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Sub. S. B. No. 42

Senators Manning, Gardner

Cosponsors: Senators Seitz, Hite, Eklund, Oelslager, Patton, Peterson,

Schaffer, Uecker

Representatives Amstutz, Schuring

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A B I L L

To amend sections 145.012, 145.09, 145.191, 145.194, 1
145.28, 145.29, 145.295, 145.297, 145.2914, 2
145.2915, 145.31, 145.311, 145.33, 145.35, 3
145.362, 145.363, 145.37, 145.384, 145.391, 4
145.40, 145.43, 145.431, 145.45, 145.46, 145.563, 5
145.58, 145.581, 145.584, 145.63, 145.64, 145.82, 6
145.88, 145.92, 145.95, 171.04, 311.01, 742.53, 7
742.63, 3307.04, 3307.35, 3307.39, 3307.41, 8
3307.56, 3307.563, 3307.57, 3307.58, 3307.62, 9
3307.66, 3307.70, 3307.71, 3307.711, 3307.73, 10
3309.01, 3309.11, 3309.26, 3309.261, 3309.28, 11
3309.301, 3309.35, 3309.381, 3309.42, 3309.45, 12
3309.49, 3309.51, 3309.55, 3309.56, 3309.57, 13
3309.571, 3309.691, 3309.82, 5505.03, 5505.04, 14
5505.12, 5505.14, 5505.15, 5505.16, 5505.17, 15
5505.174, 5505.18, 5505.33, 5505.34, 5505.59, and 16
5705.21; to enact sections 4113.75 and 5505.112 17
and new sections 145.402, 3307.561, and 3309.43; 18
and to repeal sections 145.402, 3307.561, and 19
3309.43 of the Revised Code to revise the law 20
governing Ohio's public retirement systems, to 21

allow a private sector employer to automatically 22
deduct from an employee's compensation 23
contributions to an employee retirement plan or 24
program, to change the optional qualifications to 25
be eligible for the office of sheriff, and to 26
authorize school districts with a safety and 27
security tax levy to report how the district is 28
using funding from that levy to the Ohio 29
Department of Education. 30

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

Section 1. That sections 145.012, 145.09, 145.191, 145.194, 31
145.28, 145.29, 145.295, 145.297, 145.2914, 145.2915, 145.31, 32
145.311, 145.33, 145.35, 145.362, 145.363, 145.37, 145.384, 33
145.391, 145.40, 145.43, 145.431, 145.45, 145.46, 145.563, 145.58, 34
145.581, 145.584, 145.63, 145.64, 145.82, 145.88, 145.92, 145.95, 35
171.04, 311.01, 742.53, 742.63, 3307.04, 3307.35, 3307.39, 36
3307.41, 3307.56, 3307.563, 3307.57, 3307.58, 3307.62, 3307.66, 37
3307.70, 3307.71, 3307.711, 3307.73, 3309.01, 3309.11, 3309.26, 38
3309.261, 3309.28, 3309.301, 3309.35, 3309.381, 3309.42, 3309.45, 39
3309.49, 3309.51, 3309.55, 3309.56, 3309.57, 3309.571, 3309.691, 40
3309.82, 5505.03, 5505.04, 5505.12, 5505.14, 5505.15, 5505.16, 41
5505.17, 5505.174, 5505.18, 5505.33, 5505.34, 5505.59, and 5705.21 42
be amended and sections 4113.75 and 5505.112 and new sections 43
145.402, 3307.561, and 3309.43 of the Revised Code be enacted as 44
follows: 45

Sec. 145.012. (A) "Public employee," as defined in division 46
(A) of section 145.01 of the Revised Code, does not include any 47
person: 48

(1) Who is employed by a private, temporary-help service and 49
performs services under the direction of a public employer or is 50

employed on a contractual basis as an independent contractor under	51
a personal service contract with a public employer;	52
(2) Who is an emergency employee serving on a temporary basis	53
in case of fire, snow, earthquake, flood, or other similar	54
emergency;	55
(3) Who is employed in a program established pursuant to the	56
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	57
1501;	58
(4) Who is an appointed member of either the motor vehicle	59
salvage dealers board or the motor vehicle dealer's board whose	60
rate and method of payment are determined pursuant to division (J)	61
of section 124.15 of the Revised Code;	62
(5) Who is employed as an election worker and paid less than	63
five <u>six</u> hundred dollars per calendar year for that service;	64
(6) Who is employed as a firefighter in a position requiring	65
satisfactory completion of a firefighter training course approved	66
under former section 3303.07 or section 4765.55 of the Revised	67
Code or conducted under section 3737.33 of the Revised Code except	68
for the following:	69
(a) Any firefighter who has elected under section 145.013 of	70
the Revised Code to remain a contributing member of the public	71
employees retirement system;	72
(b) Any firefighter who was eligible to transfer from the	73
public employees retirement system to the Ohio police and fire	74
pension fund under section 742.51 or 742.515 of the Revised Code	75
and did not elect to transfer;	76
(c) Any firefighter who has elected under section 742.516 of	77
the Revised Code to transfer from the Ohio police and fire pension	78
fund to the public employees retirement system.	79
(7) Who is a member of the board of health of a city or	80

general health district, which pursuant to sections 3709.051 and 81
3709.07 of the Revised Code includes a combined health district, 82
and whose compensation for attendance at meetings of the board is 83
set forth in division (B) of section 3709.02 or division (B) of 84
section 3709.05 of the Revised Code, as appropriate; 85

(8) Who participates in an alternative retirement plan 86
established under Chapter 3305. of the Revised Code; 87

(9) Who is a member of the board of directors of a sanitary 88
district established under Chapter 6115. of the Revised Code; 89

(10) Who is a member of the unemployment compensation 90
advisory council; 91

(11) Who is an employee, officer, or governor-appointed 92
member of the board of directors of the nonprofit corporation 93
formed under section 187.01 of the Revised Code; 94

(12) Who is employed by the nonprofit entity established to 95
provide advocacy services and a client assistance program for 96
people with disabilities under Section 319.20 of Am. Sub. H.B. 153 97
of the 129th general assembly and whose employment begins on or 98
after October 1, 2012. 99

(B) No inmate of a correctional institution operated by the 100
department of rehabilitation and correction, no patient in a 101
hospital for the mentally ill or criminally insane operated by the 102
department of mental health and addiction services, no resident in 103
an institution for the mentally retarded operated by the 104
department of developmental disabilities, no resident admitted as 105
a patient of a veterans' home operated under Chapter 5907. of the 106
Revised Code, and no resident of a county home shall be considered 107
as a public employee for the purpose of establishing membership or 108
calculating service credit or benefits under this chapter. Nothing 109
in this division shall be construed to affect any service credit 110
attained by any person who was a public employee before becoming 111

an inmate, patient, or resident at any institution listed in this 112
division, or the payment of any benefit for which such a person or 113
such a person's beneficiaries otherwise would be eligible. 114

Sec. 145.09. The public employees retirement board shall 115
elect from its membership a chairperson, ~~and~~. The board shall 116
appoint an executive director who shall serve as secretary to the 117
board, an actuary, and other employees as necessary for the 118
transaction of the business of the public employees retirement 119
system. The compensation of all persons so appointed shall be 120
fixed by the board. Such persons appointed by the board are not 121
employees of the state and are not subject to Chapter 124. of the 122
Revised Code. 123

If the board provides health care coverage to employees of 124
the retirement system, it may permit employees of the Ohio public 125
employees deferred compensation board to participate. 126

Effective ninety days after September 15, 2004, the board may 127
not employ a state retirement system investment officer, as 128
defined in section 1707.01 of the Revised Code, who does not hold 129
a valid state retirement system investment officer license issued 130
by the division of securities in the department of commerce. 131

Every expense voucher of an employee, officer, or board 132
member of the public employees retirement system shall itemize all 133
purchases and expenditures. 134

The board shall perform other functions as required for the 135
proper execution of this chapter, and may adopt rules in 136
accordance with section 111.15 of the Revised Code for the proper 137
administration and management of this chapter. 138

The board may take all appropriate action to avoid payment by 139
the system or its members of federal or state income taxes on 140
contributions to the system or amounts earned on such 141

contributions. 142

Notice of proposed rules shall be given to interested parties 143
and rules adopted by the board shall be published and otherwise 144
made available. When it files a rule with the joint committee on 145
agency rule review pursuant to section 111.15 of the Revised Code, 146
the board shall submit to the Ohio retirement study council a copy 147
of the full text of the rule, and if applicable, a copy of the 148
rule summary and fiscal analysis required by division (B) of 149
section 127.18 of the Revised Code. 150

The board may sue and be sued, plead and be impleaded, 151
contract and be contracted with. All of its business shall be 152
transacted, all of its funds invested, all warrants for money 153
drawn and payments made, and all of its cash and securities and 154
other property shall be held in the name of the board, or in the 155
name of its nominee, provided that nominees are authorized by 156
retirement board resolution for the purpose of facilitating the 157
ownership and transfer of investments. 158

If the Ohio retirement study council establishes a uniform 159
format for any report the board is required to submit to the 160
council, the board shall submit the report in that format. 161

Sec. 145.191. (A) Except as provided in division (F) of this 162
section, a public employees retirement system member or 163
contributor who, as of December 31, 2002, has less than five years 164
of total service credit is eligible to make an election under this 165
section. A member or contributor who is employed in more than one 166
position subject to this chapter is eligible to make only one 167
election. The election applies to all positions subject to this 168
chapter. 169

Not later than June 30, 2003, an eligible member or 170
contributor may elect to participate in a PERS defined 171
contribution plan. Unless a form evidencing an election is 172

received by the system on or before that date, a member or 173
contributor to whom this section applies is deemed to have elected 174
to continue participating in the PERS defined benefit plan. 175

(B) An election under this section shall be made in writing 176
on a form provided by the system and filed with the system. 177

(C) On the request of a member or contributor who made an 178
election under this section, the system shall credit to the plan 179
elected the accumulated contributions standing to the credit of 180
the member or contributor in the employees' savings fund and 181
cancel all service credit and eligibility for any payment, 182
benefit, or right under the PERS defined benefit plan. 183

(D) For each member or contributor who elected under this 184
section to participate in a PERS defined contribution plan and 185
made a request under division (C) of this section, any additional 186
deposits that were made by the member or contributor prior to 187
April 6, 2007, under the version of division (C) of section 145.23 188
of the Revised Code as it existed immediately prior to that date 189
shall be credited to the defined contribution plan. 190

(E) An election under this section is effective as of January 191
1, 2003, and, except as provided in section 145.814 of the Revised 192
Code or rules governing the PERS defined benefit plan, is 193
irrevocable on receipt by the system. 194

(F) An election may not be made under this section by a 195
member or contributor who is either of the following: 196

(1) A PERS retirant who is a member under division ~~(D)~~(C) of 197
section 145.38 of the Revised Code; 198

(2) A PERS law enforcement officer or a PERS public safety 199
officer. 200

Sec. 145.194. (A) A member participating in a PERS defined 201
contribution plan ~~at the time of commencing employment as who~~ 202

becomes a PERS law enforcement officer or PERS public safety 203
officer shall cease making contributions to ~~that~~ a PERS defined 204
contribution plan. During employment as a PERS law enforcement 205
officer or a PERS public safety officer and any concurrent 206
employment in a position subject to this chapter, the member shall 207
contribute only to the PERS defined benefit plan. 208

(B) A member described in division (A) of this section with 209
contributions standing to the member's credit in a PERS defined 210
contribution plan may elect to have those contributions deposited 211
and credited in the PERS defined benefit plan in accordance with 212
section 145.814 of the Revised Code and rules governing the PERS 213
defined benefit plan. 214

Sec. 145.28. (A)~~(1)~~ As used in this section, "paying system" 215
and "transferring system" have the same meanings as in section 216
145.37 of the Revised Code. 217

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this 218
section, a member of the public employees retirement system with 219
at least eighteen months of contributing service in the system, 220
the state teachers retirement system, or the school employees 221
retirement system who exempted self from membership in one or more 222
of the systems pursuant to section 145.03 or 3309.23 of the 223
Revised Code, or former section 3307.25 or 3309.25 of the Revised 224
Code, or was exempt under section 3307.24 of the Revised Code, may 225
purchase credit for each year or portion of a year of service for 226
which the member was exempted. 227

(2) A member may not purchase credit under this section for 228
exempted service if the service was exempted from contribution 229
under section 145.03 of the Revised Code and subject to the tax on 230
wages imposed by the "Federal Insurance Contributions Act," 68A 231
Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 232

~~(B)~~(C) Credit shall be purchased under this section in 233
accordance with section 145.29 of the Revised Code. 234

~~(C)~~(D) Credit purchasable under this section shall not exceed 235
one year of service for any twelve-month period. If the period of 236
service for which credit is purchasable under this section is 237
concurrent with a period of service that will be used to calculate 238
a retirement benefit from this system, the state teachers 239
retirement system, or school employees retirement system, the 240
amount of the credit shall be adjusted in accordance with rules 241
adopted by the public employees retirement board. 242

A member who is also a member of the state teachers 243
retirement system or the school employees retirement system shall 244
purchase credit for any service for which the member exempted self 245
under section 145.03 or 3309.23 of the Revised Code, or former 246
section 3307.25 or 3309.25 of the Revised Code, or was exempt 247
under section 3307.24 of the Revised Code, from the retirement 248
system in which the member has the greatest number of years of 249
service credit. If the member receives benefits under section 250
145.37 of the Revised Code, the ~~retirement system that determines~~ 251
~~and pays the benefit~~ is the paying system under that section shall 252
receive from the ~~other~~ system or systems that are transferring 253
systems the amounts paid by the member for purchase of credit for 254
exempt service plus interest at the actuarial assumption rate of 255
the transferring system ~~paying that amount~~. The interest shall be 256
for the period beginning on the date of the member's last payment 257
for purchase of the credit and ending on the date of the member's 258
retirement. 259

~~(D) If a member dies or withdraws from service, any payment~~ 260
~~made by the member under this section shall be considered as~~ 261
~~accumulated contributions of the member.~~ 262

(E) The retirement board shall adopt rules to implement this 263
section. 264

Sec. 145.29. (A) A member of the public employees retirement system who elects to purchase or otherwise obtain service credit under section 145.28, 145.291, 145.292, 145.293, or 145.299 or division (G) of section 145.47 of the Revised Code shall do both of the following:

(1) Submit a request to the public employees retirement board in a manner or form approved by the board;

(2) For each year, or portion of a year, of credit purchased or otherwise obtained, pay to the employees' savings fund an amount specified by the board that is equal to one hundred per cent of the additional liability resulting from purchasing or obtaining that year or portion of a year of credit as determined by an actuary employed by the board.

(B) Subject to board rules, a member may choose to purchase or otherwise obtain in any one payment only part of any service credit listed in division (A) of this section.

(C) If a member dies or withdraws from service, any payment made by the member to purchase or obtain any service credit listed in division (A) of this section shall be considered as accumulated contributions of the member.

Sec. 145.295. (A) As used in this section and section 145.2913 of the Revised Code:

(1) "Uniform retirement system" or "uniform system" means the Ohio police and fire pension fund or state highway patrol retirement system.

(2) "Military service credit" means credit purchased or obtained under this chapter or Chapter 742. or 5505. of the Revised Code for service in the armed forces of the United States.

(B) A member of the public employees retirement system who

has contributions on deposit with, but is no longer contributing 294
to, a uniform retirement system shall, in computing years of 295
service, be given full credit for service credit earned under 296
Chapter 742. or 5505. of the Revised Code or for military service 297
credit if a transfer to the public employees retirement system is 298
made under this division. At the request of the member a transfer 299
shall be made if all of the following conditions are met: 300

(1) The member's service credit in the public employees 301
retirement system is greater than the amount of credit that would 302
be transferred under this division. 303

(2) The member is eligible, or with the credit will be 304
eligible, for a retirement or disability benefit. 305

~~(2)~~(3) The member agrees to retire or accept a disability 306
benefit not later than ninety days after receiving notice from the 307
public employees retirement system that the credit has been 308
obtained. 309

~~(3)~~(4) For each year of service the uniform system transfers 310
to the public employees retirement system the sum of the 311
following: 312

(a) An amount equal to the member's accumulated contributions 313
to the uniform system making the transfer and any payments by the 314
member for military service credit; 315

(b) An amount equal to the lesser of the employer's 316
contributions to the uniform system or the appropriate employer 317
contribution under section 145.48 or 145.49 of the Revised Code; 318

(c) Interest, determined as provided in division (H) of this 319
section, on the amounts specified in divisions (B)~~(3)~~(4)(a) and 320
(b) of this section for the period from the last day of the year 321
for which the service credit in the uniform system was earned or 322
in which the military service credit was purchased or obtained to 323
the date the transfer is made. 324

(C) A member of the public employees retirement system who 325
has at least eighteen months of contributing service credit with 326
the public employees retirement system, who is a former member of 327
a uniform retirement system, and who has received a refund of the 328
member's accumulated contributions to that uniform system may 329
obtain credit for service credit earned under Chapter 742. or 330
5505. of the Revised Code or for military service credit if all of 331
the following conditions are met: 332

(1) The member's service credit in the public employees 333
retirement system is greater than the amount of credit that would 334
be transferred under this division. 335

(2) The member is eligible, or with the credit will be 336
eligible, for a retirement or disability benefit. 337

~~(2)~~(3) The member agrees to retire or accept a disability 338
benefit not later than ninety days after receiving notice from the 339
public employees retirement system that the credit has been 340
obtained. 341

~~(3)~~(4) For each year of service, the public employees 342
retirement system receives the sum of the following: 343

(a) An amount, which shall be paid by the member, equal to 344
the amount refunded by the uniform system to the member for that 345
year for accumulated contributions and payments for military 346
service credit, with interest at a rate established by the public 347
employees retirement board on that amount from the date of the 348
refund to the date of the payment; 349

(b) Interest, which shall be transferred by the uniform 350
system, on the amount refunded to the member that is attributable 351
to the year of service from the last day of the year for which the 352
service credit was earned or in which payment was made for 353
military service credit to the date the refund was made; 354

(c) An amount, which shall be transferred by the uniform 355

system, equal to the lesser of the employer's contributions to the 356
uniform system or the appropriate employer contribution under 357
section 145.48 or 145.49 of the Revised Code, with interest on 358
that amount from the last day of the year for which the service 359
credit was earned or in which payment was made for military 360
service credit to the date of the transfer. 361

On receipt of payment from the member, the public employees 362
retirement system shall notify the uniform system, which, on 363
receipt of the notice, shall make the transfer required by this 364
division. Interest shall be determined as provided in division (H) 365
of this section. 366

(D) A member of the public employees retirement system who 367
purchased credit under former division (A)(1) of this section, as 368
it existed before August 25, 1995, for service as a member of a 369
uniform retirement system may elect to have the amount the member 370
paid for this service credit refunded to the member under this 371
division if the member agrees to repurchase this service credit 372
pursuant to division (C) of this section. 373

(E) Service credit purchased or otherwise obtained under this 374
section shall be considered the equivalent of Ohio service credit. 375

The public employees retirement system shall withdraw the 376
credit and refund all amounts paid or transferred under this 377
section if either of the following occurs: 378

(1) The member fails to retire or accept a disability benefit 379
not later than ninety days after receiving notice from the public 380
employees retirement system that credit has been obtained. 381

(2) The member's application for a disability benefit is 382
denied. 383

A member may choose to purchase only part of the credit the 384
member is eligible to purchase under division (C) of this section, 385
subject to rules of the public employees retirement board. A 386

member is ineligible to purchase or otherwise obtain credit under 387
this section for service to be used in calculation of any 388
retirement benefit currently being paid or payable to the member 389
in the future under any other retirement program or for service 390
credit that may be transferred under section 145.2913 of the 391
Revised Code. 392

(F) If a member of the public employees retirement system who 393
is not a current contributor elects to receive credit under 394
section 742.21 or 5505.40 of the Revised Code for service for 395
which the member contributed to the system or made payment for 396
military service credit, the system shall transfer to the Ohio 397
police and fire pension fund or the state highway patrol 398
retirement system, as applicable, the amount specified in division 399
(D) of section 742.21 or division (B)(2) of section 5505.40 of the 400
Revised Code. 401

(G) A member of the public employees retirement system who 402
earned service credit in the public employees retirement system 403
for full-time service as a township or municipal police officer 404
and received service credit in the Ohio police and fire pension 405
fund under section 742.511 or 742.512 of the Revised Code for such 406
service may elect to have the credit restored as public employees 407
retirement system service credit by paying the public employees 408
retirement system an amount equal to the accumulated contributions 409
paid by the member to the Ohio police and fire pension fund under 410
section 742.511 or 742.512 of the Revised Code. When such an 411
election is made, the Ohio police and fire pension fund shall 412
transfer to the public employees retirement system the amount 413
previously transferred under section 742.511 or 742.512 of the 414
Revised Code from the public employees retirement system to the 415
Ohio police and fire pension fund. 416

(H) Interest charged under this section shall be calculated 417
separately for each year of service credit. Unless otherwise 418

specified in this section, it shall be calculated at the lesser of 419
the actuarial assumption rate for that year of the public 420
employees retirement system or of the uniform retirement system in 421
which the credit was earned. The interest shall be compounded 422
annually. 423

(I) At the request of the public employees retirement system, 424
the uniform retirement system shall certify to the public 425
employees retirement system a copy of the records of the service 426
and contributions of a public employees retirement system member 427
who seeks service credit under this section. 428

Sec. 145.297. (A) As used in this section, "employing unit" 429
means: 430

(1) A municipal corporation, agency of a municipal 431
corporation designated by the legislative authority, park 432
district, conservancy district, sanitary district, health 433
district, township, department of a township designated by the 434
board of township trustees, metropolitan housing authority, public 435
library, county law library, union cemetery, joint hospital, or 436
other political subdivision or unit of local government. 437

(2) With respect to state employees, any entity of the state 438
including any department, agency, institution of higher education, 439
board, bureau, commission, council, office, or administrative body 440
or any part of such entity that is designated by the entity as an 441
employing unit. 442

(3)(a) With respect to employees of a board of alcohol, drug 443
addiction, and mental health services, that board. 444

(b) With respect to employees of a county board of 445
developmental disabilities, that board. 446

(c) With respect to other county employees, the county or any 447
county agency designated by the board of county commissioners. 448

(4) In the case of an employee whose employing unit is in 449
question, the employing unit is the unit through whose payroll the 450
employee is paid. 451

(B) An employing unit may establish a retirement incentive 452
plan for its eligible employees. In the case of a county or county 453
agency, decisions on whether to establish a retirement incentive 454
plan for any employees other than employees of a board of alcohol, 455
drug addiction, and mental health services or county board of 456
developmental disabilities and on the terms of the plan shall be 457
made by the board of county commissioners. In the case of a 458
municipal corporation or an agency of a municipal corporation, 459
decisions on whether to establish a retirement incentive plan and 460
on the terms of the plan shall be made by the legislative 461
authority. 462

All terms of a retirement incentive plan shall be in writing. 463

A retirement incentive plan shall provide for purchase by the 464
employing unit of service credit for eligible employees who elect 465
to participate in the plan and for payment by the employing unit 466
of the entire cost of the service credit purchased. 467

Every retirement incentive plan shall remain in effect for at 468
least one year. The employing unit shall give employees at least 469
thirty days' notice before terminating the plan. 470

Every retirement incentive plan shall include provisions for 471
the timely and impartial resolution of grievances and disputes 472
arising under the plan. 473

No employing unit shall have more than one retirement 474
incentive plan in effect at any time. 475

