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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**

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Boyd, Chandler, Ciafardini, Coley, DeBose, Domenick, Dyer, Evans, Fende,
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Oelslager, Schlichter, Schneider, Sears, Slesnick, Wachtmann, Widener,
Yuko**

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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 544
property, and to enforce the laws of this state. 545~~

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

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

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

(2) Renders investment advice for a fee, direct or indirect, 573
with respect to money or property of the system; 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 1441
equal to the monthly salary received by the deceased member prior 1442
to the member's death, plus any salary increases the deceased 1443
member would have received prior to the member's retirement 1444
eligibility date. The benefit shall terminate on the surviving 1445
spouse's death. A death benefit payable under this division shall 1446
be reduced by an amount equal to any allowance or benefit payable 1447
to the surviving spouse under section 742.3714 of the Revised 1448
Code. 1449

(3) A benefit granted to a surviving spouse under division 1450
(F)(1)(b) of this section shall commence on the first day of the 1451
month immediately following receipt by the board of a completed 1452
application on a form provided by the board and any evidence the 1453
board may require to establish that the deceased spouse was killed 1454
in the line of duty. 1455

(G)(1) If there is not a surviving spouse eligible to receive 1456
a death benefit under division (F) of this section or the 1457
surviving spouse receiving a death benefit under that division 1458
dies, a surviving child or children whose benefits under division 1459
(C) or (D) of this section are or have been terminated pursuant to 1460
division (C)(3) or (D)(3) of this section or who would qualify for 1461
a benefit under division (C) or (D) of this section except that 1462
the deceased member reached the member's retirement eligibility 1463
date prior to the member's death shall receive a monthly death 1464
benefit under this division. The monthly death benefit shall be 1465
one-half of an amount equal to the monthly salary received by the 1466
deceased member prior to the member's death, plus any salary 1467
increases the member would have received prior to the member's 1468
retirement eligibility date. If there is more than one surviving 1469
child, the benefit shall be divided equally among the surviving 1470
children. 1471

(2) If two or more surviving children each are receiving a 1472

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