township park district" means a 1310  
park district created under the authority of Chapter 511. or 1545. 1311  
of the Revised Code. 1312

(7) "Conservancy district" means a conservancy district 1313  
created under the authority of Chapter 6101. of the Revised Code. 1314

(8) "Law enforcement officer" means an officer commissioned 1315  
to make arrests, execute warrants, and preserve the peace upon 1316

lands under the control of the governmental entity granting the 1317  
commission. 1318

(9) "Department of natural resources law enforcement officer" 1319  
includes a forest officer designated pursuant to section 1503.29 1320  
of the Revised Code, a preserve officer designated pursuant to 1321  
section 1517.10 of the Revised Code, a wildlife officer designated 1322  
pursuant to section 1531.13 of the Revised Code, a park officer 1323  
designated pursuant to section 1541.10 of the Revised Code, and a 1324  
state watercraft officer designated pursuant to section 1547.521 1325  
of the Revised Code. 1326

(10) "Retirement eligibility date" means the last day of the 1327  
month in which a deceased member would have first become eligible, 1328  
had the member lived, for the retirement pension provided under 1329  
section 145.33, Chapter 521. or 741., division (C)(1) of section 1330  
742.37, or division (A)(1) of section 5505.17 of the Revised Code 1331  
or provided by a retirement system operated by a municipal 1332  
corporation. 1333

(11) "Death benefit amount" means an amount equal to the full 1334  
monthly salary received by a deceased member prior to death, minus 1335  
an amount equal to the benefit received under section 145.45, 1336  
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 1337  
received from a retirement system operated by a municipal 1338  
corporation, plus any increases in salary that would have been 1339  
granted the deceased member. 1340

(12) "Killed in the line of duty" means either of the 1341  
following: 1342

(a) Death in the line of duty; 1343

(b) Death from injury sustained in the line of duty, 1344  
including heart attack or other fatal injury or illness caused 1345  
while in the line of duty. 1346

(B) A spouse of a deceased member shall receive a death 1347

benefit each month equal to the full death benefit amount, 1348  
provided that the deceased member was a firefighter or police 1349  
officer killed in the line of duty and there are no surviving 1350  
children eligible for a benefit under this section. The spouse 1351  
shall receive this benefit during the spouse's natural life until 1352  
the deceased member's retirement eligibility date, on which date 1353  
the benefit provided under this division shall terminate. 1354

(C)(1) If a member killed in the line of duty as a 1355  
firefighter or police officer is survived only by a child or 1356  
children, the child or children shall receive a benefit each month 1357  
equal to the full death benefit amount. If there is more than one 1358  
surviving child, the benefit shall be divided equally among these 1359  
children. 1360

(2) If the death benefit paid under this division is divided 1361  
among two or more surviving children and any of the children 1362  
become ineligible to continue receiving a portion of the benefit 1363  
as provided in division (H) of this section, the full death 1364  
benefit amount shall be paid to the remaining eligible child or 1365  
divided among the eligible children so that the benefit paid to 1366  
the remaining eligible child or children equals the full death 1367  
benefit amount. 1368

(3) Notwithstanding divisions (C)(1) and (2) of this section, 1369  
all death benefits paid under this division shall terminate on the 1370  
deceased member's retirement eligibility date. 1371

(D) If a member killed in the line of duty as a firefighter 1372  
or police officer is survived by both a spouse and a child or 1373  
children, the monthly benefit provided shall be as follows: 1374

(1)(a) If there is a surviving spouse and one surviving 1375  
child, the spouse shall receive an amount each month equal to 1376  
one-half of the full death benefit amount and the child shall 1377  
receive an amount equal to one-half of the full death benefit 1378

amount. 1379

(b) If the surviving spouse dies or the child becomes 1380  
ineligible as provided in division (H) of this section, the 1381  
surviving spouse or child remaining eligible shall receive the 1382  
full death benefit amount. 1383

(2)(a) If there is a surviving spouse and more than one 1384  
child, the spouse shall receive an amount each month equal to 1385  
one-third of the full death benefit amount and the children shall 1386  
receive an amount, equally divided among them, equal to two-thirds 1387  
of the full death benefit amount. 1388

(b) If a spouse and more than one child each are receiving a 1389  
death benefit under division (D)(2)(a) of this section and the 1390  
spouse dies, the children shall receive an amount each month, 1391  
equally divided among them, equal to the full death benefit 1392  
amount. 1393