(C) Any classified or unclassified employee of the employing 476
unit who is a member of the public employees retirement system 477
shall be eligible to participate in the retirement incentive plan 478
established by the employee's employing unit if the employee meets 479

the following criteria: 480

(1) The employee is not any of the following: 481

(a) An elected official; 482

(b) A member of a board or commission; 483

(c) A person elected to serve a term of fixed length; 484

(d) A person appointed to serve a term of fixed length, other 485
than a person appointed and employed by the person's employing 486
unit. 487

(2) The employee is or will be eligible to retire under 488
section 145.33~~, 145.332~~, or 145.37 of the Revised Code on or 489
before the date of termination of the retirement incentive plan. 490
Service credit to be purchased for the employee under the 491
retirement incentive plan shall be included in making such 492
determination. 493

(3) The employee agrees to retire under section 145.33~~, 145.332~~, 494
~~145.332~~, or 145.37 of the Revised Code within ninety days after 495
receiving notice from the public employees retirement system that 496
service credit has been purchased for the employee under this 497
section. 498

Participation in the plan shall be available to all eligible 499
employees except that the employing unit may limit the number of 500
participants in the plan to a specified percentage of its 501
employees who are members of the public employees retirement 502
system on the date the plan goes into effect. The percentage shall 503
not be less than five per cent of such employees. If participation 504
is limited, employees with more total service credit have the 505
right to elect to participate before employees with less total 506
service credit. In the case of employees with the same total 507
service credit, employees with a greater length of service with 508
the employing unit have the right to elect to participate before 509

employees with less service with the employing unit. Employees 510
with less than eighteen months of service with the employing unit 511
have the right to elect to participate only after all other 512
eligible employees have been given the opportunity to elect to 513
participate. For the purpose of determining which employees may 514
participate in a plan, total service credit includes service 515
credit purchased by the employee under this chapter after the date 516
on which the plan is established. 517

A retirement incentive plan that limits participation may 518
provide that an employee who does not notify the employing unit of 519
the employee's decision to participate in the plan within a 520
specified period of time will lose priority to participate in the 521
plan ahead of other employees with less seniority. The time given 522
to an employee to elect to participate ahead of other employees 523
shall not be less than thirty days after the employee receives 524
written notice that the employee may participate in the plan. 525

(D) A retirement incentive plan shall provide for purchase of 526
the same amount of service credit for each participating employee, 527
except that the employer may not purchase more service credit for 528
any employee than the lesser of the following: 529

(1) Five years of service credit; 530

(2) An amount of service credit equal to one-fifth of the 531
total service credited to the participant under this chapter, 532
exclusive of service credit purchased under this section. 533

For each year of service credit purchased under this section, 534
the employing unit shall pay an amount equal to the additional 535
liability resulting from the purchase of that year of service 536
credit, as determined by an actuary employed by the public 537
employees retirement board. 538

(E) Upon the election by an eligible employee to participate 539
in the retirement incentive plan, the employee and the employing 540

unit shall agree upon a date for payment or contracting for 541
payment in installments to the public employees retirement system 542
of the cost of the service credit to be purchased. The employing 543
unit shall submit to the public employees retirement system a 544
written request for a determination of the cost of the service 545
credit, and within forty-five days after receiving the request, 546
the board shall give the employing unit written notice of the 547
cost. 548

The employing unit shall pay or contract to pay in 549
installments the cost of the service credit to be purchased to the 550
public employees retirement system on the date agreed to by the 551
employee and the employing unit. The payment shall be made in 552
accordance with rules adopted by the public employees retirement 553
board. The rules may provide for payment in installments and for 554
crediting the purchased credit to the employee's account upon the 555
employer's contracting to pay the cost in installments. The board 556
shall notify the member when the member is credited with service 557
purchased under this section. If the employee does not retire 558
within ninety days after receiving notice that the employee has 559
been credited with the purchased service credit, the system shall 560
refund to the employing unit the amount paid for the service 561
credit. 562

No payment made to the public employees retirement system 563
under this section shall affect any payment required by section 564
145.48 of the Revised Code. 565

(F) For the purpose of determining whether the cost of a 566
retirement incentive plan established by a county or county agency 567
under this section is an allowable cost for the purpose of federal 568
funding for any year, the cost shall be considered abnormal or 569
mass severance pay only if fifteen per cent or more of the county 570
or county agency's employees participate in the plan in that year. 571

Nothing in this division shall relieve a county or county 572

agency from seeking federal approval for any early retirement 573
incentive plan that uses federal dollars in accordance with 574
federal law. 575

Sec. 145.2914. (A) The public employees retirement board may 576
adopt rules in accordance with section 145.09 of the Revised Code 577
to establish a program under which service credit earned under 578
section 145.33 of the Revised Code or division (A)(2), 579
(B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised Code is 580
treated as service credit earned under division (A)(1), (B)(1)(a), 581
or (C)(1) of section 145.332 of the Revised Code if the member 582
elects to do one of the following: 583

(1) Have the amount of service credit earned under section 584
145.33 of the Revised Code or division (A)(2), (B)~~(2)~~(1)(b), or 585
(C)(2) of section 145.332 of the Revised Code reduced so there is 586
no additional liability to the public employees retirement system; 587

(2) Make payment to the public employees retirement system in 588
accordance with the rules. The number of years of service credit 589
earned under section 145.33 of the Revised Code or division 590
(A)(2), (B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised 591
Code that may be treated as service credit earned under division 592
(A)(1), (B)(1)(a), or (C)(1) of section 145.332 of the Revised 593
Code shall not exceed five. 594

(B) If the board adopts rules under division (A) of this 595
section, all of the following apply to payments made under 596
division (A)(2) of this section: 597

(1) For each year or portion of a year of service credit 598
earned under section 145.33 of the Revised Code or division 599
(A)(2), (B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised 600
Code that is to be treated as service credit earned under division 601
(A)(1), (B)(1)(a), or (C)(1) of section 145.332 of the Revised 602
Code, the member shall pay to the retirement system an amount 603

specified by the retirement board that is not less than one 604
hundred per cent of the additional liability resulting from the 605
purchase of that year, or portion of a year, of service. 606

(2) Any amounts paid under this section shall be credited to 607
the employees' savings fund. 608

(3) The amounts paid by the member under this section are 609
subject to the limits established by division (n) of section 415 610
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 611
415(n), as amended. 612

(C) A member may make the election authorized by this section 613
if the member is eligible to retire under this chapter or will 614
become eligible to retire as a result of the election. The member 615
shall agree to retire not later than ninety days after making the 616
election under division (A)(1) of this section or receiving notice 617
of the additional liability specified under division (B)(1) of 618
this section. If the member makes the election under division 619
(A)(2) of this section, payment shall be made in full for any 620
credit earned under section 145.33 of the Revised Code or division 621
(A)(2), (B)~~(2)~~(1)(b), or (C)(2) of section 145.332 of the Revised 622
Code that is to be treated as service credit earned under division 623
(A)(1), (B)(1)(a), or (C)(1) of section 145.332 of the Revised 624
Code, but the member may choose to make payment for only part of 625
the credit for which the member is eligible. 626

(D) If the member does not retire not later than ninety days 627
after making the election under division (A)(1) of this section or 628
the payment under division (A)(2) of this section, the system 629
shall refund any payment and shall not treat the credit as service 630
credit earned under division (A)(1), (B)(1)(a), or (C)(1) of 631
section 145.332 of the Revised Code. 632

(E) The board's rules may deal with any other matter 633
necessary to implement this section. 634

Sec. 145.2915. (A) As used in this section, "workers' 635
compensation" means benefits paid under Chapter 4121. or 4123. of 636
the Revised Code. 637

(B) A member of the public employees retirement system may 638
purchase service credit under this section for any period during 639
which the member was out of service with a public employer and 640
receiving workers' compensation if the member returns to 641
employment covered by this chapter. 642

(C) For credit purchased under this section: 643

(1) If the member is employed by one public employer, for 644
each year of credit, the member shall pay to the system for credit 645
to the employees' savings fund an amount equal to the employee 646
contribution required under section 145.47 of the Revised Code 647
that would have been paid had the member not been out of service 648
based on the salary of the member before the member was out of 649
service. To this amount shall be added an amount equal to compound 650
interest at a rate established by the public employees retirement 651
board from the first date the member was out of service to the 652
final date of payment. 653

(2) If the member is employed by more than one public 654
employer, the member is eligible to purchase credit under this 655
section and make payments under division (C)(1)~~(b)~~ of this section 656
only for the position for which the member received workers' 657
compensation. For each year of credit, the member shall pay to the 658
system for credit to the employees' savings fund an amount equal 659
to the employee contribution required under section 145.47 of the 660
Revised Code that would have been paid had the member not been out 661
of service based on the salary of the member earned for the 662
position for which the member received workers' compensation 663
before the member was out of service. To this amount shall be 664
added an amount equal to compound interest at a rate established 665

by the public employees retirement board from the first date the member was out of service to the final date of payment.

(D) The member may choose to purchase only part of such credit in any one payment, subject to board rules.

(E) If a member makes a payment under division (C) of this section, the employer to which workers' compensation benefits are attributed shall pay to the system for credit to the employers' accumulation fund an amount equal to the employer contribution required under section 145.48 or 145.49 of the Revised Code corresponding to that payment that would have been paid had the member not been out of service based on the salary of the member before the member was out of service.

Compound interest at a rate established by the board from the later of the member's date of re-employment or ~~the effective date of this section~~ January 7, 2013, to the date of payment shall be added to this amount if the employer pays all or any portion of the amount ~~later than~~ after the end of the earlier of the following:

(1) A period of five years or a

(2) A period that is three times the period during which the member was out of service and receiving workers' compensation beginning from.

The period described in division (E)(1) or (2) of this section begins with the later of the member's date of re-employment or ~~the effective date of this section~~ January 7, 2013.

(F) The number of years purchased under this section shall not exceed three. Credit purchased under this section may be combined pursuant to section 145.37 of the Revised Code with credit purchased or obtained under Chapter 3307. or 3309. of the Revised Code for periods the member was out of service and

receiving workers' compensation, but not more than a total of 697
three years of credit may be used in determining retirement 698
eligibility or calculating benefits under section 145.37 of the 699
Revised Code. 700

Sec. 145.31. (A)(1) Except as provided in this section, a 701
member or former member of the public employees retirement system 702
with at least eighteen months of contributing service credit in 703
this system, the state teachers retirement system, the school 704
employees retirement system, the Ohio police and fire pension 705
fund, or the state highway patrol retirement system, after the 706
withdrawal of accumulated contributions and cancellation of 707
service credit in this system, may restore such service credit by 708
redepositing the amount withdrawn, with interest on such amount 709
compounded annually at a rate to be determined by the public 710
employees retirement board from the first day of the month of 711
withdrawal to and including the month of redeposit. ~~The~~ 712

(2) The amount redeposited shall be credited as follows: 713

~~(1)~~(a) The amount that equals the amount, if any, included 714
under section 145.401 of the Revised Code in the withdrawal of 715
accumulated contributions under section 145.40 of the Revised Code 716
shall be credited to the employers' accumulation fund. 717

~~(2)~~(b) The remaining amount shall be credited to the member's 718
account in the employees' savings fund. 719

(3) If the accumulated contributions were withdrawn under 720
section 145.402 of the Revised Code, service credit may be 721
restored only if the member or former member accrued eighteen 722
months of contributing service credit after withdrawal of the 723
accumulated contributions. 724

(B) The member may choose to purchase only part of ~~such~~ the 725
credit available under this section in any one payment, subject to 726

board rules. Except for any amount included under section 145.401 727
of the Revised Code in the withdrawal of accumulated contributions 728
under section 145.40 of the Revised Code, the total payment to 729
restore canceled service credit, plus any interest credited 730
thereto, shall be considered as accumulated contributions of the 731
member. If a former member is eligible to buy the service credit 732
as a member of the Ohio police and fire pension fund, state 733
highway patrol retirement system, or the city of Cincinnati 734
retirement system, the former member is ineligible to restore that 735
service credit under this section. 736

(C) Any employee who has been refunded the employee's 737
accumulated contributions to the public employees retirement 738
system solely by reason of membership in a former firemen's relief 739
and pension fund or a former police relief and pension fund may 740
restore membership in the public employees retirement system by 741
redepositing with the system the amount refunded, with interest on 742
such amount compounded annually at a rate to be determined by the 743
board from the month of refund to and including the month of 744
redeposit. The member may choose to purchase only part of such 745
credit in any one payment, subject to board rules. 746

~~(B)~~(D) In lieu of an amount required by division (A) of this 747
section, the board may by rule require deposit of an amount 748
specified in the rule. The amount shall not exceed the additional 749
liability to the retirement system that results from granting the 750
credit. 751

Sec. 145.311. (A) A member of the public employees retirement 752
system who has at least eighteen months of contributing service 753
credit in the system, the Ohio police and fire pension fund, 754
school employees retirement system, state teachers retirement 755
system, or state highway patrol retirement system, and is a former 756
member of or no longer contributing to the school employees 757

retirement system or state teachers retirement system may restore 758
service credit under section 3307.71 or 3309.26 of the Revised 759
Code by making payments pursuant to this section through a payroll 760
deduction plan established under section 145.294 of the Revised 761
Code. A member seeking to restore this service credit shall notify 762
the public employees retirement system on a form approved by the 763
public employees retirement board. After receiving the notice, the 764
public employees retirement system shall request that the former 765
retirement system calculate under section 3307.712 or 3309.262 of 766
the Revised Code the cost to the member to restore service credit 767
for each year or portion of a year of service for which the member 768
seeks to restore the service credit. The amount the former 769
retirement system certifies as the cost of restoring the service 770
credit, plus interest described in division (B) of this section, 771
is the cost to the member of restoring the service credit. On 772
receiving the certification from the former retirement system, the 773
public employees retirement system shall notify the member of the 774
cost. 775

(B) For each year or portion of a year of service credit 776
restored under section 3307.71 or 3309.26 of the Revised Code, a 777
member shall pay to the public employees retirement system the 778
amount certified by the former retirement system plus interest at 779
a rate specified by the former retirement system under section 780
3307.712 or 3309.262 of the Revised Code for the period during 781
which deductions are made under section 145.294 of the Revised 782
Code. 783

(C) The public employees retirement board shall at least 784
annually ~~notify~~ transmit to the former retirement system ~~that a~~ 785
~~payment notice and any payments made~~ to restore service credit 786
under section 3307.71 or 3309.26 of the Revised Code ~~has been~~ 787
~~made. At the time the payment is transferred under division (D) of~~ 788
~~this section, the~~ The former retirement system shall restore the 789

service credit for the year or portion of a year for which the 790
payment was made. 791

~~(D) On application for a payment of accumulated contributions 792
or an age and service retirement, disability, or survivor benefit 793
under Chapter 145., 3307., or 3309. of the Revised Code by a 794
member who made payments under this section to restore service 795
credit in a former retirement system, the public employees 796
retirement system shall pay to the former retirement system an 797
amount equal to the total amount paid by the member under this 798
section. 799~~

~~(E) The board shall adopt rules to implement this section. 800~~

Sec. 145.33. (A)(1) Except as provided in section 145.332 of 801
the Revised Code, when a member retires on age and service 802
retirement, the member's total annual single lifetime allowance 803
shall be an amount adjusted in accordance with division (A)(2) or 804
(B) of this section and determined by multiplying the member's 805
total service credit by the following: 806

(a) If the member is eligible for age and service retirement 807
under division (A) or (B) of section 145.32 of the Revised Code, 808
two and two-tenths per cent of the member's final average salary 809
for each of the first thirty years of service plus two and 810
one-half per cent of the member's final average salary for each 811
subsequent year of service; 812

(b) If the member is eligible for age and service retirement 813
under division (C) of section 145.32 of the Revised Code, two and 814
two-tenths per cent of the member's final average salary for each 815
of the first thirty-five years of service plus two and one-half 816
per cent of the member's final average salary for each subsequent 817
year of service. 818

(2)(a) For a member eligible to retire under division (A) of 819

section 145.32 of the Revised Code, the member's allowance under 820
division (A)(1) of this section shall be adjusted by the factors 821
of attained age or years of service to provide the greater amount 822
as determined by the following schedule: 823

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	827
59		26	80	828
60		27	85	829
61			88	830
		28	90	831
62			91	832
63			94	833
		29	95	834
64			97	835
65		30 or more	100	836

(b) For a member eligible to retire under division (B) or (C) 837
of section 145.32 of the Revised Code, the member's allowance 838
under division (A)(1) of this section shall be reduced by a 839
percentage determined by the board's actuary ~~for each year the~~ 840
~~member retires before whichever of the following occurs first:~~ 841
~~attaining age sixty six, attaining age fifty two with thirty one~~ 842
~~years of total service credit, or earning thirty two years of~~ 843
~~total service credit.~~ 844

~~(c) For a member eligible to retire under division (C) of~~ 845
~~section 145.32 of the Revised Code, the member's allowance under~~ 846
~~division (A)(1) of this section shall be reduced by a percentage~~ 847
~~determined by the board's actuary for each year the member retires~~ 848
~~before whichever of the following occurs first: attaining age~~ 849
~~sixty seven, or attaining age fifty five with thirty two years of~~ 850
~~total service credit based on the number of years the commencement~~ 851

of the allowance precedes the member's eligibility for an 852
unreduced allowance. 853

~~(d)~~(c) The actuary may use an actuarially based average 854
percentage reduction for purposes of division (A)(2)(b) ~~or (e)~~ of 855
this section. 856

(3) For a member eligible to retire under division (A) or (B) 857
of section 145.32 of the Revised Code, the right to a benefit 858
shall vest in accordance with the following schedule, based on the 859
member's attained age by September 1, 1976: 860

Attained	Percentage	
Birthday	of	
	Base Amount	
66	102	864
67	104	865
68	106	866
69	108	867
70 or more	110	868

(B) The total annual single lifetime allowance that a member 869
shall receive under this section shall not exceed the lesser of 870
the following: 871

(1) Any limit established under section 145.333 of the 872
Revised Code; 873

(2) One hundred per cent of the member's final average 874
salary; 875

(3) The limit established by section 415 of the "Internal 876
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 877
amended. 878

(C) Retirement allowances determined under this section shall 879
be paid as provided in section 145.46 of the Revised Code. 880

Sec. 145.35. (A) As used in this section, ~~"on-duty and~~ 881

sections 145.362 and 145.363 of the Revised Code: 882

(1) "Examining physician" means a physician appointed by the 883
public employees retirement board to conduct a medical examination 884
of a disability benefit applicant or recipient. 885

(2) "Medical consultant" means a physician appointed by the 886
board to review a member's application for a disability benefit or 887
an appeal of a denial or termination of a benefit. 888

(3) "On-duty" illness or injury" means an illness or injury 889
that occurred during or resulted from performance of duties under 890
the direct supervision of a public employer. 891

(B) The public employees retirement system shall provide 892
disability coverage to each member who has at least five years of 893
total service credit and disability coverage for on-duty illness 894
or injury to each member who is a PERS law enforcement officer or 895
PERS public safety officer, regardless of length of service. 896

The coverage shall extend only to illness or injury that 897
occurs before the member's contributing service terminates or, in 898
the case of illness or injury that results from contributing 899
service, becomes evident not later than two years after the date 900
the contributing service ends. The coverage shall not extend to 901
disability resulting from elective cosmetic surgery other than 902
reconstructive surgery. 903

Not later than October 16, 1992, the public employees 904
retirement board shall give each person who is a member on July 905
29, 1992, the opportunity to elect disability coverage either 906
under section 145.36 of the Revised Code or under section 145.361 907
of the Revised Code. The board shall mail notice of the election, 908
accompanied by an explanation of the coverage under each of the 909
Revised Code sections and a form on which the election is to be 910
made, to each member at the member's last known address. The board 911

shall also provide the explanation and form to any member on 912
request. 913

Regardless of whether the member actually receives notice of 914
the right to make an election, a member who fails to file a valid 915
election under this section shall be considered to have elected 916
disability coverage under section 145.36 of the Revised Code. To 917
be valid, an election must be made on the form provided by the 918
retirement board, signed by the member, and filed with the board 919
not later than one hundred eighty days after the date the notice 920
was mailed, or, in the case of a form provided at the request of a 921
member, a date specified by rule of the retirement board. Once 922
made, an election is irrevocable, but if the member ceases to be a 923
member of the retirement system, the election is void. If a person 924
who makes an election under this section also makes an election 925
under section 3307.62 or 3309.39 of the Revised Code, the election 926
made for the system that pays a disability benefit to that person 927
shall govern the benefit. 928

Disability coverage shall be provided under section 145.361 929
of the Revised Code for persons who become members after July 29, 930
1992, and for members who elect under this division to be covered 931
under section 145.361 of the Revised Code. 932

The retirement board may adopt rules governing elections made 933
under this division. 934

(C) Application for a disability benefit may be made by a 935
member, by a person acting in the member's behalf, or by the 936
member's employer, provided the member has disability coverage 937
under section 145.36 or 145.361 of the Revised Code and is not 938
receiving a disability benefit under any other Ohio state or 939
municipal retirement program. Application must be made within two 940
years from the date the member's contributing service under the 941
PERS defined benefit plan terminated or the date the member ceased 942
to make contributions to the PERS defined benefit plan under 943

section 145.814 of the Revised Code, unless the ~~retirement board~~ 944
board's medical consultant determines that the member's medical 945
records demonstrate conclusively that at the time the two-year 946
period expired, the member was physically or mentally 947
incapacitated for duty and unable to make an application. 948
Application may not be made by or for any person receiving age and 949
service retirement benefits under section 145.33, 145.331, 950
145.332, or 145.37 or former section 145.34 of the Revised Code or 951
any person who, pursuant to section 145.40 of the Revised Code, 952
has been paid the accumulated contributions standing to the credit 953
of the person's individual account in the employees' savings fund. 954
The application shall be made on a form provided by the retirement 955
board. 956

(D) The benefit payable to any member who is approved for a 957
disability benefit shall become effective on the first day of the 958
month immediately following the later of the following: 959

(1) The last day for which compensation was paid; 960

(2) The attainment of eligibility for a disability benefit. 961

(E) Medical examination of a member who has applied for a 962
disability benefit shall be conducted by a competent disinterested 963
examining physician ~~or physicians selected by the board~~ to 964
determine whether the member is mentally or physically 965
incapacitated for the performance of duty by a disabling condition 966
either permanent or presumed to be permanent. The disability must 967
have occurred since last becoming a member or have increased since 968
last becoming a member to such extent as to make the disability 969
permanent or presumed to be permanent. A disability is presumed to 970
be permanent if it is expected to last for a continuous period of 971
not less than twelve months following the filing of the 972
application. 973

The standard used to determine whether a member is 974

incapacitated for duty is that the member is mentally or 975
physically incapable of performing the duties of the most recent 976
public position held by the member ~~held at the time the disabling~~ 977
~~condition began or of a position with similar duties.~~ 978

~~If the~~ A member shall receive a disability benefit under 979
section 145.36 or 145.361 of the Revised Code if all of the 980
following apply: 981

(1) The board's examining physician or physicians determine 982
determines that the member qualifies for a disability benefit, ~~the~~ 983
and the board's medical consultant concurs with the determination; 984

(2) The board concurs with the medical consultant's 985
~~determination, and the;~~ 986

(3) The member agrees to medical treatment as specified in 987
~~division (F) of this section, the member shall receive a~~ 988
~~disability benefit under section 145.36 or 145.361 of the Revised~~ 989
~~Code. The.~~ 990

A disability benefit described in this division may be 991
commenced prior to the board's concurrence with the determination 992
if the conditions specified in divisions (E)(1) and (3) of this 993
section are met. 994

The action of the board shall be final. 995

(F) The public employees retirement board shall adopt rules 996
requiring a disability benefit recipient, as a condition of 997
continuing to receive a disability benefit, to agree in writing to 998
obtain any medical treatment recommended by the board's ~~physician~~ 999
medical consultant and submit medical reports regarding the 1000
treatment. If the board determines that a disability benefit 1001
recipient is not obtaining the medical treatment or the board does 1002
not receive a required medical report, the disability benefit 1003
shall be suspended until the treatment is obtained, the report is 1004
received by the board, or the board's ~~physician~~ medical consultant 1005

certifies that the treatment is no longer helpful or advisable. 1006
Should the recipient's failure to obtain treatment or submit a 1007
medical report continue for one year, the recipient's right to the 1008
disability benefit shall be terminated as of the effective date of 1009
the original suspension. 1010

The board shall require the recipient of a disability benefit 1011
who is described in section 145.363 of the Revised Code to comply 1012
with that section. 1013

(G) A disability benefit that has been granted a member but 1014
has not commenced shall not be paid if the member continues in or 1015
returns to employment with the same employer in the same position 1016
or in a position with duties similar to those of the position the 1017
member held at the time the benefit was granted. 1018

(H) In the event an employer files an application for a 1019
disability benefit as a result of a member having been separated 1020
from service because the member is considered to be mentally or 1021
physically incapacitated for the performance of the member's 1022
present duty, and the ~~physician or physicians selected by the~~ 1023
~~board~~ board's medical consultant reports to the board that the 1024
member is physically and mentally capable of performing service 1025
similar to that from which the member was separated and the board 1026
concur in the report, the board shall so certify to the employer 1027
and the employer shall restore the member to the member's previous 1028
position and salary or to a similar position and salary. 1029

Sec. 145.362. A disability benefit recipient whose 1030
application for a disability benefit was received by the public 1031
employees retirement system before ~~the effective date of this~~ 1032
~~amendment~~ January 7, 2013, shall, regardless of when the 1033
disability occurred, retain membership status and shall be 1034
considered on leave of absence from employment during the first 1035
five years following the effective date of a disability benefit, 1036

notwithstanding any contrary provisions in this chapter. 1037

A disability benefit recipient whose application for a 1038
disability benefit is received by the system on or after ~~the~~ 1039
~~effective date of this amendment~~ January 7, 2013, shall, 1040
regardless of when the disability occurred, retain membership 1041
status and shall be considered on leave of absence from employment 1042
during the first three years following the effective date of a 1043
disability benefit, except that, if the member is receiving 1044
rehabilitative services acceptable to a the board's examining 1045
~~physician or physicians selected by the board~~, the board may 1046
permit the recipient to retain membership status and be considered 1047
on leave of absence from employment for up to five years following 1048
the effective date of a disability benefit. 1049

The public employees retirement board shall require any 1050
disability benefit recipient to undergo an annual medical 1051
examination, except that the board may waive the medical 1052
examination if the board's ~~physician or physicians certify~~ medical 1053
consultant certifies that the recipient's disability is ongoing or 1054
for any other reason specified in rules adopted by the board. If 1055
any disability benefit recipient refuses to submit to a medical 1056
examination, the recipient's disability benefit shall be suspended 1057
until withdrawal of the refusal. Should the refusal continue for 1058
one year, all the recipient's rights in and to the disability 1059
benefit shall be terminated as of the effective date of the 1060
original suspension. 1061

On completion of the examination by ~~an~~ the board's examining 1062
~~physician or physicians selected by the board~~, the physician ~~or~~ 1063
~~physicians~~ shall report to the board's medical consultant and 1064
certify ~~to the board~~ whether the disability benefit recipient 1065
meets the applicable standard for termination of a disability 1066
benefit. If the examining physician certifies that the recipient 1067
meets the applicable standard for termination of a disability 1068

benefit and the medical consultant concurs, the medical consultant shall certify to the board that the recipient meets the applicable standard for termination. 1069
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(A) Regardless of when the disability occurred, if the recipient's application for a disability benefit was received by the system before ~~the effective date of this amendment~~ January 7, 2013, or, if on or after that date, the recipient has been receiving the benefit for less than three years or is receiving rehabilitative services acceptable to the board's examining physician ~~or physicians~~ and considered on leave of absence, or, if, ~~when~~ at the disability occurred time contributing service terminated, the recipient was a PERS law enforcement officer, the standard for termination is that the recipient is no longer physically and mentally incapable of resuming the service from which the recipient was found disabled. 1072
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(B) Regardless of when the disability occurred, if the recipient's application for a disability benefit is received by the system on or after ~~the effective date of this amendment~~ January 7, 2013, the recipient has been receiving the benefit for three years or longer, the recipient was not a PERS law enforcement officer ~~when~~ at the disability occurred time contributing service terminated, and the recipient is not receiving rehabilitative services acceptable to the board's examining physician ~~or physicians~~, the standard for termination is that the recipient is not physically or mentally incapable of performing the duties of any position that meets all of the following criteria: 1084
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(1) Replaces not less than seventy-five per cent of the member's final average salary, adjusted each year by the actual average increase in the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: "all items 1096
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1982-1984=100"); 1101

(2) Is reasonably to be found in the member's regional job 1102
market; 1103

(3) Is one that the member is qualified for by experience or 1104
education. 1105

If the board concurs in the report that the disability 1106
benefit recipient meets the applicable standard for termination of 1107
a disability benefit, the payment of the disability benefit shall 1108
be terminated not later than three months after the date of the 1109
board's concurrence or upon employment as a public employee. If 1110
the leave of absence has not expired, the retirement board shall 1111
certify to the disability benefit recipient's last employer before 1112
being found disabled that the recipient is no longer physically 1113
and mentally incapable of resuming service that is the same or 1114
similar to that from which the recipient was found disabled. The 1115
employer shall restore the recipient to the recipient's previous 1116
position and salary or to a position and salary similar thereto, 1117
unless the recipient was dismissed or resigned in lieu of 1118
dismissal for dishonesty, misfeasance, malfeasance, or conviction 1119
of a felony. 1120

Each disability benefit recipient shall file with the board 1121
an annual statement of earnings, current medical information on 1122
the recipient's condition, and any other information required in 1123
rules adopted by the board. The board may waive the requirement 1124
that a disability benefit recipient file an annual statement of 1125
earnings or current medical information if the board's ~~physician~~ 1126
medical consultant certifies that the recipient's disability is 1127
ongoing. 1128

The board shall annually examine the information submitted by 1129
the recipient. If a disability benefit recipient refuses to file 1130
the statement or information, the disability benefit shall be 1131

suspended until the statement and information are filed. If the 1132
refusal continues for one year, the recipient's right to the 1133
disability benefit shall be terminated as of the effective date of 1134
the original suspension. 1135

If a disability benefit recipient is restored to service by, 1136
or elected to an elective office with, an employer covered by this 1137
chapter, the recipient's disability benefit shall cease. 1138

The board may terminate a disability benefit at the request 1139
of the recipient if the board's medical consultant determines that 1140
the recipient is no longer disabled. 1141

If disability retirement under section 145.36 of the Revised 1142
Code is terminated for any reason, the annuity and pension 1143
reserves at that time in the annuity and pension reserve fund 1144
shall be transferred to the employees' savings fund and the 1145
employers' accumulation fund, respectively. If the total 1146
disability benefit paid is less than the amount of the accumulated 1147
contributions of the member transferred to the annuity and pension 1148
reserve fund at the time of the member's disability retirement, 1149
the difference shall be transferred from the annuity and pension 1150
reserve fund to another fund as may be required. In determining 1151
the amount of a member's account following the termination of 1152
disability retirement for any reason, the total amount paid shall 1153
be charged against the member's refundable account. 1154

If a disability allowance paid under section 145.361 of the 1155
Revised Code is terminated for any reason, the reserve on the 1156
allowance at that time in the annuity and pension reserve fund 1157
shall be transferred from that fund to the employers' accumulation 1158
fund. 1159

If a former disability benefit recipient again becomes a 1160
contributor, other than as an other system retirant under section 1161
145.38 of the Revised Code, to this system, the state teachers 1162

retirement system, or the school employees retirement system, and 1163
completes an additional two years of service credit, the former 1164
disability benefit recipient shall be entitled to full service 1165
credit, not exceeding five years' service credit, for the period 1166
as a disability benefit recipient, except that if the board adopts 1167
a rule requiring payment for the service credit it shall be 1168
granted only if the former disability benefit recipient pays an 1169
amount determined under the rule. The rule shall not require 1170
payment of more than the additional liability to the retirement 1171
system resulting from granting the credit. The former recipient 1172
may choose to purchase only part of the credit in any one payment. 1173

If any employer employs any member who is receiving a 1174
disability benefit, the employer shall file notice of employment 1175
with the retirement board, designating the date of employment. In 1176
case the notice is not filed, the total amount of the benefit paid 1177
during the period of employment prior to notice shall be charged 1178
to and paid by the employer. 1179

Sec. 145.363. This section does not apply to a disability 1180
recipient who, ~~when at the disability occurred time contributing~~ 1181
~~service terminated~~, was a PERS law enforcement officer. 1182

(A) A recipient of a disability benefit granted under this 1183
chapter whose application for such benefit is received by the 1184
public employees retirement system on or after ~~the effective date~~ 1185
~~of this section~~ January 7, 2013, shall, regardless of when the 1186
disability occurred, apply for social security disability 1187
insurance benefit payments under 42 U.S.C. 423 if the recipient 1188
meets the requirements of divisions (a)(1)(A), (B), and (C) of that 1189
section. The application for a social security disability 1190
insurance benefit shall be made ~~not before the later than of the~~ 1191
~~ninety-first days day~~ after the recipient is granted a disability 1192
benefit under this chapter or the ninety-first day after the 1193

recipient attains eligibility to apply for a social security 1194
disability insurance benefit, unless the public employees 1195
retirement board board's medical consultant determines from the 1196
member's medical records that the member is physically or mentally 1197
unable to make the application. The recipient shall file with the 1198
system a copy of the completed application ~~with the public~~ 1199
~~employees retirement system~~ or other evidence of application 1200
satisfactory to the board and the system shall accept the copy or 1201
other evidence as evidence of the member's application. If a 1202
recipient fails without just cause to apply for social security 1203
disability insurance benefit payments or to file a copy or other 1204
evidence of the application with the system, the disability 1205
benefit under this chapter shall be suspended until application is 1206
made and a copy or other evidence of the application filed with 1207
the system. If the recipient's failure to file a copy or other 1208
evidence of the application continues for one year, the disability 1209
benefit shall be terminated as of the effective date of the 1210
original suspension. 1211

(B) Regardless of whether the recipient's disability is 1212
ongoing, a recipient of a disability benefit under this chapter 1213
who also receives social security disability insurance benefit 1214
payments shall file an annual statement of earnings under section 1215
145.362 of the Revised Code and include a copy of the social 1216
security disability insurance benefit annual reward letter that 1217
specifies the amount of the social security disability insurance 1218
program benefit. 1219

(C) Except as provided in division (D) of this section, if 1220
any year the total of a disability benefit recipient's benefit 1221
under this chapter and social security disability insurance 1222
benefit payments exceeds the recipient's adjusted final average 1223
salary, the annual benefit under this chapter shall be reduced so 1224
that the annual total equals the recipient's adjusted final 1225

average salary. 1226

The recipient's adjusted final average salary shall be 1227
determined by annually increasing the recipient's final average 1228
salary by the percentage increase in the consumer price index, not 1229
exceeding three per cent, as determined by the United States 1230
bureau of labor statistics (U.S. city average for urban wage 1231
earners and clerical workers: "all items 1982-84=100") for the 1232
twelve-month period ending on the thirtieth day of June of the 1233
immediately preceding calendar year. If the consumer price index 1234
for that period did not increase, no increase shall be made to the 1235
recipient's adjusted final average salary for that period. No 1236
adjustment to a benefit shall exceed the limit established by 1237
section 415 of the "Internal Revenue Code of 1986," 100 Stat. 1238
2085, 26 U.S.C. 415, as amended. 1239

If a disability benefit recipient receives retroactive 1240
payments of social security disability insurance benefits, the 1241
system may reduce future disability benefit payments under this 1242
chapter to recoup any overpayments. 1243

(D) The reductions required by division (C) of this section 1244
do not apply to a recipient of a disability benefit under this 1245
chapter who has not less than five years of service credit for 1246
periods during which the recipient had earnings from other 1247
employment that was subject to the tax imposed by the "Federal 1248
Insurance Contributions Act," 26 U.S.C. 3101. 1249

Sec. 145.37. (A) As used in this section: 1250

(1) "State retirement system" means the public employees 1251
retirement system, school employees retirement system, or state 1252
teachers retirement system. 1253

(2) "Total service credit" means all service credit earned in 1254
the state retirement systems, except credit for service subject to 1255

section 145.38 of the Revised Code. Total service credit shall not exceed one year of credit for any twelve-month period.

(3) In addition to the meaning given in division (N) of section 145.01 of the Revised Code, "disability benefit" means "disability benefit" as defined in sections 3307.01 and 3309.01 of the Revised Code.

(4) "Paying system" means the state retirement system in which the member has the greatest service credit, without adjustment or, if a member who has equal service credit in two or more retirement systems, the retirement system in which the member has the greatest total contributions.

(5) "Transferring system" means the state retirement system transferring a member's contributions and service credit in that system to the paying system.

(6) "Retention percentage" means five per cent, or a percentage determined under division (D) of this section, of a member's earnable salary in the case of a member of the public employees retirement system or five per cent, or a percentage determined under division (D) of this section, of a member's compensation in the case of a member of the state teachers retirement system or school employees retirement system.

(B) To coordinate and integrate membership in the state retirement systems, ~~the following provisions apply:~~

~~(1) Subject to division (B)(2) of this section, at the election of a member, total contributions and service credit in all state retirement systems, including amounts paid to restore service credit under sections 145.311, 3307.711, and 3309.261 of the Revised Code, shall be used in determining the eligibility and total retirement or disability benefit payable. When total contributions and service credit are so combined, the following provisions apply:~~

(a)(1) Age and service retirement shall be effective on the first day of the month immediately following the later of:	1287 1288
(i)(a) The last day for which compensation was paid;	1289
(ii)(b) The attainment of minimum age or service credit eligibility for benefits provided under this section;	1290 1291
(iii)(c) Ninety days prior to receipt by the board of the member's completed application for retirement.	1292 1293
(b)(2) Disability benefits shall be effective on the first day of the month immediately following the later of the following:	1294 1295
(i)(a) The last day for which compensation was paid;	1296
(ii)(b) The attainment of eligibility for a disability benefit.	1297 1298
(c) Eligibility for a disability benefit shall be determined by the (3) The board of the state retirement paying system that will calculate shall do both of the following:	1299 1300 1301
(a) Determine a member's eligibility for a retirement or disability benefit;	1302 1303
(b) Calculate and pay the member's retirement or disability benefit, as provided in division (B)(1)(d) of this section. The state retirement	1304 1305 1306
(4)(a) Each transferring system calculating and paying the disability benefit in which the member has service credit shall certify the determination to the board of each other state retirement paying system in which the member has service credit and shall be accepted by that board as sufficient for granting a disability benefit.	1307 1308 1309 1310 1311 1312
(d) The board of the state retirement system in which the member had the greatest service credit, without adjustment, shall calculate and pay the total retirement or disability benefit. Where the member's credit is equal in two or more state retirement	1313 1314 1315 1316

~~systems, the system having the largest total contributions of the~~ 1317
~~member shall calculate and pay the total benefit.~~ 1318

~~(e) all of the following:~~ 1319

~~(i) The service credit earned by the member in the~~ 1320
~~transferring system;~~ 1321

~~(ii) The beginning and ending dates of the service credit~~ 1322
~~period covered by the transferring system;~~ 1323

~~(iii) Any breaks in service by the member, excluding school~~ 1324
~~breaks;~~ 1325

~~(iv) If available, a statement listing the member's monthly~~ 1326
~~contributions and service credit earned, obtained, or purchased in~~ 1327
~~the transferring system.~~ 1328

~~(b) The certification under division (B)(4)(a) of this~~ 1329
~~section may be reviewed by both the transferring system and the~~ 1330
~~paying system.~~ 1331

~~(5) In determining the total credit to be used in calculating~~ 1332
~~a retirement or disability benefit, total combined service credit~~ 1333
~~shall not exceed credit shall not be reduced below that certified~~ 1334
~~by the transferring system, except as follows:~~ 1335

~~(a) Not more than one year of credit may be certified by the~~ 1336
~~transferring system for any one "year" as defined in the law of~~ 1337
~~the transferring system making the calculation.~~ 1338

~~(f)(b) The paying system may reduce any credit certified by~~ 1339
~~the transferring system that is concurrent with any period of~~ 1340
~~service credit the member earned from the paying system.~~ 1341

~~(c) The paying system may reduce any credit certified by the~~ 1342
~~transferring system if the amount certified, when added to the~~ 1343
~~paying system's service credit for any one "year" as defined in~~ 1344
~~the law of the paying system, exceeds one year.~~ 1345

~~(6)(a) The state retirement paying system calculating and~~ 1346

~~paying a retirement or disability benefit~~ shall receive from the 1347
other transferring system or systems all of the following for each 1348
year of service: 1349

(i) The amount contributed by the member, or, in the case of 1350
service credit purchased by the member, paid by the member, that 1351
is attributable to the year of service; 1352

(ii) An amount equal to the lesser of the employer's 1353
contributions made on behalf of the member to the ~~retirement~~ 1354
transferring system for that year of service less the retention 1355
percentage or the amount that would have been contributed by the 1356
employer for the service had the member been a member of the 1357
public employees retirement system at the time the credit was 1358
earned less the retention percentage; 1359

(iii) Interest compounded annually on the amounts specified 1360
in divisions (B)~~(1)~~~~(f)~~(6)(a)(i) and (ii) of this section at the 1361
lesser of the actuarial assumption rate for that year of the 1362
~~retirement paying~~ system ~~determining and paying the benefit~~ or the 1363
~~other retirement transferring~~ system or systems ~~transferring~~ 1364
~~amounts under this section.~~ 1365

(b) If applicable, the public employees retirement system 1366
shall pay to the ~~retirement paying~~ system ~~calculating and paying~~ 1367
~~the benefit~~ a portion of the amount paid on behalf of the member 1368
by an employer under section 145.483 of the Revised Code. The 1369
portion shall be paid from the employers' accumulation fund and 1370
shall equal the product obtained by multiplying by two the amount 1371
the member would have contributed during the period the employer 1372
failed to deduct contributions, as described in section 145.483 of 1373
the Revised Code. 1374

~~(g)~~(7) The annuity rates and mortality tables of the ~~state~~ 1375
~~retirement paying~~ system ~~making the calculation and paying the~~ 1376
~~benefit~~ shall be exclusively applicable. 1377

~~(h)(8)~~ Deposits made for the purpose of an additional 1378
annuity, together with earnings as provided in section 145.62 of 1379
the Revised Code, upon the request of the member, shall be 1380
transferred to the ~~state retirement~~ paying system ~~paying the~~ 1381
~~benefit~~. The return upon such deposits shall be that offered by 1382
the ~~state retirement~~ paying system ~~making the calculation and~~ 1383
~~paying the benefit~~. 1384

~~(2)(9)~~ A former member receiving a retirement or disability 1385
benefit under this section, who accepts employment amenable to 1386
coverage in any state retirement system that participated in the 1387
former member's combined benefit, shall be subject to the 1388
applicable provisions of law governing such re-employment. If a 1389
former member should be paid any amount in a retirement benefit, 1390
to which the former member is not entitled under the applicable 1391
provisions of law governing such re-employment, such amount shall 1392
be recovered by the ~~state retirement~~ paying system ~~paying such~~ 1393
~~benefit~~ by utilizing any recovery procedure available under the 1394
~~code provisions of the state retirement system covering such~~ 1395
paying system's re-employment provisions. 1396

(C) A PERS retirant or other system retirant, as defined in 1397
section 145.38 of the Revised Code, is not eligible to receive any 1398
benefit under this section for service subject to section 145.38 1399
of the Revised Code. 1400

(D) The retention percentage used in the calculation under 1401
division (B)(6)(a)(ii) of this section shall be reviewed by the 1402
state retirement systems not less than once every five years after 1403
the effective date of this amendment or on request of any of the 1404
systems. If the retirement systems agree, the retention percentage 1405
may be changed if any system's employer contribution rate 1406
increases or decreases or the systems agree that a change is in 1407
the interest of one or more of the systems. 1408

Sec. 145.384. (A) As used in this section, "PERS retirant" 1409
means a PERS retirant who is not subject to division (C) of 1410
section 145.38 of the Revised Code. For purposes of this section, 1411
"PERS retirant" also includes both of the following: 1412

(1) A member who retired under section 145.383 of the Revised 1413
Code; 1414

(2) A retirant whose retirement allowance resumed under 1415
section 145.385 of the Revised Code. 1416

(B)(1) An other system retirant or PERS retirant who has made 1417
contributions under section 145.38 or 145.383 of the Revised Code 1418
or, in the case of a retirant described in division (A)(2) of this 1419
section, section 145.47 of the Revised Code may file an 1420
application with the public employees retirement system to receive 1421
either a benefit, as provided in division (B)(2) of this section, 1422
or payment of the retirant's contributions made under those 1423
sections, as provided in division (H) of this section. 1424

(2) A benefit under this section shall consist of an annuity 1425
having a reserve equal to the amount of the retirant's accumulated 1426
contributions for the period of employment, other than the 1427
contributions excluded pursuant to division (B)(4)(a) or (b) of 1428
section 145.38 of the Revised Code, and an amount of the 1429
employer's contributions determined by the board. 1430

(a) Unless, as described in division (I) of this section, the 1431
application is accompanied by a statement of the spouse's consent 1432
to another form of payment or the board waives the requirement of 1433
spousal consent, a PERS retirant or other system retirant who is 1434
married at the time of application for a benefit under this 1435
section shall receive a monthly annuity under which the actuarial 1436
equivalent of the retirant's single life annuity is paid in a 1437
lesser amount for life and one-half of the lesser amount continues 1438
after the retirant's death to the surviving spouse. 1439

(b) A PERS retirant or other system retirant who is not 1440
subject to division (B)(2)(a) of this section shall elect either 1441
to receive the benefit as a monthly annuity or a lump sum payment 1442
discounted to the present value using a rate of interest 1443
determined by the board. A retirant who elects to receive a 1444
monthly annuity shall select one of the following as the plan of 1445
payment: 1446

(i) The retirant's single life annuity; 1447

(ii) The actuarial equivalent of the retirant's single life 1448
annuity in an equal or lesser amount for life and continuing after 1449
death to a surviving beneficiary designated at the time the plan 1450
of payment is selected. 1451

If a retirant who is eligible to select a plan of payment 1452
under division (B)(2)(b) of this section fails to do so, the 1453
benefit shall be paid as a monthly annuity under the plan of 1454
payment specified in rules adopted by the public employees 1455
retirement board. 1456

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 1457
section, if a monthly annuity would be less than twenty-five 1458
dollars per month, the retirant shall receive a lump sum payment. 1459