(c) If a spouse and more than one child each are receiving a 1394  
benefit under division (D)(2)(a) of this section and any of the 1395  
children becomes ineligible to receive a benefit as provided in 1396  
division (H) of this section, the spouse and remaining eligible 1397  
child or children shall receive a death benefit as follows: 1398

(i) If there are two or more remaining eligible children, the 1399  
spouse shall receive an amount each month equal to one-third of 1400  
the full death benefit amount and the children shall receive an 1401  
amount each month, equally divided among them, equal to two-thirds 1402  
of the full death benefit amount; 1403

(ii) If there is one remaining eligible child, the spouse 1404  
shall receive an amount each month equal to one-half of the full 1405  
death benefit amount, and the child shall receive an amount each 1406  
month equal to one-half of the full death benefit amount. 1407

(d) If a spouse and more than one child each are receiving a 1408  
benefit under division (D)(2)(a) of this section and all of the 1409

children become ineligible to receive a benefit as provided in 1410  
division (H) of this section, the spouse shall receive the full 1411  
death benefit amount. 1412

(3) Notwithstanding divisions (D)(1) and (2) of this section, 1413  
death benefits paid under this division to a surviving spouse 1414  
shall terminate on the member's retirement eligibility date. Death 1415  
benefits paid to a surviving child or children shall terminate on 1416  
the deceased member's retirement eligibility date unless earlier 1417  
terminated pursuant to division (H) of this section. 1418

(E) If a member, on or after January 1, 1980, is killed in 1419  
the line of duty as a firefighter or police officer and is 1420  
survived by only a parent or parents dependent upon the member for 1421  
support, the parent or parents shall receive an amount each month 1422  
equal to the full death benefit amount. If there is more than one 1423  
surviving parent dependent upon the deceased member for support, 1424  
the death benefit amount shall be divided equally among the 1425  
surviving parents. On the death of one of the surviving parents, 1426  
the full death benefit amount shall be paid to the other parent. 1427

(F)(1) The following shall receive a monthly death benefit 1428  
under this division: 1429

(a) A surviving spouse whose benefits are terminated in 1430  
accordance with division (B) or (D)(3) of this section on the 1431  
deceased member's retirement eligibility date, or who would 1432  
qualify for a benefit under division (B) or (D) of this section 1433  
except that the deceased member reached the member's retirement 1434  
eligibility date prior to the member's death; 1435

(b) A qualified surviving spouse of a deceased member of or 1436  
contributor to a police or firemen's relief and pension fund 1437  
established under former Chapter 521. or 741. of the Revised Code 1438  
who was a firefighter or police officer killed in the line of 1439  
duty. 1440

(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 in the line of duty.

(G)(1) If there is not a surviving spouse eligible to receive a death benefit under division (F) of this section or the surviving spouse receiving a death benefit under that division dies, a surviving child or children whose benefits under division (C) or (D) of this section are or have been terminated pursuant to division (C)(3) or (D)(3) of this section or who would qualify for a benefit under division (C) or (D) of this section except that the deceased member reached the member's retirement eligibility date prior to the member's death shall receive a monthly death benefit under this division. 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 member would have received prior to the member's retirement eligibility date. If there is more than one surviving child, the benefit shall be divided equally among the surviving children.

(2) If two or more surviving children each are receiving a



benefit under this division and any of those children becomes 1473  
ineligible to continue receiving a benefit as provided in division 1474  
(H) of this section, the remaining eligible child or children 1475  
shall receive an amount equal to one-half of the monthly salary 1476  
received by the deceased member prior to death, plus any salary 1477  
increases the deceased member would have received prior to the 1478  
retirement eligibility date. If there is more than one remaining 1479  
eligible child, the benefit shall be divided equally among the 1480  
eligible children. 1481

(3) A death benefit, or portion of a death benefit, payable 1482  
to a surviving child under this division shall be reduced by an 1483  
amount equal to any allowance or benefit payable to that child 1484  
under section 742.3714 of the Revised Code, but the reduction in 1485  
that child's benefit shall not affect the amount payable to any 1486  
other surviving child entitled to a portion of the death benefit. 1487

(H) A death benefit paid to a surviving child under division 1488  
(C), (D), or (G) of this section shall terminate on the death of 1489  
the child or, unless one of the following is the case, when the 1490  
child reaches age eighteen: 1491

(1) The child, because of physical or mental disability, is 1492  
unable to provide the child's own support, in which case the death 1493  
benefit shall terminate when the disability is removed; 1494