(C)(1) The death of a spouse or other designated beneficiary 1460
under a plan of payment described in division (B)(2) of this 1461
section cancels that plan of payment. The PERS retirant or other 1462
system retirant shall receive the equivalent of the retirant's 1463
single life annuity, as determined by the board, effective the 1464
first day of the month following the date of death. 1465

(2) On divorce, annulment, or marriage dissolution, a PERS 1466
retirant or other system retirant receiving a benefit described in 1467
division (B)(2) of this section under which the beneficiary is the 1468
spouse may, with the written consent of the spouse or pursuant to 1469
an order of the court with jurisdiction over the termination of 1470

the marriage, elect to cancel the plan and receive the equivalent 1471
of the retirant's single life annuity as determined by the board. 1472
The election shall be made on a form provided by the board and 1473
shall be effective the month following its receipt by the board. 1474

(D) Following a marriage or remarriage, a PERS retirant or 1475
other system retirant who is receiving a benefit described in 1476
division (B)(2)(b)(i) of this section may elect a new plan of 1477
payment under division (B)(2)(b) of this section based on the 1478
actuarial equivalent of the retirant's single life annuity as 1479
determined by the board. 1480

If the marriage or remarriage occurs on or after June 6, 1481
2005, the election must be made not later than one year after the 1482
date of the marriage or remarriage. 1483

The plan elected under this division shall be effective on 1484
the date of receipt by the board of an application on a form 1485
approved by the board, but any change in the amount of the benefit 1486
shall commence on the first day of the month following the 1487
effective date of the plan. 1488

(E) A benefit payable under division (B)(2) of this section 1489
shall commence on the latest of the following: 1490

(1) The last day for which compensation for all employment 1491
subject to section 145.38, 145.383, or 145.385 of the Revised Code 1492
was paid; 1493

(2) Attainment by the PERS retirant or other system retirant 1494
of age sixty-five; 1495

(3) If the PERS retirant or other system retirant was 1496
previously employed under section 145.38, 145.383, or 145.385 of 1497
the Revised Code and is receiving or previously received a benefit 1498
under this section, completion of a period of twelve months since 1499
the effective date of the last benefit under this section; 1500

(4) Ninety days prior to receipt by the board of the member's completed application for retirement; 1501
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(5) A date specified by the retirant. 1503

(F)(1) If a PERS retirant or other system retirant dies while employed in employment subject to section 145.38, 145.383, or 145.385 of the Revised Code, a lump sum payment shall be paid to the retirant's beneficiary under division (G) of this section. The lump sum shall be calculated in accordance with division (H) of this section if the retirant was under age sixty-five at the time of death. It shall be calculated in accordance with division (B)(2) of this section if the retirant was age sixty-five or older at the time of death. 1504
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(2) If at the time of death a PERS retirant or other system retirant receiving a monthly annuity under division (B)(2)(b)(i) of this section has received less than the retirant would have received as a lump sum payment, the difference between the amount received and the amount that would have been received as a lump sum payment shall be paid to the retirant's beneficiary under division (G) of this section. 1513
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(3) If a beneficiary receiving a monthly annuity under division (B)(2) of this section dies and, at the time of the beneficiary's death, the total of the amounts paid to the retirant and beneficiary are less than the amount the retirant would have received as a lump sum payment, the difference between the total of the amounts received by the retirant and beneficiary and the amount that the retirant would have received as a lump sum payment shall be paid to the beneficiary's estate. 1520
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(G) A PERS retirant or other system retirant employed under section 145.38, 145.383, or 145.385 of the Revised Code may designate one or more persons as beneficiary to receive any benefits payable under division (B)(2)(b) of this section due to 1528
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death. The designation shall be in writing duly executed on a form 1532
provided by the public employees retirement board, signed by the 1533
PERS retirant or other system retirant, and filed with the board 1534
prior to death. The last designation of a beneficiary revokes all 1535
previous designations. The PERS retirant's or other system 1536
retirant's marriage, divorce, marriage dissolution, legal 1537
separation, withdrawal of account, birth of a child, or adoption 1538
of a child revokes all previous designations. If there is no 1539
designated beneficiary or the beneficiary is not located within 1540
ninety days, the beneficiary ~~is the beneficiary determined under~~ 1541
~~division (D) of section 145.43 of the Revised Code. If shall be~~ 1542
determined in the following order of precedence: 1543

(1) Surviving spouse; 1544

(2) Children, share and share alike; 1545

(3) Parents, share and share alike; 1546

(4) Estate. 1547

If any benefit payable under this section due to the death of 1548
a PERS retirant or other system retirant is not claimed by a 1549
beneficiary within five years after the death, the amount payable 1550
shall be transferred to the income fund and thereafter paid to the 1551
beneficiary or the estate of the PERS retirant or other system 1552
retirant on application to the board. 1553

(H)(1) A PERS retirant or other system retirant who applies 1554
under division (B)(1) of this section for payment of the 1555
retirant's contributions and is unmarried or is married and, 1556
unless the board has waived the requirement of spousal consent, 1557
includes with the application a statement of the spouse's consent 1558
to the payment, shall be paid the contributions made under section 1559
145.38 or 145.383 of the Revised Code or, in the case of a 1560
retirant described in division (A)(2) of this section, section 1561
145.47 of the Revised Code, plus interest as provided in section 1562

145.471 of the Revised Code, if the following conditions are met: 1563

(a) The retirant has not attained sixty-five years of age and 1564
has terminated employment subject to section 145.38, 145.383, or 1565
145.385 of the Revised Code for any cause other than death or the 1566
receipt of a benefit under this section. 1567

(b) Three months have elapsed since the termination of the 1568
retirant's employment subject to section 145.38, 145.383, or 1569
145.385 of the Revised Code, other than employment exempted from 1570
contribution pursuant to section 145.03 of the Revised Code. 1571

(c) The retirant has not returned to public service, other 1572
than service exempted from contribution pursuant to section 145.03 1573
of the Revised Code, during the three-month period. 1574

(2) Payment of a retirant's contributions cancels the 1575
retirant's right to a benefit under division (B)(2) of this 1576
section. 1577

(I) A statement of a spouse's consent under division (B)(2) 1578
of this section to the form of a benefit or under division (H) of 1579
this section to a payment of contributions is valid only if signed 1580
by the spouse and witnessed by a notary public. The board may 1581
waive the requirement of spousal consent if the spouse is 1582
incapacitated or cannot be located, or for any other reason 1583
specified by the board. Consent or waiver is effective only with 1584
regard to the spouse who is the subject of the consent or waiver. 1585

(J) No amount received under this section shall be included 1586
in determining an additional benefit under section 145.323 of the 1587
Revised Code or any other post-retirement benefit increase. 1588

Sec. 145.391. The public employees retirement board may 1589
establish and maintain a qualified governmental excess benefit 1590
arrangement that meets the requirements of division (m) of section 1591
415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 1592

U.S.C.A. 415, as amended, and any regulations adopted thereunder. 1593
If established, the arrangement shall be a separate portion of the 1594
public employees retirement system and be maintained solely for 1595
the purpose of providing to retired members that part of a benefit 1596
otherwise payable under this chapter that exceeds the limits 1597
established by section 415 of the "Internal Revenue Code of 1986," 1598
as amended. If established, the amounts required to fund the 1599
arrangement shall be included in the employer's contribution 1600
required by sections 145.48 and 145.51 of the Revised Code. 1601

Members participating in an arrangement established under 1602
this section shall not be permitted to elect to defer compensation 1603
to the arrangement. Contributions to and benefits paid under an 1604
arrangement shall not be payable from a trust that is part of the 1605
system unless the trust is maintained solely for the purpose of 1606
providing such benefits. 1607

The board shall adopt rules to administer an arrangement 1608
established under this section. 1609

Sec. 145.40. (A)(1) Subject to the provisions of section 1610
145.57 of the Revised Code and except as provided in ~~section~~ 1611
~~145.402 of the Revised Code~~ and division (B) of this section, if a 1612
member elects to become exempt from contribution to the public 1613
employees retirement system pursuant to section 145.03 of the 1614
Revised Code or ceases to be a public employee for any cause other 1615
than death, retirement, receipt of a disability benefit, or 1616
current employment in a position in which the member has elected 1617
to participate in an alternative retirement plan under section 1618
3305.05 or 3305.051 of the Revised Code, upon application the 1619
public employees retirement board shall pay the member the 1620
member's accumulated contributions, plus any applicable amount 1621
calculated under section 145.401 of the Revised Code, provided 1622
that both the following apply: 1623

(a) Three months have elapsed since the member's service 1624
subject to this chapter, other than service exempted from 1625
contribution pursuant to section 145.03 of the Revised Code, was 1626
terminated; 1627

(b) The member has not returned to service subject to this 1628
chapter, other than service exempted from contribution pursuant to 1629
section 145.03 of the Revised Code, during that three-month 1630
period. 1631

The payment of such accumulated contributions shall cancel 1632
the total service credit of such member in the public employees 1633
retirement system. 1634

(2) A member described in division (A)(1) of this section who 1635
is married at the time of application for payment and is eligible 1636
for age and service retirement under section 145.32, 145.33, 1637
145.331, or 145.332 of the Revised Code or would be eligible for 1638
age and service retirement under any of those sections but for a 1639
forfeiture ordered under division (A) or (B) of section 2929.192 1640
of the Revised Code shall submit with the application a written 1641
statement by the member's spouse attesting that the spouse 1642
consents to the payment of the member's accumulated contributions. 1643
Consent shall be valid only if it is signed and witnessed by a 1644
notary public. 1645

The board may waive the requirement of consent if the spouse 1646
is incapacitated or cannot be located, or for any other reason 1647
specified by the board. Consent or waiver is effective only with 1648
regard to the spouse who is the subject of the consent or waiver. 1649

(B) This division applies to any member who is employed in a 1650
position in which the member has made an election under section 1651
3305.05 or 3305.051 of the Revised Code and due to the election 1652
ceases to be a public employee for purposes of that position. 1653

Subject to section 145.57 of the Revised Code, the public 1654

employees retirement system shall do the following: 1655

(1) On receipt of a certified copy of a form evidencing an 1656
election under section 3305.05 or 3305.051 of the Revised Code, 1657
pay to the appropriate provider, in accordance with section 1658
3305.052 of the Revised Code, the amount described in section 1659
3305.052 of the Revised Code; 1660

(2) If a member has accumulated contributions, in addition to 1661
those subject to division (B)(1) of this section, standing to the 1662
credit of the member's individual account and is not otherwise 1663
employed in a position in which the member is considered a public 1664
employee for the purposes of that position, pay, to the provider 1665
the member selected pursuant to section 3305.05 or 3305.051 of the 1666
Revised Code, the member's accumulated contributions. The payment 1667
shall be made on the member's application. 1668

(C) Payment of a member's accumulated contributions under 1669
division (B) of this section cancels the member's total service 1670
credit in the public employees retirement system. A member whose 1671
accumulated contributions are paid to a provider pursuant to 1672
division (B) of this section is forever barred from claiming or 1673
purchasing service credit under the public employees retirement 1674
system for the period of employment attributable to those 1675
contributions. 1676

Sec. 145.402. (A) As used in this section, "other retirement 1677
system" means the state teachers retirement system or the school 1678
employees retirement system. 1679

(B) Except as provided in this section, on application, a 1680
member of the public employees retirement system who is also a 1681
member of one or both of the other retirement systems and has 1682
ceased to be a public employee for the purposes of this chapter 1683
may be paid, in accordance with section 145.40 of the Revised 1684
Code, the member's accumulated contributions to the public 1685

employees retirement system, plus any applicable amount calculated 1686
under section 145.401 of the Revised Code. This payment does not 1687
affect the member's membership in the other retirement systems or 1688
any right the member may have to a benefit or return of 1689
contributions under those systems. 1690

(C) This section does not apply to a member of one of the 1691
other retirement systems whose employment under that system is 1692
with the public employer that was the employer under the public 1693
employees retirement system at the time the member's service 1694
subject to this chapter terminated. 1695

Sec. 145.43. (A) As used in this section and in section 1696
145.45 of the Revised Code: 1697

(1) "Child" means a biological or legally adopted child of a 1698
deceased member. If a court hearing for an interlocutory decree 1699
for adoption was held prior to the member's death, "child" 1700
includes the child who was the subject of the hearing 1701
notwithstanding the fact that the final decree of adoption, 1702
adjudging the surviving spouse as the adoptive parent, is made 1703
subsequent to the member's death. 1704

(2) "Parent" is a parent or legally adoptive parent of a 1705
deceased member. 1706

(3) "Dependent" means a beneficiary who receives one-half of 1707
the beneficiary's support from a member during the twelve months 1708
prior to the member's death. 1709

(4) "Surviving spouse" means an individual who establishes a 1710
valid marriage to a member at the time of the member's death by 1711
marriage certificate or pursuant to division (E) of this section. 1712

(5) "Survivor" means a surviving spouse, child, or parent. 1713

(6) "Accumulated contributions" has the meaning given in 1714
section 145.01 of the Revised Code, except that, notwithstanding 1715

that section, it does not include additional amounts deposited in 1716
the employees' savings fund pursuant to the version of division 1717
(C) of section 145.23 of the Revised Code as it existed 1718
immediately prior to April 6, 2007, or pursuant to section 145.62 1719
of the Revised Code. 1720

(B) Except as provided in division (C)(1) of section 145.45 1721
of the Revised Code, should a member die before age and service 1722
retirement, the member's accumulated contributions and any 1723
applicable amount calculated under section 145.401 of the Revised 1724
Code, shall be paid to the person or persons the member has 1725
designated under section 145.431 of the Revised Code. A member may 1726
designate two or more persons as beneficiaries to be paid the 1727
accumulated account in a lump sum. Subject to rules adopted by the 1728
public employees retirement board, a member who designates two or 1729
more persons as beneficiaries shall specify the percentage of the 1730
lump sum that each beneficiary is to be paid. If the member has 1731
not specified the percentages, the lump sum shall be divided 1732
equally among the beneficiaries. 1733

The last designation of any beneficiary revokes all previous 1734
designations. The member's marriage, divorce, marriage 1735
dissolution, legal separation, or withdrawal of account, or the 1736
birth of the member's child, or adoption of a child, shall 1737
constitute an automatic revocation of the member's previous 1738
designation. If a deceased member was also a member of the school 1739
employees retirement system or the state teachers retirement 1740
system, the beneficiary last established among the systems shall 1741
be the sole beneficiary in all the systems. 1742

If the accumulated contributions of a deceased member are not 1743
claimed by a beneficiary or by the estate of the deceased member 1744
within five years after the death, the contributions shall remain 1745
in the employees' savings fund or may be transferred to the income 1746
fund and thereafter shall be paid to the beneficiary or to the 1747

member's estate upon application to the board. The board shall 1748
formulate and adopt the necessary rules governing all designations 1749
of beneficiaries. 1750

(C) Except as provided in division (C)(1) of section 145.45 1751
of the Revised Code, if a member dies before age and service 1752
retirement and is not survived by a designated beneficiary, the 1753
following shall qualify, with all attendant rights and privileges, 1754
in the following order of precedence, the member's: 1755

(1) Surviving spouse; 1756

(2) Children, share and share alike; 1757

(3) A dependent parent, if that parent takes survivor 1758
benefits under division (B) of section 145.45 of the Revised Code; 1759

(4) Parents, share and share alike; 1760

(5) Estate. 1761

If the beneficiary is deceased or is not located within 1762
ninety days, the beneficiary ceases to qualify for any benefit and 1763
the beneficiary next in order of precedence shall qualify as a 1764
beneficiary. 1765

Any payment made to a beneficiary as determined by the board 1766
shall be a full discharge and release to the board from any future 1767
claims. 1768

(D) Any amount due a retirant or disability benefit recipient 1769
receiving a monthly benefit and unpaid to the retirant or 1770
recipient at death shall be paid to the beneficiary designated 1771
under section 145.431 of the Revised Code in writing duly executed 1772
on a form provided by the board, signed by the retirant or 1773
recipient, and filed with the board. If no such designation has 1774
been filed, or if the designated beneficiary is not located within 1775
ninety days, any amounts payable under this chapter due to the 1776
death of the retirant or recipient shall be paid in the following 1777

order of precedence to the retirant's or recipient's:	1778
(1) Surviving spouse;	1779
(2) Children, share and share alike;	1780
(3) Parents, share and share alike;	1781
(4) Estate.	1782
The payment shall be a full discharge and release to the	1783
board from any future claim for the payment.	1784
Any amount due a beneficiary receiving a monthly benefit and	1785
unpaid to the beneficiary at the beneficiary's death shall be paid	1786
to the beneficiary's estate.	1787
(E) If the validity of marriage cannot be established to the	1788
satisfaction of the board for the purpose of disbursing any amount	1789
due under this section or section 145.45 of the Revised Code, the	1790
board may accept a decision rendered by a court having	1791
jurisdiction in the state in which the member was domiciled at the	1792
time of death that the relationship constituted a valid marriage	1793
at the time of death, or the "spouse" would have the same status	1794
as a widow or widower for purposes of sharing the distribution of	1795
the member's intestate personal property.	1796
(F) As used in this division, "recipient" means an individual	1797
who is receiving or may be eligible to receive an allowance or	1798
benefit under this chapter based on the individual's service to a	1799
public employer.	1800
If the death of a member, a recipient, or any individual who	1801
would be eligible to receive an allowance or benefit under this	1802
chapter by virtue of the death of a member or recipient is caused	1803
by one of the following beneficiaries, no amount due under this	1804
chapter to the beneficiary shall be paid to the beneficiary in the	1805
absence of a court order to the contrary filed with the board:	1806
(1) A beneficiary who is convicted of, pleads guilty to, or	1807

is found not guilty by reason of insanity of a violation of or 1808
complicity in the violation of either of the following: 1809

(a) Section 2903.01, 2903.02, or 2903.03 of the Revised Code; 1810

(b) An existing or former law of any other state, the United 1811
States, or a foreign nation that is substantially equivalent to 1812
section 2903.01, 2903.02, or 2903.03 of the Revised Code. 1813

(2) A beneficiary who is indicted for a violation of or 1814
complicity in the violation of the sections or laws described in 1815
division (F)(1)(a) or (b) of this section and is adjudicated 1816
incompetent to stand trial; 1817

(3) A beneficiary who is a juvenile found to be a delinquent 1818
child by reason of committing an act that, if committed by an 1819
adult, would be a violation of or complicity in the violation of 1820
the sections or laws described in division (F)(1)(a) or (b) of 1821
this section. 1822

Sec. 145.431. Designation of a beneficiary for the purposes 1823
of section 145.40 of the Revised Code or ~~payment of benefits or a~~ 1824
return of contributions to the beneficiary of a member 1825
participating in a PERS defined contribution plan shall be made 1826
under this section. A beneficiary shall be designated in writing 1827
duly executed on a form provided by the public employees 1828
retirement board and signed by the member. A designation under 1829
this section is not valid unless received by the board prior to 1830
the member's death. 1831

A beneficiary designation made under this section applies to 1832
the PERS defined benefit plan or PERS defined contribution plan in 1833
which the member participated or, if the member participated in 1834
both the defined benefit plan and one or more defined contribution 1835
plans, to both the defined benefit plan and the defined 1836
contribution plans. 1837

The last designation of any beneficiary revokes all previous 1838
designations. The member's marriage, divorce, marriage 1839
dissolution, legal separation, or withdrawal of account, or the 1840
birth of the member's child, or adoption of a child, shall 1841
constitute an automatic revocation of the member's previous 1842
designation. 1843

Sec. 145.45. Except as provided in division (C)(1) of this 1844
section, in lieu of accepting the payment of the accumulated 1845
account of a member who dies before service retirement, a 1846
beneficiary, as determined in this section or section 145.43 of 1847
the Revised Code, may elect to forfeit the accumulated 1848
contributions and to substitute certain other benefits under 1849
division (A) or (B) of this section. 1850

(A)(1) If a deceased member was eligible for a service 1851
retirement benefit as provided in section 145.33, 145.331, or 1852
145.332 of the Revised Code, a surviving spouse or other sole 1853
dependent beneficiary may elect to receive a monthly benefit 1854
computed as ~~the joint survivor benefit designated as "plan A" in~~ 1855
~~section 145.46 of the Revised Code~~ a joint-life plan under which 1856
the spouse or beneficiary receives one hundred per cent of the 1857
actuarial equivalent of the deceased member's lesser retirement 1858
allowance payable for the member's life, which the member would 1859
have received had the member retired on the last day of the month 1860
of death and had the member at that time selected such 1861
~~joint survivor~~ a plan. Payment shall begin with the month 1862
subsequent to the member's death, except that a surviving spouse 1863
who is less than sixty-five years old may defer receipt of such 1864
benefit. Upon receipt, the benefit shall be calculated based upon 1865
the spouse's age at the time of first payment, and shall accrue 1866
regular interest during the time of deferral. 1867

(2) Beginning on a date selected by the public employees 1868

retirement board, which shall be not later than July 1, 2004, a surviving spouse or other sole dependent beneficiary may elect, in lieu of a monthly payment under division (A)(1) of this section, a plan of payment consisting of both of the following:

(a) A lump sum in an amount the surviving spouse or other sole dependent beneficiary designates that constitutes a portion of the allowance that would be payable under division (A)(1) of this section;

(b) The remainder of that allowance in monthly payments.

The total amount paid as a lump sum and a monthly benefit shall be the actuarial equivalent of the amount that would have been paid had the lump sum not been selected.

The lump sum amount designated by the surviving spouse or other sole dependent beneficiary under division (A)(2)(a) of this section shall be not less than six times and not more than thirty-six times the monthly amount that would be payable to the surviving spouse or other sole dependent beneficiary under division (A)(1) of this section and shall not result in a monthly payment that is less than fifty per cent of that monthly amount.

(B) If a deceased member had, except as provided in division (B)(7) of this section, at least one and one-half years of contributing service credit, with, except as provided in division (B)(7) of this section, at least one-quarter year of contributing service credit within the two and one-half years prior to the date of death, or was receiving at the time of death a disability benefit as provided in section 145.36, 145.361, or 145.37 of the Revised Code, qualified survivors who elect to receive monthly benefits shall receive the greater of the benefits provided in division (B)(1)(a) or (b) and (4) of this section as allocated in accordance with division (B)(5) of this section.

(1)(a) Number

Or

of Qualified		Monthly	1900
survivors	Annual Benefit as a Per	Benefit	1901
affecting	Cent of Decedent's Final	shall not be	1902
the benefit	Average Salary	less than	1903
1	25%	\$250	1904
2	40	400	1905
3	50	500	1906
4	55	500	1907
5 or more	60	500	1908
(b) Years of	Annual Benefit as a Per Cent		1909
Service	of Member's Final Average		1910
	Salary		1911
20	29%		1912
21	33		1913
22	37		1914
23	41		1915
24	45		1916
25	48		1917
26	51		1918
27	54		1919
28	57		1920
29 or more	60		1921
(2) Benefits shall begin as qualified survivors meet			1922
eligibility requirements as follows:			1923
(a) A qualified spouse is the surviving spouse of the			1924
deceased member, who is age sixty-two, or regardless of age meets			1925
one of the following qualifications:			1926
(i) Except as provided in division (B)(7) of this section,			1927
the deceased member had ten or more years of Ohio service credit.			1928
(ii) The spouse is caring for a qualified child.			1929
(iii) The spouse is adjudged physically or mentally			1930
incompetent.			1931

A spouse of a member who died prior to August 27, 1970, whose
eligibility was determined at the member's death, and who is
physically or mentally incompetent on or after August 20, 1976,
shall be paid the monthly benefit which that person would
otherwise receive when qualified by age.

(b) A qualified child is any child of the deceased member who
has never been married and to whom one of the following applies:

(i) Is under age eighteen, or under age twenty-two if the
child is attending an institution of learning or training pursuant
to a program designed to complete in each school year the
equivalent of at least two-thirds of the full-time curriculum
requirements of such institution and as further determined by
board policy;

(ii) Regardless of age, is adjudged physically or mentally
incompetent at the time of the member's death.

(c) A qualified parent is a dependent parent aged sixty-five
or older or regardless of age if physically or mentally
incompetent, a dependent parent whose eligibility was determined
by the member's death prior to August 20, 1976, and who is
physically or mentally incompetent on or after August 20, 1976,
shall be paid the monthly benefit for which that person would
otherwise qualify.

(3) "Physically or mentally incompetent" as used in this
section may be determined by a court of jurisdiction, or by a
physician appointed by the retirement board. Incapability of
making a living because of a physically or mentally disabling
condition shall meet the qualifications of this division.

(4) Benefits to a qualified survivor shall terminate upon
ceasing to meet eligibility requirements as provided in this
division, a first marriage, abandonment, adoption, or during
active military service. Benefits to a deceased member's surviving

spouse that were terminated under a former version of this section 1963
that required termination due to remarriage and were not resumed 1964
prior to September 16, 1998, shall resume on the first day of the 1965
month immediately following receipt by the board of an application 1966
on a form provided by the board. 1967

Upon the death of any subsequent spouse who was a member of 1968
the public employees retirement system, state teachers retirement 1969
system, or school employees retirement system, the surviving 1970
spouse of such member may elect to continue receiving benefits 1971
under this division, or to receive survivor's benefits, based upon 1972
the subsequent spouse's membership in one or more of the systems, 1973
for which such surviving spouse is eligible under this section or 1974
section 3307.66 or 3309.45 of the Revised Code. If the surviving 1975
spouse elects to continue receiving benefits under this division, 1976
such election shall not preclude the payment of benefits under 1977
this division to any other qualified survivor. 1978

Benefits shall begin or resume on the first day of the month 1979
following the attainment of eligibility and shall terminate on the 1980
first day of the month following loss of eligibility. 1981

(5)(a) If a benefit is payable under division (B)(1)(a) of 1982
this section, benefits to a qualified spouse shall be paid in the 1983
amount determined for the first qualifying survivor in division 1984
(B)(1)(a) of this section. All other qualifying survivors shall 1985
share equally in the benefit or remaining portion thereof. 1986

(b) All qualifying survivors shall share equally in a benefit 1987
payable under division (B)(1)(b) of this section, except that if 1988
there is a surviving spouse, the surviving spouse shall receive 1989
not less than the amount determined for the first qualifying 1990
survivor in division (B)(1)(a) of this section. 1991

(6) The beneficiary of a member who is also a member of the 1992
state teachers retirement system or of the school employees 1993

retirement system, must forfeit the member's accumulated 1994
contributions in those systems and in the public employees 1995
retirement system, if the beneficiary takes a survivor benefit. 1996
Such benefit shall be exclusively governed by section 145.37 of 1997
the Revised Code. 1998

(7) The following restrictions do not apply if the deceased 1999
member was contributing toward benefits under section 145.332 of 2000
the Revised Code at the time of death: 2001

(a) That the deceased member have had at least one and 2002
one-half years of contributing service credit, with at least 2003
one-quarter year of contributing service within the two and 2004
one-half years prior to the date of death; 2005

(b) If the deceased member was killed in the line of duty, 2006
that the deceased member have had ten or more years of Ohio 2007
service credit as described in division (B)(2)(a)(i) of this 2008
section. 2009

For the purposes of division (B)(7)(b) of this section, 2010
"killed in the line of duty," means either that death occurred in 2011
the line of duty or that death occurred as a result of injury 2012
sustained in the line of duty. 2013

(C)(1) Regardless of whether the member is survived by a 2014
spouse or designated beneficiary, if the public employees 2015
retirement system receives notice that a deceased member described 2016
in division (A) or (B) of this section has one or more qualified 2017
children, all persons who are qualified survivors under division 2018
(B) of this section shall receive monthly benefits as provided in 2019
division (B) of this section. 2020

If, after determining the monthly benefits to be paid under 2021
division (B) of this section, the system receives notice that 2022
there is a qualified survivor who was not considered when the 2023
determination was made, the system shall, notwithstanding section 2024

145.561 of the Revised Code, recalculate the monthly benefits with 2025
that qualified survivor included, even if the benefits to 2026
qualified survivors already receiving benefits are reduced as a 2027
result. The benefits shall be calculated as if the qualified 2028
survivor who is the subject of the notice became eligible on the 2029
date the notice was received and shall be paid to qualified 2030
survivors effective on the first day of the first month following 2031
the system's receipt of the notice. 2032

If the retirement system did not receive notice that a 2033
deceased member has one or more qualified children prior to making 2034
payment under section 145.43 of the Revised Code to a beneficiary 2035
as determined by the retirement system, the payment is a full 2036
discharge and release of the system from any future claims under 2037
this section or section 145.43 of the Revised Code. 2038

(2) If benefits under division (C)(1) of this section to all 2039
persons, or to all persons other than a surviving spouse or other 2040
sole beneficiary, terminate, there are no children under the age 2041
of twenty-two years, and the surviving spouse or beneficiary 2042
qualifies for benefits under division (A) of this section, the 2043
surviving spouse or beneficiary may elect to receive benefits 2044
under division (A) of this section. The benefits shall be 2045
effective on the first day of the month immediately following the 2046
termination. 2047

(D) The final average salary used in the calculation of a 2048
benefit payable pursuant to division (A) or (B) of this section to 2049
a survivor or beneficiary of a disability benefit recipient shall 2050
be adjusted for each year between the disability benefit's 2051
effective date and the recipient's date of death by the lesser of 2052
three per cent or the actual average percentage increase in the 2053
consumer price index prepared by the United States bureau of labor 2054
statistics (U.S. city average for urban wage earners and clerical 2055
workers: "all items 1982-84=100"). 2056

(E) If the survivor benefits due and paid under this section 2057
are in a total amount less than the member's accumulated account 2058
that was transferred from the public employees' savings fund to 2059
the survivors' benefit fund, then the difference between the total 2060
amount of the benefits paid shall be paid to the beneficiary under 2061
section 145.43 of the Revised Code. 2062

Sec. 145.46. (A) A retirement allowance calculated under 2063
section 145.33, 145.331, or 145.332 of the Revised Code shall be 2064
paid as provided in this section. 2065

Unless the member is required by division (C) of this section 2066
to select a specified plan of payment, a member may elect a plan 2067
of payment as provided in division (B)(1), (2), or (3) of this 2068
section. An election shall be made at the time the member makes 2069
application for retirement and on a form provided by the public 2070
employees retirement board. A plan of payment elected under this 2071
section shall be effective only if approved by the board, which 2072
shall approve it only if it is certified by an actuary engaged by 2073
the board to be the actuarial equivalent of the retirement 2074
allowance calculated under section 145.33, 145.331, or 145.332 of 2075
the Revised Code. 2076

(B) The following plans of payment shall be offered by the 2077
public employees retirement system: 2078

(1) "Joint-life plan," an allowance that consists of the 2079
actuarial equivalent of the member's retirement allowance 2080
determined under section 145.33, 145.331, or 145.332 of the 2081
Revised Code in a lesser amount payable for life and one-half or 2082
some other portion equal to ten per cent or more of the allowance 2083
continuing after death to the member's designated beneficiary for 2084
the beneficiary's life. The beneficiary shall be nominated by 2085
written designation filed with the retirement board. The amount 2086
payable to the beneficiary shall not exceed the amount payable to 2087

the member. 2088

(2) "Single-life plan," the member's retirement allowance 2089
determined under section 145.33, 145.331, or 145.332 of the 2090
Revised Code; 2091

(3) "Multiple-life plan," an allowance that consists of the 2092
actuarial equivalent of the member's retirement allowance 2093
determined under section 145.33, 145.331, or 145.332 of the 2094
Revised Code in a lesser amount payable to the retirant for life 2095
and some portion of the lesser amount continuing after death to 2096
two, three, or four surviving beneficiaries designated at the time 2097
of the member's retirement. Unless required under division (C) of 2098
this section, no portion allocated under this plan of payment 2099
shall be less than ten per cent. The total of the portions 2100
allocated shall not exceed one hundred per cent of the member's 2101
lesser allowance. 2102

(C) A member shall select a plan of payment as follows: 2103

(1) Subject to division (C)(2) of this section, if the member 2104
is married at the time of retirement, the member shall select a 2105
joint-life plan and receive a plan of payment that consists of the 2106
actuarial equivalent of the member's retirement allowance 2107
determined under section 145.33, 145.331, or 145.332 of the 2108
Revised Code in a lesser amount payable for life and one-half of 2109
such allowance continuing after death to the member's surviving 2110
spouse for the life of the spouse. A married member is not 2111
required to select this plan of payment if the member's spouse 2112
consents in writing to the member's election of a plan of payment 2113
other than described in this division or the board waives the 2114
requirement that the spouse consent; 2115

(2) If prior to the effective date of the member's 2116
retirement, the public employees retirement board receives a copy 2117
of a court order issued under section 3105.171 or 3105.65 of the 2118

Revised Code or the laws of another state regarding division of 2119
marital property the board shall accept the member's election of a 2120
plan of payment under this section only if the member complies 2121
with both of the following: 2122

(a) The member elects a plan of payment that is in accordance 2123
with the order. 2124

(b) If the member is married, the member elects a 2125
multiple-life plan and designates the member's current spouse as a 2126
beneficiary under that plan unless that spouse consents in writing 2127
to not being designated a beneficiary under any plan of payment or 2128
the board waives the requirement that the current spouse consent. 2129

(D) An application for retirement shall include an 2130
explanation of all of the following: 2131

(1) That, if the member is married, unless the spouse 2132
consents to another plan of payment or there is a court order 2133
dividing marital property issued under section 3105.171 or 3105.65 2134
of the Revised Code or the laws of another state regarding the 2135
division of marital property that provides for payment in a 2136
specified amount, the member's retirement allowance will be paid 2137
under a joint-life plan and consist of the actuarial equivalent of 2138
the member's retirement allowance in a lesser amount payable for 2139
life and one-half of the allowance continuing after death to the 2140
surviving spouse for the life of the spouse; 2141

(2) A description of the alternative plans of payment, 2142
including all plans described in division (B) of this section, 2143
available with the consent of the spouse; 2144

(3) That the spouse may consent to another plan of payment 2145
and the procedure for giving consent; 2146

(4) That consent is irrevocable once notice of consent is 2147
filed with the board. 2148

Consent shall be valid only if it is signed, in writing, and 2149
witnessed by a notary public. The board may waive the requirement 2150
of consent if the spouse is incapacitated or cannot be located or 2151
for any other reason specified by the board. Consent or waiver is 2152
effective only with regard to the spouse who is the subject of the 2153
consent or waiver. 2154

(E)(1) Beginning on a date selected by the retirement board, 2155
which shall be not later than July 1, 2004, a member may elect to 2156
receive a retirement allowance under a plan of payment consisting 2157
of both a lump sum in an amount the member designates that 2158
constitutes a portion of the member's retirement allowance under a 2159
plan described in division (B) of this section and the remainder 2160
as a monthly allowance under that plan. 2161

The total amount paid as a lump sum and a monthly benefit 2162
shall be the actuarial equivalent of the amount that would have 2163
been paid had the lump sum not been selected. 2164

(2) The lump sum designated by a member shall be not less 2165
than six times and not more than thirty-six times the monthly 2166
amount that would be payable to the member under the plan of 2167
payment elected under division (B) of this section had the lump 2168
sum not been elected and shall not result in a monthly allowance 2169
that is less than fifty per cent of that monthly amount. 2170

(F) If the retirement allowances, as a single life annuity or 2171
payment plan as provided in this section, due and paid are in a 2172
total amount less than (1) the accumulated contributions, and (2) 2173
other deposits made by the member as provided by this chapter, 2174
standing to the credit of the member at the time of retirement, 2175
then the difference between the total amount of the allowances 2176
paid and the accumulated contributions and other deposits shall be 2177
paid to the beneficiary provided under division (D) of section 2178
145.43 of the Revised Code. 2179

(G)(1) The death of a spouse or any designated beneficiary 2180
following retirement shall cancel the portion of the plan of 2181
payment providing continuing lifetime benefits to the deceased 2182
spouse or deceased designated beneficiary. The retirant shall 2183
receive the actuarial equivalent of the retirant's single lifetime 2184
benefit, as determined by the board, based on the number of 2185
remaining beneficiaries, with no change in the amount payable to 2186
any remaining beneficiary. The change shall be effective the month 2187
following the date of death. 2188

(2) On divorce, annulment, or marriage dissolution, a 2189
retirant receiving a retirement allowance under a plan that 2190
provides for continuation of all or part of the allowance after 2191
death for the lifetime of the retirant's surviving spouse may, 2192
with the written consent of the spouse or pursuant to an order of 2193
the court with jurisdiction over the termination of the marriage, 2194
elect to cancel the portion of the plan providing continuing 2195
lifetime benefits to that spouse. The retirant shall receive the 2196
actuarial equivalent of the retirant's single lifetime benefit as 2197
determined by the retirement board based on the number of 2198
remaining beneficiaries, with no change in amount payable to any 2199
remaining beneficiary. The election shall be made on a form 2200
provided by the board and shall be effective the month following 2201
its receipt by the board. 2202

(H)(1) Following a marriage or remarriage, both of the 2203
following apply: 2204

(a) A retirant who is receiving the retirant's retirement 2205
allowance under a single-life plan may elect a new plan of payment 2206
under division (B)(1) ~~or (3)~~ of this section based on the 2207
actuarial equivalent of the retirant's single lifetime benefit as 2208
determined by the board. 2209

(b) A retirant who is receiving a retirement allowance 2210
pursuant to a plan of payment providing for payment to a former 2211

spouse pursuant to a court order described in division (C)(2) of 2212
this section may elect a new plan of payment in the form of a 2213
multiple-life plan based on the actuarial equivalent of the 2214
retirant's single lifetime retirement allowance as determined by 2215
the board if the new plan of payment elected does not reduce the 2216
payment to the former spouse. 2217

(2) If the marriage or remarriage occurs on or after June 6, 2218
2005, the election must be made not later than one year after the 2219
date of the marriage or remarriage. 2220

The plan elected under this division shall become effective 2221
on the date of receipt by the board of an application on a form 2222
approved by the board, but any change in the amount of the 2223
retirement allowance shall commence on the first day of the month 2224
following the effective date of the plan. 2225

(I) Any person who, prior to July 24, 1990, selected an 2226
optional plan of payment at retirement that provided for a return 2227
to the single life benefit after the designated beneficiary's 2228
death shall have the retirant's benefit adjusted to the optional 2229
plan equivalent without such provision. 2230

(J) A retirant's receipt of the first month's retirement 2231
allowance constitutes the retirant's final acceptance of the plan 2232
of payment and may be changed only as provided in this chapter. 2233

Sec. 145.563. Notwithstanding section 145.561 of the Revised 2234
Code: 2235

(A) The public employees retirement system may adjust an 2236
allowance or benefit payable under this chapter if an error 2237
occurred in calculation of the allowance or benefit; 2238

(B) If any person who is a member, former member, 2239
contributor, former contributor, retirant, beneficiary, or 2240
alternate payee, as defined in section 3105.80 of the Revised 2241

Code, is paid any benefit or payment by the public employees 2242
retirement system, including any payment made to a third party on 2243
the person's behalf, to which the person is not entitled, the 2244
benefit or payment shall be repaid to the retirement system by the 2245
person or third party. ~~If~~ A repayment required by this section may 2246
include a penalty or interest on the amount of the benefit or 2247
payment, as specified in rules adopted by the public employees 2248
retirement board. The rules shall specify the method for 2249
calculating a penalty or interest and the conditions under which a 2250
penalty or interest may be assessed. 2251

If the person or third party fails to make the repayment, the 2252
retirement system shall withhold the amount or a portion of the 2253
amount due from any benefit or payment due the person or the 2254
person's beneficiary under this chapter, or may collect the amount 2255
in any other manner provided by law. 2256

Sec. 145.58. (A) The public employees retirement board shall 2257
adopt rules establishing eligibility for any coverage provided 2258
under this section. The rules shall base eligibility on years and 2259
types of service credit earned by members. Eligibility 2260
determinations shall be made in accordance with the rules, except 2261
that an individual who, as a result of making a false statement in 2262
an attempt to secure a benefit under this section, is convicted of 2263
violating section 2921.13 of the Revised Code is ineligible for 2264
coverage. 2265

(B) The board may enter into agreements with insurance 2266
companies, health insuring corporations, or government agencies 2267
authorized to do business in the state for issuance of a policy or 2268
contract of health, medical, hospital, or surgical ~~benefits~~ 2269
coverage, or any combination thereof, for eligible individuals 2270
receiving age and service retirement or a disability or survivor 2271
benefit subscribing to the plan, or for PERS retirants employed 2272

under section 145.38 of the Revised Code, for coverage ~~of benefits~~ 2273
in accordance with division ~~(C)~~(D)(2) of section 145.38 of the 2274
Revised Code. Notwithstanding any other provision of this chapter, 2275
the policy or contract may also include coverage for any eligible 2276
individual's spouse and dependent children and for any of the 2277
eligible individual's sponsored dependents as the board determines 2278
appropriate. If all or any portion of the policy or contract 2279
premium is to be paid by any individual receiving age and service 2280
retirement or a disability or survivor benefit, the individual 2281
shall, by written authorization, instruct the board to deduct the 2282
premium agreed to be paid by the individual to the company, 2283
corporation, or agency. 2284

The board may contract for coverage on the basis of part or 2285
all of the cost of the coverage to be paid from appropriate funds 2286
of the public employees retirement system. The cost paid from the 2287
funds of the system shall be included in the employer's 2288
contribution rate provided by sections 145.48 and 145.51 of the 2289
Revised Code. The board may by rule provide coverage to 2290
individuals who are not eligible under the rules adopted under 2291
division (A) of this section if the coverage is provided at no 2292
cost to the retirement system. The board shall not pay or 2293
reimburse the cost for coverage under this section or section 2294
145.584 of the Revised Code for any such individual. 2295

The board may provide for self-insurance of risk or level of 2296
risk as set forth in the contract with the companies, 2297
corporations, or agencies, and may provide through the 2298
self-insurance method specific ~~benefits~~ coverage as authorized by 2299
rules of the board. 2300

(C) The board shall, beginning the month following receipt of 2301
satisfactory evidence of the payment for coverage, pay monthly to 2302
each recipient of service retirement, or a disability or survivor 2303
benefit under the public employees retirement system who is 2304

eligible for coverage under part B of the medicare program 2305
established under Title XVIII of "The Social Security Act 2306
Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 1395j, as 2307
amended, an amount determined by the board for such coverage, 2308
except that the board shall make no such payment to any individual 2309
who is not eligible for coverage under the rules adopted under 2310
division (A) of this section or pay an amount that exceeds the 2311
amount paid by the recipient for the coverage. 2312

At the request of the board, the recipient shall certify to 2313
the retirement system the amount paid by the recipient for 2314
coverage described in this division. 2315

(D) The board shall establish by rule requirements for the 2316
coordination of any coverage, or payment, ~~or benefit~~ provided 2317
under this section or section 145.584 of the Revised Code with any 2318
similar coverage, or payment, ~~or benefit~~ made available to the 2319
same individual by the Ohio police and fire pension fund, state 2320
teachers retirement system, school employees retirement system, or 2321
state highway patrol retirement system. 2322

(E) The board shall make all other necessary rules pursuant 2323
to the purpose and intent of this section. 2324

Sec. 145.581. (A) As used in this section: 2325

(1) "Long-term care insurance" has the same meaning as in 2326
section 3923.41 of the Revised Code. 2327

(2) "Retirement systems" means the public employees 2328
retirement system, the Ohio police and fire pension fund, the 2329
state teachers retirement system, the school employees retirement 2330
system, and the state highway patrol retirement system. 2331

(B) The public employees retirement board ~~shall~~ may establish 2332
a long-term care insurance program consisting of the programs 2333
authorized by divisions (C) and (D) of this section. Such program 2334

may be established independently or jointly with one or more of 2335
the other retirement systems. If the program is established 2336
jointly, the board shall adopt rules in accordance with section 2337
111.15 of the Revised Code to establish the terms and conditions 2338
of such joint participation. 2339

(C) The board ~~shall~~ may establish a program under which it 2340
makes long-term care insurance available to any person who 2341
participated in a policy of long-term care insurance for which the 2342
state or a political subdivision contracted under section 124.84 2343
or 124.841 of the Revised Code and is the recipient of a pension, 2344
benefit, or allowance from the system. To implement the program 2345
under this division, the board, subject to division (E) of this 2346
section, may enter into an agreement with the insurance company, 2347
health insuring corporation, or government agency that provided 2348
the insurance. The board shall, under any such agreement, deduct 2349
the full premium charged from the person's benefit, pension, or 2350
allowance notwithstanding any employer agreement to the contrary. 2351

Any long-term care insurance policy entered into under this 2352
division is subject to division (C) of section 124.84 of the 2353
Revised Code. 2354

(D)(1) The board, subject to division (E) of this section, 2355
~~shall~~ may establish a program under which a recipient of a 2356
pension, benefit, or allowance from the system who is not eligible 2357
for such insurance under division (C) of this section may 2358
participate in a contract for long-term care insurance. 2359
Participation may include the recipient's dependents and family 2360
members. 2361

(2) The board ~~shall~~ may adopt rules in accordance with 2362
section 111.15 of the Revised Code governing the program. ~~The~~ Any 2363
rules adopted by the board shall establish methods of payment for 2364
participation under this section, which may include deduction of 2365
the full premium charged from a recipient's pension, benefit, or 2366

allowance, or any other method of payment considered appropriate 2367
by the board. 2368

(E) Prior to entering into any agreement or contract with an 2369
insurance company or health insuring corporation for the purchase 2370
of, or participation in, a long-term care insurance policy under 2371
this section, the board shall request the superintendent of 2372
insurance to certify the financial condition of the company or 2373
corporation. The board shall not enter into the agreement or 2374
contract if, according to that certification, the company or 2375
corporation is insolvent, is determined by the superintendent to 2376
be potentially unable to fulfill its contractual obligations, or 2377
is placed under an order of rehabilitation or conservation by a 2378
court of competent jurisdiction or under an order of supervision 2379
by the superintendent. 2380

Sec. 145.584. (A) Except as otherwise provided in division 2381
(B) of this section, the board of the public employees retirement 2382
system shall make available to each retirant or disability benefit 2383
recipient receiving a monthly allowance or benefit on or after 2384
January 1, 1968, who has attained the age of sixty-five years, and 2385
who is not eligible to receive hospital insurance benefits under 2386
the federal old age, survivors, and disability insurance program 2387
without payment of premiums, ~~hospital~~ one of the following: 2388

(1) Hospital insurance coverage substantially equivalent to 2389
the federal hospital insurance benefits, Social Security 2390
Amendments of 1965, 79 Stat. 291, 42 U.S.C.A. 1395c, as amended; 2391

(2) An amount, determined by the board, to reimburse the 2392
retirant or disability benefit recipient for payment of premiums 2393
for federal hospital insurance benefits described in this 2394
division, which amount shall not exceed the premiums paid. ~~This~~ 2395