(2) The child is unmarried, under age twenty-two, and a 1495  
student in and attending an institution of learning or training 1496  
pursuant to a program designed to complete in each school year the 1497  
equivalent of at least two-thirds of the full-time curriculum 1498  
requirements of the institution, as determined by the trustees of 1499  
the fund. 1500

(I) Acceptance of any death benefit under this section does 1501  
not prohibit a spouse or child from receiving other benefits 1502  
provided under the Ohio police and fire pension fund, the state 1503

highway patrol retirement system, the public employees retirement 1504  
system, or a retirement system operated by a municipal 1505  
corporation. 1506

(J) No person shall receive a benefit under this section if 1507  
any of the following occur: 1508

(1) The person fails to exercise the right to a monthly 1509  
survivor benefit under division (A) or (B) of section 145.45, 1510  
division (D), (E), or (F) of section 742.37, or division (A)(3), 1511  
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 1512  
survivor benefit from a retirement system operated by a municipal 1513  
corporation; or to a retirement allowance under section 742.3714 1514  
of the Revised Code. 1515

(2) The member's accumulated contributions under this chapter 1516  
or Chapter 145. or 5505. of the Revised Code are refunded unless 1517  
the member had been a member of the public employees retirement 1518  
system and had fewer than eighteen months of total service credit 1519  
at the time of death. 1520

(3) In the case of a full-time park district ranger or patrol 1521  
trooper, a full-time law enforcement officer of the department of 1522  
natural resources, a full-time law enforcement officer of parks, 1523  
waterway lands, or reservoir lands under the control of a 1524  
municipal corporation, a full-time law enforcement officer of a 1525  
conservancy district, a correction officer at an institution under 1526  
the control of a county, group of counties, or municipal 1527  
corporation, or a member of a retirement system operated by a 1528  
municipal corporation who at the time of the member's death was a 1529  
full-time law enforcement officer of parks, waterway lands, or 1530  
reservoir lands under the control of the municipal corporation, 1531  
the member died prior to April 9, 1981, in the case of a benefit 1532  
under division (B), (C), or (D) of this section, or prior to 1533  
January 1, 1980, in the case of a benefit under division (E) of 1534  
this section. 1535

(4) In the case of a full-time department of public safety 1536  
enforcement agent who prior to June 30, 1999, was a liquor control 1537  
investigator of the department of public safety, the member died 1538  
prior to December 23, 1986; 1539

(5) In the case of a full-time department of public safety 1540  
enforcement agent other than an enforcement agent who, prior to 1541  
June 30, 1999, was a liquor control investigator, the member died 1542  
prior to June 30, 1999. 1543

(K) A surviving spouse whose benefit was terminated prior to 1544  
June 30, 1999, due to remarriage shall receive a benefit under 1545  
division (B), (D), or (F) of this section beginning on the first 1546  
day of the month following receipt by the board of an application 1547  
on a form provided by the board. The benefit amount shall be 1548  
determined as of that date. 1549

(1) If the benefit will begin prior to the deceased member's 1550  
retirement eligibility date, it shall be paid under division (B) 1551  
or (D) of this section and shall terminate as provided in those 1552  
divisions. A benefit paid to a surviving spouse under division (D) 1553  
of this section shall be determined in accordance with that 1554  
division, even if benefits paid to surviving children are reduced 1555  
as a result. 1556

(2) If the benefit will begin on or after the deceased 1557  
member's retirement eligibility date, it shall be paid under 1558  
division (F) of this section and shall terminate as provided in 1559  
that division. A benefit paid to a surviving spouse under division 1560  
(F) of this section shall be determined in accordance with that 1561  
division, even if benefits paid to surviving children are 1562  
terminated as a result. 1563

**Section 2.** That existing sections 145.01, 145.19, 145.191, 1564  
145.33, 145.35, 145.49, 145.58, 742.45, and 742.63 of the Revised 1565  
Code are hereby repealed. 1566

**Section 3.** The intent of the General Assembly in the 1567  
amendments made in this act to divisions (WW) and (YY) of section 1568  
145.01 and division (E)(3)(m) of section 145.33 of the Revised 1569  
Code is to provide that service as a municipal public safety 1570  
director earned on or after the effective date of this section 1571  
shall not be used in calculation of benefits under divisions (B) 1572  
to (E) of section 145.33 of the Revised Code. The amendments are 1573  
not intended to prohibit the use of such service for calculation 1574  
of benefits under those divisions for service prior to the 1575  
effective date of this section. 1576