This coverage or amount shall also be made available to the 2396
spouse, widow, or widower of such retirant or disability benefit 2397

recipient provided such spouse, widow, or widower has attained age 2398
sixty-five and is not eligible to receive hospital insurance 2399
benefits under the federal old age, survivors, and disability 2400
insurance program without payment of premiums. The widow or 2401
widower of a retirant or disability benefit recipient shall be 2402
eligible for such coverage or amount only if he or she is the 2403
recipient of a monthly allowance or benefit from this system. A 2404
portion of the cost of the premium or amount for the spouse may be 2405
paid from the appropriate funds of the ~~public employees retirement~~ 2406
system. The remainder of the cost shall be paid by the recipient 2407
of the allowance or benefit. 2408

The cost of such coverage or amount, paid from the funds of 2409
the system, shall be included in the employer's rate provided by 2410
section 145.48 of the Revised Code. The retirement board is 2411
authorized to make all necessary rules pursuant to the purpose and 2412
intent of this section, and ~~shall~~ may contract for such coverage 2413
as provided in section 145.58 of the Revised Code. 2414

At the request of the board, the recipient of reimbursement 2415
under this section shall certify to the retirement system the 2416
premium paid for the federal insurance benefits described in 2417
division (A) of this section. Payment of the amount described in 2418
division (A)(2) of this section shall begin for the first month 2419
that the recipient is participating in both the federal hospital 2420
insurance benefits and a health care arrangement offered by the 2421
system. 2422

(B) The board need not make the hospital insurance coverage 2423
or amount described in division (A) of this section available to 2424
any person for whom it is prohibited by section 145.58 of the 2425
Revised Code from paying or reimbursing the premium cost of such 2426
insurance. 2427

Sec. 145.63. (A) Deposits under section 145.62 of the Revised 2428

Code, together with earnings, shall be refunded under whichever of 2429
the following circumstances applies: 2430

(1) On withdrawal of accumulated contributions as provided in 2431
sections 145.40 and 145.43 of the Revised Code or payment of a 2432
lump sum under section 145.384 of the Revised Code; 2433

(2) On the death of a contributor prior to retirement; 2434

(3) In the case of a contributor participating in the PERS 2435
defined benefit plan, on application of the contributor prior to 2436
attaining eligibility for age and service retirement; 2437

(4) In the case of a contributor under section 145.38 or 2438
145.383 of the Revised Code, on application of the contributor 2439
prior to attaining eligibility for a benefit under section 145.384 2440
of the Revised Code; 2441

(5) In the case of a contributor who has attained eligibility 2442
for an age and service retirement benefit or a benefit under 2443
section 145.384 of the Revised Code and is not married, on 2444
application; 2445

(6) In the case of a contributor who has attained eligibility 2446
for an age and service retirement benefit or a benefit under 2447
section 145.384 of the Revised Code and is married, on application 2448
if the application is accompanied by a statement of the spouse's 2449
consent to the refund or the public employees retirement board 2450
waives the requirement that the spouse consent; 2451

(7) In the case of a contributor who has attained eligibility 2452
for an age and service retirement benefit as a consequence of 2453
section 145.37 of the Revised Code and will receive a retirement 2454
or disability benefit from the state teachers retirement system or 2455
school employees retirement system but has not requested a 2456
transfer of funds to the other retirement system under division 2457
(B)~~(1)(g)~~(8) of section 145.37 of the Revised Code, at the time 2458
the public employees retirement system pays to the other 2459

retirement system the amount required under division (B)~~(1)(e)~~(6) 2460
of that section; 2461

(8) In the case of a disability benefit recipient under 2462
section 145.36 of the Revised Code who is not eligible for an age 2463
and service retirement allowance, on the effective date of 2464
disability retirement. 2465

(B) The consent of a spouse to a refund is valid only if it 2466
is in writing, signed, and witnessed by a notary public. 2467

The board may waive the requirement of consent if the spouse 2468
is incapacitated or cannot be located or for any other reason 2469
specified by the board. Consent or waiver is effective only with 2470
regard to the spouse who is the subject of the consent or waiver. 2471

Sec. 145.64. (A) As used in this section, "joint-life plan," 2472
"single-life plan," and "multiple-life plan" have the same 2473
meanings as in division (B) of section 145.46 of the Revised Code. 2474

(B) A contributor who has not received a refund of amounts 2475
deposited under section 145.62 or the version of division (C) of 2476
section 145.23 of the Revised Code as it existed immediately prior 2477
to April 6, 2007, may file an application with the public 2478
employees retirement system for a benefit under this section. 2479
Except as provided in section 145.62 of the Revised Code, the 2480
benefit shall consist of an annuity that shall be paid as 2481
described in division (B) of section 145.46 of the Revised Code. 2482

The application must be filed prior to receipt of an age and 2483
service retirement benefit from the retirement system or, in the 2484
case of a contributor under section 145.38 or 145.383 of the 2485
Revised Code, a benefit under section 145.384 of the Revised Code. 2486
A contributor who fails to file an application for a benefit under 2487
this section prior to receipt of an age and service retirement 2488
benefit or a benefit under section 145.384 of the Revised Code 2489

shall be eligible only for a refund under section 145.63 of the Revised Code.

(1) Except as provided in division (B)(2) of this section, a contributor who is married at the time of application for a benefit under this section shall receive the benefit as a monthly annuity under a joint-life plan.

(2) A contributor may receive a benefit under this section under a plan of payment other than a joint-life plan if one of the following is the case:

(a) The contributor is unmarried;

(b) The benefit application is accompanied by a statement of the spouse's consent to another plan of payment or the public employees retirement board waives the requirement that the spouse consent;

(c) A plan of payment providing for payment in a specified portion of the benefit continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding division of marital property prior to the effective date of the contributor's benefit application.

(3) If a member is subject to division (B)(2)(c) of this section and the board has received a copy of the order described in that division, the board shall accept the member's election of a plan of payment under this section only if the member complies with both of the following:

(a) The member elects a plan of payment that is in accordance with the order described in division (B)(2)(c) of this section.

(b) If the member is married, the member elects a multiple-life plan and designates the member's current spouse as a beneficiary under that plan unless that spouse consents in writing

to not being designated a beneficiary or the board waives the 2520
requirement that the current spouse consent. 2521

(4) The contributor shall designate the beneficiary or 2522
beneficiaries under a plan of payment in writing at the time the 2523
plan is selected. 2524

(5) A plan of payment, other than a single-life plan, shall 2525
be effective only if it is certified by an actuary engaged by the 2526
board to be the actuarial equivalent of the contributor's 2527
single-life plan annuity and is approved by the board. 2528

(6) A contributor who is eligible to select a plan of payment 2529
under this section but fails to do so shall receive a monthly 2530
annuity under the plan of payment specified in rules adopted by 2531
the board. 2532

(C) An annuity shall be paid monthly and consist of an amount 2533
determined by the public employees retirement system or the 2534
actuarial equivalent of that amount paid as described in this 2535
section. 2536

Payments shall begin on whichever of the following applies: 2537

(1) Except as provided in this division, the later of the 2538
effective date of the contributor's age and service retirement 2539
allowance or the first day of the month following the latest of: 2540

(a) The last day for which compensation was paid; 2541

(b) The attainment of the member's applicable minimum age or 2542
service credit eligibility as provided in section 145.32 or 2543
145.332 of the Revised Code; 2544

(c) The first day of the month following receipt of an 2545
application for an age and service retirement benefit. 2546

(2) The later of the effective date of a benefit under 2547
section 145.384 of the Revised Code or the first day of the month 2548
following the latest of: 2549

(a) The last day for which compensation for employment	2550
subject to section 145.38 or 145.383 of the Revised Code was paid;	2551
(b) Attainment by the contributor of age sixty-five;	2552
(c) If the contributor was previously employed as described	2553
in division (E)(3) of section 145.384 of the Revised Code,	2554
completion of a period of twelve months since the effective date	2555
of the last benefit under that section;	2556
(d) Receipt of an application for a benefit under section	2557
145.384 of the Revised Code.	2558
(3) The later of the effective date of disability retirement	2559
under section 145.36 of the Revised Code or if the date on which a	2560
member receiving disability retirement would have been <u>is</u> eligible	2561
for an age and service retirement allowance <u>on that date</u> .	2562
(4) The first day of the month following the last day for	2563
which a disability allowance is paid under section 145.361 of the	2564
Revised Code.	2565
(D) The consent of a spouse to a plan of payment other than a	2566
joint-life plan is valid only if it is in writing, signed, and	2567
witnessed by a notary public. The board may waive the requirement	2568
of consent if the spouse is incapacitated or cannot be located or	2569
for any other reason specified by the board. Consent or waiver is	2570
effective only with regard to the spouse who is the subject of the	2571
consent or waiver.	2572
(E)(1) The death of a spouse or any designated beneficiary	2573
shall cancel the portion of an annuity providing continuing	2574
lifetime payments to the deceased spouse or deceased designated	2575
beneficiary. The contributor shall receive the actuarial	2576
equivalent of the contributor's remaining annuity, as determined	2577
by the board, based on the number of remaining beneficiaries, with	2578
no change in the amount payable to any remaining beneficiary. If	2579
the retirement system receives notice of the death on or after the	2580

~~effective date of this amendment~~ January 7, 2013, the change shall 2581
be effective the month following the date of death. 2582

(2) On divorce, annulment, or marriage dissolution, a 2583
contributor receiving an annuity under a plan of payment that 2584
provides for continuation of all or part of the annuity after 2585
death for the lifetime of the contributor's surviving spouse may, 2586
with the written consent of the spouse or pursuant to an order of 2587
the court with jurisdiction over the termination of the marriage, 2588
elect to cancel the portion of the plan providing continuing 2589
lifetime payments to that spouse. The contributor shall receive 2590
the actuarial equivalent of the contributor's annuity as 2591
determined by the board based on the number of remaining 2592
beneficiaries, with no change in the amount payable to any 2593
remaining beneficiary. The election shall be made on a form 2594
provided by the board and shall be effective the month following 2595
its receipt by the board. 2596

(F)(1) Following a marriage or remarriage, both of the 2597
following apply: 2598

(a) A contributor who is receiving payments under a 2599
single-life plan may elect a new plan of payment based on the 2600
actuarial equivalent of the contributor's single-life plan annuity 2601
as determined by the board. 2602

(b) A contributor receiving an annuity under this section 2603
pursuant to a plan of payment providing for payment to a former 2604
spouse pursuant to a court order as described in division 2605
(B)(2)(c) of this section may elect a new plan of payment under a 2606
multiple-life plan based on the actuarial equivalent of the 2607
contributor's benefit as determined by the board if the new plan 2608
of payment does not reduce the payment to the former spouse. 2609

(2) An election under division (F)(1) of this section must be 2610
made not later than one year after the date of the marriage or 2611

remarriage. 2612

The plan elected shall become effective on the date of 2613
receipt by the board of an application on a form approved by the 2614
board, but any change in the amount of the annuity payment shall 2615
commence on the first day of the month following the effective 2616
date of the plan. 2617

(G) If at the time of death a contributor receiving a monthly 2618
annuity under a single-life plan has received less than the 2619
retirant's deposits under section 145.62 or the version of 2620
division (C) of section 145.23 of the Revised Code as it existed 2621
immediately prior to April 6, 2007, plus earnings on those 2622
deposits, the difference between the amount received and the 2623
amount of the contributor's deposits plus earnings shall be paid 2624
to the contributor's beneficiary under section 145.65 of the 2625
Revised Code. If any designated beneficiary receiving a monthly 2626
annuity under this section dies and at the time of the 2627
beneficiary's death the amounts paid to the contributor and the 2628
beneficiary are less than the amount of the contributor's deposits 2629
plus earnings on those deposits, the difference between the amount 2630
received by the contributor and the beneficiary and the amount of 2631
the contributor's deposits plus earnings shall be paid to the 2632
beneficiary's estate. 2633

(H) Receipt of the first month's annuity payment constitutes 2634
final acceptance of the plan of payment and may be changed only as 2635
provided in this section. 2636

Sec. 145.82. (A) Except as provided in divisions (B) and (C) 2637
of this section, sections 145.201 to 145.70 of the Revised Code do 2638
not apply to a PERS defined contribution plan, except that a PERS 2639
defined contribution plan may incorporate provisions of those 2640
sections as specified in the plan document. 2641

(B) The following sections of Chapter 145. of the Revised 2642

Code apply to a PERS defined contribution plan: ~~145.195~~ 145.01 to 2643
145.20, 145.22, 145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 2644
145.38, 145.384, 145.391, ~~145.43~~, 145.431, 145.47, 145.48, 2645
145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 2646
145.57, 145.571, 145.572, ~~145.573~~, ~~145.574~~, 145.69, and 145.70 of 2647
the Revised Code. 2648

(C) A PERS defined contribution plan that includes definitely 2649
determinable benefits may incorporate by reference all or part of 2650
sections 145.201 to 145.79 of the Revised Code to allow a member 2651
participating in the plan to purchase service credit or to be 2652
eligible for any of the following: 2653

(1) Retirement, disability, survivor, or death benefits; 2654

(2) Health or long-term care insurance or any other type of 2655
health care benefit; 2656

(3) Additional increases under section 145.323 of the Revised 2657
Code; 2658

(4) A refund of contributions made by or on behalf of a 2659
member. 2660

With respect to the benefits described in division (C)(1) of 2661
this section, the public employees retirement board may establish 2662
eligibility requirements and benefit formulas or amounts that 2663
differ from those of members participating in the PERS defined 2664
benefit plan. With respect to the purchase of service credit by a 2665
member participating in a PERS defined contribution plan, the 2666
board may reduce the cost of the service credit to reflect the 2667
different benefit formula established for the member. 2668

Sec. 145.88. Amounts contributed under sections 145.85 and 2669
145.86 of the Revised Code, and any earnings on those amounts, 2670
shall be deposited and credited in accordance with the PERS 2671
defined contribution plan that is selected by the member. The plan 2672

may include provisions authorizing the public employees retirement system to do either of the following:

(A) Withhold from the amounts contributed under sections 145.85 and 145.86 of the Revised Code a percentage of earnable salary or a fixed dollar amount that is determined by an actuary appointed by the public employees retirement board to be necessary to administer the plan;

(B) Withhold from the amounts contributed under section 145.86 of the Revised Code a percentage of earnable salary for the purpose of funding health care insurance coverage or any other type of health care benefit for a member participating in the plan.

Sec. 145.92. If a member participating in a PERS defined contribution plan is married at the time benefits under the plan are to commence, unless the spouse consents to another plan of payment or the spouse's consent is waived, the member's benefit under the plan shall be paid in a lesser amount payable for life and one-half of that amount continuing after death to the surviving spouse for the life of the spouse.

Consent is valid only if it is evidenced by a written document signed by the spouse and the signature is witnessed by a notary public. A plan may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason specified by the plan or in rules adopted by the public employees retirement board.

A plan shall waive the requirement of consent if a plan of payment that provides for payment in a specified portion of the ~~retirement allowance~~ benefit continuing after the member's death to a former spouse is required by a court order issued under section 3105.171 or 3105.65 of the Revised Code or laws of another state regarding division of marital property prior to the

effective date of the member's retirement. If a court order 2704
requires this plan of payment, the member shall be required to 2705
annuitize the member's accumulated amounts in accordance with the 2706
order. If the member is married, the plan of payment selected by 2707
the member also shall provide for payment to the member's current 2708
spouse, unless the current spouse consents in writing to not being 2709
designated a beneficiary under the plan of payment or the current 2710
spouse's consent is waived by reason other than the court order. 2711

Consent or waiver is effective only with regard to the spouse 2712
who is the subject of the consent or waiver. 2713

Sec. 145.95. (A) Subject to division (B) of this section and 2714
sections 145.38, 145.56, 145.57, 145.572, 145.573, and 145.574 of 2715
the Revised Code, the right of a member participating in a PERS 2716
defined contribution plan to any payment or benefit accruing from 2717
contributions made by or on behalf of the member under sections 2718
145.85 and 145.86 of the Revised Code shall vest in accordance 2719
with this section. 2720

A member's right to any payment or benefit that is based on 2721
the member's contributions is nonforfeitable. 2722

A member's right to any payment or benefit that is based on 2723
contributions by the member's employer is nonforfeitable as 2724
specified by the plan selected by the member. 2725

(B) This section does not apply to an increase made under 2726
section 145.323 of the Revised Code for a recipient whose benefit 2727
effective date is on or after ~~the effective date of this amendment~~ 2728
January 7, 2013. 2729

Sec. 171.04. The Ohio retirement study council shall: 2730

(A) Make an impartial review from time to time of all laws 2731
governing the administration and financing of the pension and 2732
retirement funds under Chapters 145., 146., 742., 3307., 3309., 2733

and 5505. of the Revised Code and recommend to the general 2734
assembly any changes it may find desirable with respect to the 2735
allowances and benefits, sound financing of the cost of benefits, 2736
the prudent investment of funds, and the improvement of the 2737
language, structure, and organization of the laws; 2738

(B) Make an annual report to the governor and to the general 2739
assembly covering its evaluation and recommendations with respect 2740
to the operations of the state retirement systems and their funds; 2741

(C) Study all changes in the retirement laws proposed to the 2742
general assembly and report to the general assembly on their 2743
probable costs, actuarial implications, and desirability as a 2744
matter of public policy; 2745

(D) Review semiannually the policies, objectives, and 2746
criteria adopted under sections 145.11, 742.11, 3307.15, 3309.15, 2747
and 5505.06 of the Revised Code for the operation of the 2748
investment programs of the state retirement systems, including a 2749
review of asset allocation targets and ranges, risk factors, asset 2750
class benchmarks, time horizons, total return objectives, relative 2751
volatility, and performance evaluation guidelines. The council 2752
shall, not later than thirty days after completing a review, 2753
submit to the governor and the general assembly a report 2754
summarizing its findings. 2755

(E) Have prepared for each system by an independent actuary, 2756
at least once every ten years, an actuarial review of the 2757
actuarial valuations and quinquennial actuarial investigations 2758
prepared under sections 145.22, 742.14, 3307.20, 3309.21, and 2759
5505.12 of the Revised Code, including a review of the actuarial 2760
assumptions and methods, the data underlying the valuations and 2761
investigations, and the adequacy of each system's employee and 2762
employer contribution rates to amortize its unfunded actuarial 2763
pension liability, if any, and to support the payment of benefits 2764
authorized by Chapter 145., 742., 3307., 3309., or 5505. of the 2765

Revised Code. The council shall submit to the governor and the 2766
general assembly a report summarizing ~~the~~ each review. 2767

All costs associated with an actuarial review prepared 2768
pursuant to division (E) of this section shall be paid by the 2769
retirement system for which the review is prepared. 2770

(F) Have conducted by an independent auditor at least once 2771
every ten years a fiduciary performance audit of each of the state 2772
retirement systems. 2773

All costs associated with an audit conducted pursuant to 2774
division (F) of this section shall be paid by the retirement 2775
system audited. 2776

(G) Provide each member of the council with copies of all 2777
proposed rules submitted to the council pursuant to sections 2778
145.09, 742.10, 3307.04, 3309.04, and 5505.04 of the Revised Code 2779
and submit any recommendations to the joint committee on agency 2780
rule review. 2781

Sec. 311.01. (A) A sheriff shall be elected quadrennially in 2782
each county. A sheriff shall hold office for a term of four years, 2783
beginning on the first Monday of January next after the sheriff's 2784
election. 2785

(B) Except as otherwise provided in this section, no person 2786
is eligible to be a candidate for sheriff, and no person shall be 2787
elected or appointed to the office of sheriff, unless that person 2788
meets all of the following requirements: 2789

(1) The person is a citizen of the United States. 2790

(2) The person has been a resident of the county in which the 2791
person is a candidate for or is appointed to the office of sheriff 2792
for at least one year immediately prior to the qualification date. 2793

(3) The person has the qualifications of an elector as 2794
specified in section 3503.01 of the Revised Code and has complied 2795

with all applicable election laws. 2796

(4) The person has been awarded a high school diploma or a 2797
certificate of high school equivalence issued for achievement of 2798
specified minimum scores on the general educational development 2799
test of the American council on education. 2800

(5) The person has not been convicted of or pleaded guilty to 2801
a felony or any offense involving moral turpitude under the laws 2802
of this or any other state or the United States, and has not been 2803
convicted of or pleaded guilty to an offense that is a misdemeanor 2804
of the first degree under the laws of this state or an offense 2805
under the laws of any other state or the United States that 2806
carries a penalty that is substantially equivalent to the penalty 2807
for a misdemeanor of the first degree under the laws of this 2808
state. 2809

(6) The person has been fingerprinted and has been the 2810
subject of a search of local, state, and national fingerprint 2811
files to disclose any criminal record. Such fingerprints shall be 2812
taken under the direction of the administrative judge of the court 2813
of common pleas who, prior to the applicable qualification date, 2814
shall notify the board of elections, board of county 2815
commissioners, or county central committee of the proper political 2816
party, as applicable, of the judge's findings. 2817

(7) The person has prepared a complete history of the 2818
person's places of residence for a period of six years immediately 2819
preceding the qualification date and a complete history of the 2820
person's places of employment for a period of six years 2821
immediately preceding the qualification date, indicating the name 2822
and address of each employer and the period of time employed by 2823
that employer. The residence and employment histories shall be 2824
filed with the administrative judge of the court of common pleas 2825
of the county, who shall forward them with the findings under 2826
division (B)(6) of this section to the appropriate board of 2827

elections, board of county commissioners, or county central 2828
committee of the proper political party prior to the applicable 2829
qualification date. 2830

(8) The person meets at least one of the following 2831
conditions: 2832

(a) ~~Has obtained or held, within the four-year period ending~~ 2833
~~immediately prior to the qualification date, Holds a current valid~~ 2834
~~basic~~ peace officer certificate of training issued by the Ohio 2835
peace officer training commission or has been issued a certificate 2836
of training pursuant to section 5503.05 of the Revised Code, ~~and,~~ 2837
~~within the four-year period ending immediately prior to the~~ 2838
~~qualification date, has been employed as an appointee pursuant to~~ 2839
~~section 5503.01 of the Revised Code or as a full-time peace~~ 2840
~~officer as defined in section 109.71 of the Revised Code~~ 2841
~~performing duties related to the enforcement of statutes,~~ 2842
~~ordinances, or codes;~~ 2843

(b) ~~Has obtained or held, within the three-year period ending~~ 2844
~~immediately prior to the qualification date, a valid basic peace~~ 2845
~~officer certificate of training issued by the Ohio peace officer~~ 2846
~~training commission and has been employed for at least the last~~ 2847
~~three years prior to the qualification date as a full-time law~~ 2848
~~enforcement officer, as defined in division (A)(11) of section~~ 2849
~~2901.01 of the Revised Code, performing duties related to the~~ 2850
~~enforcement of statutes, ordinances, or codes~~ Has been employed 2851
full-time by a law enforcement agency performing duties related to 2852
the enforcement of statutes, ordinances, or codes for a minimum of 2853
thirteen consecutive pay periods within the four-year period prior 2854
to the qualification date. As used in this division, "full-time" 2855
means a minimum of eighty hours of work in a fourteen-day period. 2856

(9) The person meets at least one of the following 2857
conditions: 2858

(a) Has at least two consecutive years of supervisory 2859
experience as a peace officer at the rank of corporal or above, or 2860
~~has been appointed pursuant to section 5503.01 of the Revised Code~~ 2861
~~and served~~ at the rank of sergeant or above, ~~in the five year~~ 2862
~~period ending immediately prior to the qualification date;~~ 2863

(b) Has completed ~~satisfactorily at least two years of~~ 2864
~~post-secondary education or the equivalent in semester or quarter~~ 2865
~~hours in a bachelor's degree in any field or has an associate~~ 2866
~~degree in law enforcement or criminal justice from~~ a college or 2867
university authorized to confer degrees by the Ohio board of 2868
regents or the comparable agency of another state in which the 2869
college or university is located ~~or in a school that holds a~~ 2870
~~certificate of registration issued by the state board of career~~ 2871
~~colleges and schools under Chapter 3332. of the Revised Code.~~ 2872

(C) Persons who meet the requirements of division (B) of this 2873
section, except the requirement of division (B)(2) of this 2874
section, may take all actions otherwise necessary to comply with 2875
division (B) of this section. If, on the applicable qualification 2876
date, no person has met all the requirements of division (B) of 2877
this section, then persons who have complied with and meet the 2878
requirements of division (B) of this section, except the 2879
requirement of division (B)(2) of this section, shall be 2880
considered qualified candidates under division (B) of this 2881
section. 2882

(D) Newly elected sheriffs shall attend a basic training 2883
course conducted by the Ohio peace officer training commission 2884
pursuant to division (A) of section 109.80 of the Revised Code. A 2885
newly elected sheriff shall complete not less than two weeks of 2886
this course before the first Monday in January next after the 2887
sheriff's election. While attending the basic training course, a 2888
newly elected sheriff may, with the approval of the board of 2889
county commissioners, receive compensation, paid for from funds 2890

established by the sheriff's county for this purpose, in the same 2891
manner and amounts as if carrying out the powers and duties of the 2892
office of sheriff. 2893

Appointed sheriffs shall attend the first basic training 2894
course conducted by the Ohio peace officer training commission 2895
pursuant to division (A) of section 109.80 of the Revised Code 2896
within six months following the date of appointment or election to 2897
the office of sheriff. While attending the basic training course, 2898
appointed sheriffs shall receive regular compensation in the same 2899
manner and amounts as if carrying out their regular powers and 2900
duties. 2901

Five days of instruction at the basic training course shall 2902
be considered equal to one week of work. The costs of conducting 2903
the basic training course and the costs of meals, lodging, and 2904
travel of appointed and newly elected sheriffs attending the 2905
course shall be paid from state funds appropriated to the 2906
commission for this purpose. 2907

(E) In each calendar year, each sheriff shall attend and 2908
successfully complete at least sixteen hours of continuing 2909
education approved under division (B) of section 109.80 of the 2910
Revised Code. A sheriff who receives a waiver of the continuing 2911
education requirement from the commission under division (C) of 2912
section 109.80 of the Revised Code because of medical disability 2913
or for other good cause shall complete the requirement at the 2914
earliest time after the disability or cause terminates. 2915

(F)(1) Each person who is a candidate for election to or who 2916
is under consideration for appointment to the office of sheriff 2917
shall swear before the administrative judge of the court of common 2918
pleas as to the truth of any information the person provides to 2919
verify the person's qualifications for the office. A person who 2920
violates this requirement is guilty of falsification under section 2921
2921.13 of the Revised Code. 2922

(2) Each board of elections shall certify whether or not a candidate for the office of sheriff who has filed a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate meets the qualifications specified in divisions (B) and (C) of this section.

(G) The office of a sheriff who is required to comply with division (D) or (E) of this section and who fails to successfully complete the courses pursuant to those divisions is hereby deemed to be vacant.

(H) As used in this section:

(1) "Qualification date" means the last day on which a candidate for the office of sheriff can file a declaration of candidacy, a statement of candidacy, or a declaration of intent to be a write-in candidate, as applicable, in the case of a primary election for the office of sheriff; the last day on which a person may be appointed to fill a vacancy in a party nomination for the office of sheriff under Chapter 3513. of the Revised Code, in the case of a vacancy in the office of sheriff; or a date thirty days after the day on which a vacancy in the office of sheriff occurs, in the case of an appointment to such a vacancy under section 305.02 of the Revised Code.

(2) "Newly elected sheriff" means a person who did not hold the office of sheriff of a county on the date the person was elected sheriff of that county.

Sec. 742.53. (A) As used in this section:

(1) "Long-term care insurance" has the same meaning as in section 3923.41 of the Revised Code.

(2) "Retirement systems" has the same meaning as in division (A) of section 145.581 of the Revised Code.

(B) The board of trustees of the Ohio police and fire pension

fund ~~shall~~ may establish a program under which members of the 2953
fund, employers on behalf of members, and persons receiving 2954
service or disability pensions or survivor benefits are permitted 2955
to participate in contracts for long-term care insurance. 2956
Participation may include dependents and family members. If a 2957
participant in a contract for long-term care insurance leaves 2958
employment, the participant and the participant's dependents and 2959
family members may, at their election, continue to participate in 2960
a program established under this section in the same manner as if 2961
the participant had not left employment, except that no part of 2962
the cost of the insurance shall be paid by the participant's 2963
former employer. 2964

Such program may be established independently or jointly with 2965
one or more of the other retirement systems. 2966

(C) The fund may enter into an agreement with insurance 2967
companies, health insuring corporations, or government agencies 2968
authorized to do business in the state for issuance of a long-term 2969
care policy or contract. However, prior to entering into such an 2970
agreement with an insurance company or health insuring 2971
corporation, the fund shall request the superintendent of 2972
insurance to certify the financial condition of the company or 2973
corporation. The fund shall not enter into the agreement if, 2974
according to that certification, the company or corporation is 2975
insolvent, is determined by the superintendent to be potentially 2976
unable to fulfill its contractual obligations, or is placed under 2977
an order of rehabilitation or conservation by a court of competent 2978
jurisdiction or under an order of supervision by the 2979
superintendent. 2980

(D) The board ~~shall~~ may adopt rules in accordance with 2981
section 111.15 of the Revised Code governing the program. ~~The~~ Any 2982
rules adopted by the board shall establish methods of payment for 2983
participation under this section, which may include establishment 2984

of a payroll deduction plan under section 742.56 of the Revised Code, deduction of the full premium charged from a person's service or disability pension or survivor benefit, or any other method of payment considered appropriate by the board. If the program is established jointly with one or more of the other retirement systems, the rules also shall establish the terms and conditions of such joint participation.

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

(A) As used in this section:

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

(a) A member of the Ohio police and fire pension fund, including a member of the fund who has elected to participate in the deferred retirement option plan established under section 742.43 of the Revised Code or a member of or contributor to a police or firemen's relief and pension fund established under former Chapter 521. or 741. of the Revised Code;

(b) A member of the state highway patrol retirement system, including a member who is participating in the deferred retirement option plan established under section 5505.50 of the Revised Code;

(c) A member of the public employees retirement system who at the time of the member's death was one of the following:

(i) A county sheriff or deputy sheriff;

(ii) A full-time regular police officer in a municipal corporation or township;

(iii) A full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision;

(iv) A full-time park district ranger or patrol trooper;	3015
(v) A full-time law enforcement officer of the department of natural resources;	3016 3017
(vi) A full-time department of public safety enforcement agent;	3018 3019
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	3020 3021 3022
(viii) A full-time law enforcement officer of a conservancy district;	3023 3024
(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;	3025 3026 3027
(x) A state university law enforcement officer;	3028
(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.	3029 3030 3031
(xii) A drug agent, as defined in section 145.01 of the Revised Code.	3032 3033
(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.	3034 3035 3036 3037
(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	3038 3039 3040 3041 3042 3043 3044

workhouse under the control of a county, group of counties, or 3045
municipal corporation, the security force of a metropolitan, 3046
county, or township park district, the security force of lands 3047
under the control of the department of natural resources, 3048
department of public safety enforcement agents, the security force 3049
of parks, waterway lands, or reservoir lands under the control of 3050
a municipal corporation, the security force of a conservancy 3051
district, the police department of a township or municipal 3052
corporation, and the police force of a state university. 3053

(3) "Firefighter or police officer" includes a state highway 3054
patrol trooper, a county sheriff or deputy sheriff, a correction 3055
officer at an institution under the control of a county, a group 3056
of counties, a municipal corporation, or the department of 3057
rehabilitation and correction, a police officer employed by a 3058
township or municipal corporation, a firefighter employed by the 3059
state, an instrumentality of the state, a municipal corporation, a 3060
township, a joint fire district, or another political subdivision, 3061
a full-time park district ranger or patrol trooper, a full-time 3062
law enforcement officer of the department of natural resources, a 3063
full-time department of public safety enforcement agent, a 3064
full-time law enforcement officer of parks, waterway lands, or 3065
reservoir lands under the control of a municipal corporation, a 3066
full-time law enforcement officer of a conservancy district, and a 3067
state university law enforcement officer. 3068

(4) "Correction officer" includes, in addition to any 3069
correction officer, any correction corporal, sergeant, lieutenant, 3070
or captain, and the equivalents of all such persons. 3071

(5) "A park district ranger or patrol trooper" means a peace 3072
officer commissioned to make arrests, execute warrants, and 3073
preserve the peace upon lands under the control of a board of park 3074
commissioners of a metropolitan, county, or township park 3075
district. 3076

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

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

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

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

(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had the member lived, for the retirement pension provided under section 145.332, Chapter 145., 521., or 741., division (C)(1) of section 742.37, or division (A)(1) of section 5505.17 of the Revised Code or provided by a retirement system operated by a municipal corporation.

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

(12) "Killed in the line of duty" means either of the 3108
following: 3109

(a) Death in the line of duty; 3110

(b) Death from injury sustained in the line of duty, 3111
including heart attack or other fatal injury or illness caused 3112
while in the line of duty. 3113

(B) A spouse of a deceased member shall receive a death 3114
benefit each month equal to the full death benefit amount, 3115
provided that the deceased member was a firefighter or police 3116
officer killed in the line of duty and there are no surviving 3117
children eligible for a benefit under this section. The spouse 3118
shall receive this benefit during the spouse's natural life until 3119
the deceased member's retirement eligibility date, on which date 3120
the benefit provided under this division shall terminate. 3121

(C)(1) If a member killed in the line of duty as a 3122
firefighter or police officer is survived only by a child or 3123
children, the child or children shall receive a benefit each month 3124
equal to the full death benefit amount. If there is more than one 3125
surviving child, the benefit shall be divided equally among these 3126
children. 3127

(2) If the death benefit paid under this division is divided 3128
among two or more surviving children and any of the children 3129
become ineligible to continue receiving a portion of the benefit 3130
as provided in division (H) of this section, the full death 3131
benefit amount shall be paid to the remaining eligible child or 3132
divided among the eligible children so that the benefit paid to 3133
the remaining eligible child or children equals the full death 3134
benefit amount. 3135

(3) Notwithstanding divisions (C)(1) and (2) of this section, 3136
all death benefits paid under this division shall terminate on the 3137
deceased member's retirement eligibility date. 3138

(D) If a member killed in the line of duty as a firefighter 3139
or police officer is survived by both a spouse and a child or 3140
children, the monthly benefit provided shall be as follows: 3141

(1)(a) If there is a surviving spouse and one surviving 3142
child, the spouse shall receive an amount each month equal to 3143
one-half of the full death benefit amount and the child shall 3144
receive an amount equal to one-half of the full death benefit 3145
amount. 3146

(b) If the surviving spouse dies or the child becomes 3147
ineligible as provided in division (H) of this section, the 3148
surviving spouse or child remaining eligible shall receive the 3149
full death benefit amount. 3150

(2)(a) If there is a surviving spouse and more than one 3151
child, the spouse shall receive an amount each month equal to 3152
one-third of the full death benefit amount and the children shall 3153
receive an amount, equally divided among them, equal to two-thirds 3154
of the full death benefit amount. 3155

(b) If a spouse and more than one child each are receiving a 3156
death benefit under division (D)(2)(a) of this section and the 3157
spouse dies, the children shall receive an amount each month, 3158
equally divided among them, equal to the full death benefit 3159
amount. 3160

(c) If a spouse and more than one child each are receiving a 3161
benefit under division (D)(2)(a) of this section and any of the 3162
children becomes ineligible to receive a benefit as provided in 3163
division (H) of this section, the spouse and remaining eligible 3164
child or children shall receive a death benefit as follows: 3165

(i) If there are two or more remaining eligible children, the 3166
spouse shall receive an amount each month equal to one-third of 3167
the full death benefit amount and the children shall receive an 3168
amount each month, equally divided among them, equal to two-thirds 3169

of the full death benefit amount; 3170

(ii) If there is one remaining eligible child, the spouse 3171
shall receive an amount each month equal to one-half of the full 3172
death benefit amount, and the child shall receive an amount each 3173
month equal to one-half of the full death benefit amount. 3174

(d) If a spouse and more than one child each are receiving a 3175
benefit under division (D)(2)(a) of this section and all of the 3176
children become ineligible to receive a benefit as provided in 3177
division (H) of this section, the spouse shall receive the full 3178
death benefit amount. 3179

(3) Notwithstanding divisions (D)(1) and (2) of this section, 3180
death benefits paid under this division to a surviving spouse 3181
shall terminate on the member's retirement eligibility date. Death 3182
benefits paid to a surviving child or children shall terminate on 3183
the deceased member's retirement eligibility date unless earlier 3184
terminated pursuant to division (H) of this section. 3185

(E) If a member, on or after January 1, 1980, is killed in 3186
the line of duty as a firefighter or police officer and is 3187
survived by only a parent or parents dependent upon the member for 3188
support, the parent or parents shall receive an amount each month 3189
equal to the full death benefit amount. If there is more than one 3190
surviving parent dependent upon the deceased member for support, 3191
the death benefit amount shall be divided equally among the 3192
surviving parents. On the death of one of the surviving parents, 3193
the full death benefit amount shall be paid to the other parent. 3194

(F)(1) The following shall receive a monthly death benefit 3195
under this division: 3196

(a) A surviving spouse whose benefits are terminated in 3197
accordance with division (B) or (D)(3) of this section on the 3198
deceased member's retirement eligibility date, or who would 3199
qualify for a benefit under division (B) or (D) of this section 3200

except that the deceased member reached the member's retirement 3201
eligibility date prior to the member's death; 3202

(b) A qualified surviving spouse of a deceased member of or 3203
contributor to a police or firemen's relief and pension fund 3204
established under former Chapter 521. or 741. of the Revised Code 3205
who was a firefighter or police officer killed in the line of 3206
duty. 3207

(2) The monthly death benefit shall be one-half of an amount 3208
equal to the monthly salary received by the deceased member prior 3209
to the member's death, plus any salary increases the deceased 3210
member would have received prior to the member's retirement 3211
eligibility date. The benefit shall terminate on the surviving 3212
spouse's death. A death benefit payable under this division shall 3213
be reduced by an amount equal to any allowance or benefit payable 3214
to the surviving spouse under section 742.3714 of the Revised 3215
Code. 3216

(3) A benefit granted to a surviving spouse under division 3217
(F)(1)(b) of this section shall commence on the first day of the 3218
month immediately following receipt by the board of a completed 3219
application on a form provided by the board and any evidence the 3220
board may require to establish that the deceased spouse was killed 3221
in the line of duty. 3222

(G)(1) If there is not a surviving spouse eligible to receive 3223
a death benefit under division (F) of this section or the 3224
surviving spouse receiving a death benefit under that division 3225
dies, a surviving child or children whose benefits under division 3226
(C) or (D) of this section are or have been terminated pursuant to 3227
division (C)(3) or (D)(3) of this section or who would qualify for 3228
a benefit under division (C) or (D) of this section except that 3229
the deceased member reached the member's retirement eligibility 3230
date prior to the member's death shall receive a monthly death 3231
benefit under this division. The monthly death benefit shall be 3232

one-half of an amount equal to the monthly salary received by the 3233
deceased member prior to the member's death, plus any salary 3234
increases the member would have received prior to the member's 3235
retirement eligibility date. If there is more than one surviving 3236
child, the benefit shall be divided equally among the surviving 3237
children. 3238

(2) If two or more surviving children each are receiving a 3239
benefit under this division and any of those children becomes 3240
ineligible to continue receiving a benefit as provided in division 3241
(H) of this section, the remaining eligible child or children 3242
shall receive an amount equal to one-half of the monthly salary 3243
received by the deceased member prior to death, plus any salary 3244
increases the deceased member would have received prior to the 3245
retirement eligibility date. If there is more than one remaining 3246
eligible child, the benefit shall be divided equally among the 3247
eligible children. 3248

(3) A death benefit, or portion of a death benefit, payable 3249
to a surviving child under this division shall be reduced by an 3250
amount equal to any allowance or benefit payable to that child 3251
under section 742.3714 of the Revised Code, but the reduction in 3252
that child's benefit shall not affect the amount payable to any 3253
other surviving child entitled to a portion of the death benefit. 3254

(H) A death benefit paid to a surviving child under division 3255
(C), (D), or (G) of this section shall terminate on the death of 3256
the child or, unless one of the following is the case, when the 3257
child reaches age eighteen: 3258

(1) The child, because of physical or mental disability, is 3259
unable to provide the child's own support, in which case the death 3260
benefit shall terminate when the disability is removed; 3261

(2) The child is unmarried, under age twenty-two, and a 3262
student in and attending an institution of learning or training 3263

pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the trustees of the fund.

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

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

(1) The person fails to exercise the right to a monthly survivor benefit under division (A) or (B) of section 145.45, division (D), (E), or (F) of section 742.37, or division (A)(3), (4), or ~~(7)~~(6) of section 5505.17 of the Revised Code; to a monthly survivor benefit from a retirement system operated by a municipal corporation; or to a retirement allowance under section 742.3714 of the Revised Code.

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

(3) In the case of a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, group of counties, or municipal

corporation, or a member of a retirement system operated by a 3295
municipal corporation who at the time of the member's death was a 3296
full-time law enforcement officer of parks, waterway lands, or 3297
reservoir lands under the control of the municipal corporation, 3298
the member died prior to April 9, 1981, in the case of a benefit 3299
under division (B), (C), or (D) of this section, or prior to 3300
January 1, 1980, in the case of a benefit under division (E) of 3301
this section. 3302

(4) In the case of a full-time department of public safety 3303
enforcement agent who prior to June 30, 1999, was a liquor control 3304
investigator of the department of public safety, the member died 3305
prior to December 23, 1986; 3306

(5) In the case of a full-time department of public safety 3307
enforcement agent other than an enforcement agent who, prior to 3308
June 30, 1999, was a liquor control investigator, the member died 3309
prior to June 30, 1999. 3310

(K) A surviving spouse whose benefit was terminated prior to 3311
June 30, 1999, due to remarriage shall receive a benefit under 3312
division (B), (D), or (F) of this section beginning on the first 3313
day of the month following receipt by the board of an application 3314
on a form provided by the board. The benefit amount shall be 3315
determined as of that date. 3316

(1) If the benefit will begin prior to the deceased member's 3317
retirement eligibility date, it shall be paid under division (B) 3318
or (D) of this section and shall terminate as provided in those 3319
divisions. A benefit paid to a surviving spouse under division (D) 3320
of this section shall be determined in accordance with that 3321
division, even if benefits paid to surviving children are reduced 3322
as a result. 3323

(2) If the benefit will begin on or after the deceased 3324
member's retirement eligibility date, it shall be paid under 3325

division (F) of this section and shall terminate as provided in 3326
that division. A benefit paid to a surviving spouse under division 3327
(F) of this section shall be determined in accordance with that 3328
division, even if benefits paid to surviving children are 3329
terminated as a result. 3330

Sec. 3307.04. The general administration and the management 3331
of the state teachers retirement system is hereby vested in the 3332
state teachers retirement board, which shall adopt rules necessary 3333
for the fulfillment of its duties and responsibilities under 3334
Chapter 3307. of the Revised Code. The board shall adopt policies 3335
for the operation of the system, and the investment of funds as 3336
provided by section 3307.15 of the Revised Code, and may authorize 3337
its administrative officers, or committees composed of board 3338
members, to act for the board in accord with such policies ~~and~~ 3339
~~subject to subsequent approval by the board.~~ 3340

The board may take all appropriate action to avoid payment by 3341
the system or its members of federal or state income taxes on 3342
contributions to the system or amounts earned on such 3343
contributions and to comply with any plan qualification 3344
requirements, including those on distributions, established under 3345
Title 26 of the United States Code. 3346

The attorney general shall prescribe procedures for the 3347
adoption of rules authorized under this chapter, consistent with 3348
the provision of section 111.15 of the Revised Code under which 3349
all rules shall be filed in order to be effective. Such procedures 3350
shall establish methods by which notice of proposed rules is given 3351
to interested parties and rules adopted by the board published and 3352
otherwise made available. When it files a rule with the joint 3353
committee on agency rule review pursuant to section 111.15 of the 3354
Revised Code, the board shall submit to the Ohio retirement study 3355
council a copy of the full text of the rule, and if applicable, a 3356

copy of the rule summary and fiscal analysis required by division 3357
(B) of section 127.18 of the Revised Code. 3358

All rules adopted pursuant to this chapter, prior to August 3359
20, 1976, shall be published and made available to interested 3360
parties by January 1, 1977. 3361

Sec. 3307.35. (A) As used in this section and section 3362
3307.352 of the Revised Code, "other system retirant" means ~~both~~ 3363
either of the following: 3364

(1) A member or former member of the public employees 3365
retirement system, Ohio police and fire pension fund, school 3366
employees retirement system, state highway patrol retirement 3367
system, or Cincinnati retirement system who is receiving from a 3368
system of which the retirant is a member or former member age and 3369
service or commuted age and service retirement, a benefit, 3370
allowance, or distribution under a plan established under section 3371
145.81 or 3309.81 of the Revised Code, or a disability benefit; 3372

(2) A person who is participating or has participated in an 3373
alternative retirement plan established under Chapter 3305. of the 3374
Revised Code and is receiving a benefit, allowance, or 3375
distribution under the plan. 3376

(B) Subject to this section and section 3307.353 of the 3377
Revised Code, a superannuate or other system retirant may be 3378
employed as a teacher. 3379

(C) A superannuate or other system retirant employed in 3380
accordance with this section shall contribute to the state 3381
teachers retirement system in accordance with section 3307.26 of 3382
the Revised Code and the employer shall contribute in accordance 3383
with sections 3307.28 and 3307.31 of the Revised Code. Such 3384
contributions shall be received as specified in section 3307.14 of 3385
the Revised Code. A superannuate or other system retirant employed 3386

as a teacher is not a member of the state teachers retirement 3387
system, does not have any of the rights, privileges, or 3388
obligations of membership, except as provided in this section, and 3389
is not eligible to receive health, medical, hospital, or surgical 3390
benefits under section 3307.39 of the Revised Code for employment 3391
subject to this section. 3392

(D) The employer that employs a superannuate or other system 3393
retirant shall notify the state teachers retirement board of the 3394
employment not later than the end of the month in which the 3395
employment commences. Any overpayment of benefits to a 3396
superannuate by the retirement system resulting from an employer's 3397
failure to give timely notice may be charged to the employer and 3398
may be certified and deducted as provided in section 3307.31 of 3399
the Revised Code. 3400

(E) On receipt of notice from an employer that a person who 3401
is an other system retirant has been employed, the state teachers 3402
retirement system shall notify the state retirement system of 3403
which the other system retirant was a member of such employment. 3404

(F) A superannuate or other system retirant who has received 3405
an allowance or benefit for less than two months when employment 3406
subject to this section or section 3305.05 of the Revised Code 3407
commences shall forfeit the allowance or benefit for any month the 3408
superannuate or retirant is employed prior to the expiration of 3409
such period. The allowance or benefit forfeited each month shall 3410
be equal to the monthly amount the superannuate or other system 3411
retirant is eligible to receive under a single lifetime benefit 3412
plan of payment described in division (A) of section 3307.60 of 3413
the Revised Code. Contributions shall be made to the retirement 3414
system from the first day of such employment, but service and 3415
contributions for that period shall not be used in the calculation 3416
of any benefit payable to the superannuate or other system 3417
retirant, and those contributions shall be refunded on the 3418

superannuate's or retirant's death or termination of the 3419
employment. Contributions made on compensation earned after the 3420
expiration of such period shall be used in calculation of the 3421
benefit or payment due under section 3307.352 of the Revised Code. 3422

For purposes of this division, "employment" does not include 3423
uncompensated volunteer work if the position is different from the 3424
superannuate's or other system retirant's position with the 3425
employer by which the superannuate or retirant was employed at the 3426
time of retirement. 3427

(G) On receipt of notice from the Ohio police and fire 3428
pension fund, public employees retirement system, or school 3429
employees retirement system of the re-employment of a 3430
superannuate, the state teachers retirement system shall not pay, 3431
or if paid shall recover, the amount to be forfeited by the 3432
superannuate in accordance with section 145.38, 742.26, or 3433
3309.341 of the Revised Code. 3434

(H) If the disability benefit of an other system retirant 3435
employed under this section is terminated, the retirant shall 3436
become a member of the state teachers retirement system, effective 3437
on the first day of the month next following the termination, with 3438
all the rights, privileges, and obligations of membership. If the 3439
retirant, after the termination of the retirant's disability 3440
benefit, earns two years of service credit under this retirement 3441
system or under the public employees retirement system, Ohio 3442
police and fire pension fund, school employees retirement system, 3443
or state highway patrol retirement system, the retirant's prior 3444
contributions as an other system retirant under this section shall 3445
be included in the retirant's total service credit, as defined in 3446
section 3307.50 of the Revised Code, as a state teachers 3447
retirement system member, and the retirant shall forfeit all 3448
rights and benefits of this section. Not more than one year of 3449
credit may be given for any period of twelve months. 3450

(I) This section does not affect the receipt of benefits by 3451
or eligibility for benefits of any person who on August 20, 1976, 3452
was receiving a disability benefit or service retirement pension 3453
or allowance from a state or municipal retirement system in Ohio 3454
and was a member of any other state or municipal retirement system 3455
of this state. 3456

(J) The state teachers retirement board may make the 3457
necessary rules to carry into effect this section and to prevent 3458
the abuse of the rights and privileges thereunder. 3459

Sec. 3307.39. (A) The state teachers retirement board may 3460
enter into an agreement with insurance companies, health insuring 3461
corporations, or government agencies authorized to do business in 3462
the state for issuance of a policy or contract of health, medical, 3463
hospital, or surgical ~~benefits~~ coverage, or any combination 3464
thereof, for those individuals receiving, under the STRS defined 3465
benefit plan, service retirement or a disability or survivor 3466
benefit who subscribe to the plan. Notwithstanding any other 3467
provision of this chapter, the policy or contract may also include 3468
coverage for any eligible individual's spouse and dependent 3469
children and for any of the individual's sponsored dependents as 3470
the board considers appropriate. If all or any portion of the 3471
policy or contract premium is to be paid by any individual 3472
receiving service retirement or a disability or survivor benefit, 3473
the individual shall, by written authorization, instruct the board 3474
to deduct the premium agreed to be paid by the individual to the 3475
companies, corporations, or agencies. 3476

The board may contract for coverage on the basis of part or 3477
all of the cost of the coverage to be paid from appropriate funds 3478
of the state teachers retirement system. The cost paid from the 3479
funds of the system shall be included in the employer's 3480
contribution rate provided by section 3307.28 of the Revised Code. 3481

The board may enter into an agreement under this division for coverage of recipients of benefits under an STRS defined contribution plan if the plan selected includes health, hospital, or surgical ~~benefits~~ coverage, or any combination thereof. The board may contract for coverage on the basis that the cost of the coverage will be paid by the recipient or by the plan to which the recipient contributed under this chapter. The board may offer to recipients plans that provide for different levels of coverage or for prepayment of the cost of coverage.

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

(B) The board may make a monthly payment to each recipient of service retirement, or a disability or survivor benefit under the STRS defined benefit plan who is enrolled in coverage under part B of the medicare program established under Title XVIII of "The Social Security Amendments of 1965," 79 Stat. 301 (1965), 42 U.S.C.A. 1395j, as amended, and may make a monthly payment to a recipient of benefits under an STRS defined contribution plan who is eligible for that insurance coverage if the monthly payments are funded through the plan selected by the recipient. The payment shall be the greater of the following:

(1) Twenty-nine dollars and ninety cents;

(2) An amount determined by the board, which shall not exceed ninety per cent of the basic premium for the coverage, except that the amount shall not exceed the amount paid by the recipient.

At the request of the board, the recipient shall certify the amount paid by the recipient for coverage described in this division.

The board shall make all payments under this division 3513
beginning the month following receipt of satisfactory evidence of 3514
the payment for the coverage. 3515

(C) The board shall establish by rule requirements for the 3516
coordination of any coverage, or payment, ~~or benefit~~ provided 3517
under this section with any similar coverage, or payment, ~~or~~ 3518
~~benefit~~ made available to the same individual by the public 3519
employees retirement system, Ohio police and fire pension fund, 3520
school employees retirement system, or state highway patrol 3521
retirement system. 3522

(D) The board shall make all other necessary rules pursuant 3523
to the purpose and intent of this section. 3524

Sec. 3307.41. The right of an individual to a pension, an 3525
annuity, or a retirement allowance itself, the right of an 3526
individual to any optional benefit, or any other right or benefit 3527
accrued or accruing to any individual under this chapter, the 3528
various funds created by section 3307.14 of the Revised Code, and 3529
all moneys, investments, and income from moneys or investments are 3530
exempt from any state tax, except the tax imposed by section 3531
5747.02 of the Revised Code, and are exempt from any county, 3532
municipal, or other local tax, except income taxes imposed 3533
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 3534
Code, and, except as provided in sections 3105.171, 3105.65, 3535
3115.32, ~~3119.80, 3119.81, 3121.02, 3121.03, 3123.06,~~ 3307.37, 3536
3307.372, and 3307.373 and Chapters 3119., 3121., 3123., and 3125. 3537
of the Revised Code, shall not be subject to execution, 3538
garnishment, attachment, the operation of bankruptcy or insolvency 3539
laws, or any other process of law whatsoever, and shall be 3540
unassignable except as specifically provided in this chapter ~~or~~ 3541
and sections 3105.171, 3105.65, and 3115.32, ~~3119.80, 3119.81,~~ 3542
~~3121.02, 3121.03, and 3123.06~~ and Chapters 3119., 3121., 3123., 3543

and 3125. of the Revised Code. 3544

Sec. 3307.56. (A)(1) Subject to ~~sections~~ section 3307.37 and 3545
~~3307.561~~ of the Revised Code and except as provided in division 3546
(B)(2) of this section, a member participating in the STRS defined 3547
benefit plan who ceases to be a teacher for any cause other than 3548
death, retirement, receipt of a disability benefit, or current 3549
employment in a position in which the member has elected to 3550
participate in an alternative retirement plan under section 3551
3305.05 or 3305.051 of the Revised Code, upon application, shall 3552
be paid the accumulated contributions standing to the credit of 3553
the member's individual account in the teachers' savings fund plus 3554
an amount calculated in accordance with section 3307.563 of the 3555
Revised Code. If the member or the member's legal representative 3556
cannot be found within ten years after the member ceased making 3557
contributions pursuant to section 3307.26 of the Revised Code, the 3558
accumulated contributions may be transferred to the guarantee fund 3559
and thereafter paid to the member, to the member's beneficiaries, 3560
or to the member's estate, upon proper application. 3561

(2) A member described in division (A)(1) of this section who 3562
is married at the time of application for payment and is eligible 3563
for age and service retirement under section 3307.58 or 3307.59 of 3564
the Revised Code or would be eligible for age and service 3565
retirement under either of those sections but for a forfeiture 3566
ordered under division (A) or (B) of section 2929.192 of the 3567
Revised Code shall submit with the application a written statement 3568
by the member's spouse attesting that the spouse consents to the 3569
payment of the member's accumulated contributions. Consent shall 3570
be valid only if it is signed and witnessed by a notary public. If 3571
the statement is not submitted under this division, the 3572
application shall be considered an application for service 3573
retirement and shall be subject to division (G)(1) of section 3574
3307.60 of the Revised Code. 3575

The state teachers retirement board may waive the requirement 3576
of consent if the spouse is incapacitated or cannot be located, or 3577
for any other reason specified by the board. Consent or waiver is 3578
effective only with regard to the spouse who is the subject of the 3579
consent or waiver. 3580

(B) This division applies to any member who is employed in a 3581
position in which the member has elected under section 3305.05 or 3582
3305.051 of the Revised Code to participate in an alternative 3583
retirement plan and due to the election ceases to be a teacher for 3584
the purposes of that position. 3585

Subject to ~~sections~~ section 3307.37 and ~~3307.561~~ of the 3586
Revised Code, the state teachers retirement system shall do the 3587
following: 3588

(1) On receipt of a certified copy of an election under 3589
section 3305.05 or 3305.051 of the Revised Code, pay, in 3590
accordance with section 3305.052 of the Revised Code, the amount 3591
described in that section to the appropriate provider; 3592

(2) If a member has accumulated contributions, in addition to 3593
those subject to division (B)(1) of this section, standing to the 3594
credit of a member's individual account and is not otherwise in a 3595
position in which the member is considered a teacher for the 3596
purposes of that position, pay, to the provider the member 3597
selected pursuant to section 3305.05 or 3305.051 of the Revised 3598
Code, the accumulated contributions standing to the credit of the 3599
member's individual account in the teachers' saving fund plus an 3600
amount calculated in accordance with section 3307.563 of the 3601
Revised Code. The payment shall be made on the member's 3602
application. 3603

(C) Payment of a member's accumulated contributions under 3604
division (B) of this section cancels the member's total service 3605
credit in the state teachers retirement system. A member whose 3606

accumulated contributions are paid to a provider pursuant to 3607
division (B) of this section is forever barred from claiming or 3608
purchasing service credit under the state teachers retirement 3609
system for the period of employment attributable to those 3610
contributions. 3611

Sec. 3307.561. (A) As used in this section, "other retirement 3612
system" means the public employees retirement system or the school 3613
employees retirement system. 3614

(B) Except as provided in division (C) of this section, on 3615
application, a member of the state teachers retirement system who 3616
is also a member of one or both of the other retirement systems 3617
and has ceased to be a teacher for purposes of this chapter may be 3618
paid, in accordance with section 3307.56 of the Revised Code, the 3619
member's accumulated contributions to the state teachers 3620
retirement system, plus any applicable amount calculated under 3621
section 3307.563 of the Revised Code. This payment does not affect 3622
the member's membership in the other retirement systems or any 3623
right the member may have to a benefit or return of contributions 3624
under those systems. 3625

(C) This section does not apply to a member of one of the 3626
other retirement systems whose employment under that system is 3627
with the public employer that was the employer under the state 3628
teachers retirement system at the time the member's service 3629
subject to this chapter terminated. 3630

Sec. 3307.563. For the purposes of this section, "service 3631
credit" includes only service credit obtained pursuant to sections 3632
3307.53, 3307.71, 3307.712, 3307.72, and 3307.77 of the Revised 3633
Code. 3634

(A) The state teachers retirement system shall add to a 3635
member's accumulated contributions to be paid under section 3636

3307.56 or 3307.562 of the Revised Code an amount paid from the 3637
employers' trust fund equal to one of the following: 3638

(1) If the member has less than three full years of service 3639
credit, an amount equal to interest on the member's accumulated 3640
contributions, compounded annually, at a rate not greater than 3641
four per cent established by the board; 3642

(2) If the member has three or more full years of service 3643
credit, but less than five full years, an amount equal to interest 3644
on the member's accumulated contributions, compounded annually, at 3645
a rate not greater than six per cent established by the board; 3646

(3) If the member has five or more full years of service 3647
credit, the sum of the following amounts: 3648

(a) An amount equal to interest on the member's accumulated 3649
contributions, compounded annually, at a rate not greater than six 3650
per cent established by the board; 3651

(b) An amount equal to fifty per cent of the sum of the 3652
member's contributions under section 3307.26, any contributions 3653
restored under ~~section~~ sections 3307.71 and 3307.712 of the 3654
Revised Code to the extent that the amount paid to restore the 3655
credit included amounts received by the member under division 3656
(A)(3)(b) of this section, and contributions deducted or paid 3657
under ~~division (C) of~~ section 3307.77 of the Revised Code plus 3658
interest on that amount at a rate not greater than six per cent 3659
established by the board. 3660

Interest for each year included in the calculation under this 3661
section shall be calculated from the first day of the following 3662
year to the last day of the month preceding payment under section 3663
3307.56 or 3307.562 of the Revised Code. 3664

(B) Notwithstanding sections 3307.56 and 3307.562 of the 3665
Revised Code, neither a member who returned to contributing 3666
service after receiving disability benefits nor the beneficiaries, 3667

survivors, or estate of a deceased member who was granted 3668
disability benefits prior to death is eligible for the payment of 3669
any amount calculated under this section. 3670

Sec. 3307.57. To coordinate and integrate membership in the 3671
state retirement systems, the following provisions apply: 3672

(A) As used in this section: 3673

(1) "Retirement systems" means the public employees 3674
retirement system, state teachers retirement system, and school 3675
employees retirement system. 3676

(2) In addition to the meaning given in section 3307.50 of 3677
the Revised Code, "disability benefit" means "disability benefit" 3678
as defined in sections 145.01 and 3309.01 of the Revised Code; 3679

(3) "Actuarial assumption rate" means the investment rate of 3680
return assumed for projecting assets in the STRS defined benefit 3681
plan. 3682

(4) "Total service credit" means the total credit in all 3683
retirement systems, except that such credit shall not exceed one 3684
year for any period of twelve months. 3685

(5) "Paying system" means the state retirement system in 3686
which the member has the greatest service credit, without 3687
adjustment or, if the member has equal service credit in two or 3688
more retirement systems, the retirement system in which the member 3689
has the greatest total contributions. 3690

(6) "Transferring system" means the state retirement system 3691
transferring a member's contributions and service credit in that 3692
system to the paying system. 3693

(7) "Retention percentage" means five per cent, or a 3694
percentage determined under division (D) of this section, of a 3695
member's earnable salary in the case of a member of the public 3696
employees retirement system or five per cent, or a percentage 3697

<u>determined under division (D) of this section, of a member's</u>	3698
<u>compensation in the case of a member of the state teachers</u>	3699
<u>retirement system or school employees retirement system.</u>	3700
(B) At the option of a member participating in the STRS	3701
defined benefit plan, total contributions and service credit in	3702
all retirement systems, including amounts paid to restore service	3703
credit under sections 145.311, 3307.711, and 3309.261 of the	3704
Revised Code, shall be used in determining the eligibility for	3705
benefits. If total contributions and service credit are combined,	3706
the following provisions apply:	3707
(1) Service retirement or a disability benefit is effective	3708
on the first day of the month next following the later of:	3709
(a) The last day for which compensation was paid;	3710
(b) The attainment of minimum age or service credit for	3711
benefits provided under this section.	3712
(2) "Total service credit" includes the total credit in all	3713
retirement systems except that such credit shall not exceed one	3714
year for any period of twelve months.	3715
(3) Eligibility for a disability benefit shall be determined	3716
by the <u>The</u> board of the state retirement <u>paying</u> system that will	3717
calculate <u>shall do both of the following:</u>	3718
<u>(a) Determine a member's eligibility for a retirement or</u>	3719
<u>disability benefit;</u>	3720
<u>(b) Calculate and pay the member's retirement or disability</u>	3721
<u>benefit, as provided in division (B)(4) of this section. The state</u>	3722
<u>retirement</u>	3723
(3)(a) Each transferring system calculating and paying the	3724
disability benefit in which the member has service credit shall	3725
certify the determination to the board of each other state	3726
retirement <u>paying</u> system in which the member has service credit	3727

~~and shall be accepted by that board as sufficient for granting a disability benefit.~~ 3728
3729

~~(4) The board of the state retirement system in which the member had the greatest service credit, without adjustment, shall calculate and pay the total benefit. If the member's credit is equal in two or more retirement systems, the system having the member's largest total contributions shall calculate and pay the total benefit.~~ 3730
3731
3732
3733
3734
3735

~~(5) all of the following:~~ 3736

~~(i) The service credit earned by the member in the transferring system;~~ 3737
3738

~~(ii) The beginning and ending dates of the service credit period covered by the transferring system;~~ 3739
3740

~~(iii) Any breaks in service by the member, excluding school breaks;~~ 3741
3742

~~(iv) If available, a statement listing the member's monthly contributions and service credit earned, obtained, or purchased in the transferring system.~~ 3743
3744
3745

~~(b) The certification under division (B)(3)(a) of this section may be reviewed by both the transferring system and paying system.~~ 3746
3747
3748

~~(4) In determining the total credit to be used in calculating a retirement or disability benefit, credit shall not be reduced below that certified by the transferring system or systems transferring credit, except that such total combined service credit shall not exceed as follows:~~ 3749
3750
3751
3752
3753

~~(a) Not more than one year of credit may be certified by the transferring system for any one "year" as defined in the statute law governing the transferring system making the calculation.~~ 3754
3755
3756

~~(b) The paying system may reduce any credit certified by the~~ 3757

transferring system that is concurrent with any period of service 3758
credit the member earned from the paying system. 3759

(c) The paying system may reduce any credit certified by the 3760
transferring system if the amount certified, when added to the 3761
paying system's service credit for any one "year" as defined in 3762
the law of the paying system, exceeds one year. 3763

~~(6)(5)(a)~~ The ~~retirement~~ paying system ~~calculating and paying~~ 3764
the ~~benefit~~ shall receive from the ~~other~~ transferring system or 3765
systems all of the following for each year of service: 3766

(i) The amount contributed by the member, or, in the case of 3767
service credit purchased by the member, paid by the member, that 3768
is attributable to the year of service; 3769

(ii) An amount equal to the lesser of the employer's 3770
contributions made on behalf of the member to the ~~retirement~~ 3771
transferring system for that year of service less the retention 3772
percentage or the amount that would have been contributed by the 3773
employer for the service had the member been a member of the state 3774
teachers retirement system at the time the credit was earned less 3775
the retention percentage; 3776

(iii) If applicable, an amount equal to the amount paid on 3777
behalf of the member by an employer under section 145.483 of the 3778
Revised Code; 3779

(iv) Interest compounded annually on the amounts specified in 3780
divisions (B)~~(6)(5)(a)(i)~~, (ii), and (iii) of this section at the 3781
lesser of the actuarial assumption rate for that year of the ~~state~~ 3782
~~teachers retirement~~ paying system or the ~~other retirement~~ 3783
transferring system or systems ~~transferring amounts under this~~ 3784
~~section.~~ 3785

~~(b)(6)~~ The annuity rates and mortality tables of the 3786
~~retirement~~ paying system ~~making the calculation and paying the~~ 3787
~~benefit~~ shall be applicable. 3788

~~(e)(7)~~ Deposits made for the purchase of additional income, 3789
with guaranteed interest, upon the member's request, shall be 3790
transferred to the ~~retirement~~ paying system ~~paying the regular~~ 3791
~~benefit~~. The return upon such deposits shall be that offered by 3792
the ~~retirement~~ paying system ~~making the calculation and paying the~~ 3793
~~regular benefit~~. 3794

(C) A person receiving a benefit under this section, who 3795
accepts employment amenable to coverage in any retirement system 3796
that participated in the person's combined benefit, shall be 3797
subject to the applicable provisions of law governing such 3798
re-employment. 3799

If a retirant should be paid any amount to which the retirant 3800
is not entitled under the applicable provisions of law governing 3801
such re-employment, such amount shall be recouped by the 3802
~~retirement~~ paying system ~~paying such benefit~~ by utilizing any 3803
recovery procedure available under the law of the ~~retirement~~ 3804
~~system covering such~~ paying system's re-employment provisions. 3805

(D) The retention percentage used in the calculation under 3806
division (B)(5)(a)(ii) of this section shall be reviewed by the 3807
state retirement systems not less than once every five years 3808
beginning after the effective date of this amendment or on request 3809
of any of the systems. If the retirement systems agree, the 3810
retention percentage may be changed if any of the system's 3811
employer contribution rate increases or decreases or the systems 3812
agree that a change is in the interest of one or more of the 3813
systems. 3814

Sec. 3307.58. (A) As used in this section, "qualifying 3815
service credit" means credit earned under section 3307.53 or for 3816
which contributions were made under section 145.47 or 3309.47 of 3817
the Revised Code; ~~credit restored under section 145.31, 3307.71,~~ 3818
or 3309.26 of the Revised Code; credit purchased under section 3819

145.302, 3307.752, or 3309.022, or division (D) of section 5505.16 3820
of the Revised Code, or obtained under section 742.521 of the 3821
Revised Code; and credit obtained under section 3307.761, 3822
3307.763, or 3307.765 of the Revised Code. 3823

(B) Any member participating in the STRS defined benefit plan 3824
who has attained the applicable combination of age and service 3825
credit shall be granted service retirement after filing with the 3826
state teachers retirement board a completed application on a form 3827
approved by the board. 3828

(1) Except as provided in division (B)(3) of this section, a 3829
member is eligible to retire under this division if ~~either~~ any of 3830
the following is the case: 3831

(a) The member has five or more years of qualifying service 3832
credit and has attained age sixty-five; 3833

(b) The member is applying for service retirement following 3834
termination of a disability benefit received under section 3307.63 3835
or 3307.631 of the Revised Code and has five or more years of 3836
total service credit; 3837

(c) The member meets one of the following requirements: 3838

(i) Before August 1, 2015, has thirty or more years of 3839
service credit at any age; 3840

(ii) On or after August 1, 2015, but before August 1, 2017, 3841
has thirty-one or more years of service credit at any age; 3842

(iii) On or after August 1, 2017, but before August 1, 2019, 3843
has thirty-two or more years of service credit at any age; 3844

(iv) On or after August 1, 2019, but before August 1, 2021, 3845
has thirty-three or more years of service credit at any age; 3846

(v) On or after August 1, 2021, but before August 1, 2023, 3847
has thirty-four or more years of service credit at any age; 3848

(vi) On or after August 1, 2023, but before August 1, 2026, 3849

has thirty-five or more years of service credit at any age;	3850
(vii) On or after August 1, 2026, has thirty-five or more	3851
years of service credit and has attained age sixty.	3852
(2) Except as provided in division (B)(3) of this section, a	3853
member is eligible to retire under this division if either <u>any</u> of	3854
the following is the case:	3855
(a) The member has five or more years of qualifying service	3856
credit and has attained age sixty;	3857
(b) <u>The member is applying for service retirement following</u>	3858
<u>termination of a disability benefit received under section 3307.63</u>	3859
<u>or 3307.631 of the Revised Code and has five or more years of</u>	3860
<u>total service credit;</u>	3861
(c) The member meets one of the following requirements:	3862
(i) Before August 1, 2015, has twenty-five or more years of	3863
service credit and has attained age fifty-five;	3864
(ii) On or after August 1, 2015, but before August 1, 2017,	3865
has twenty-six or more years of service credit and has attained	3866
age fifty-five or has thirty or more years of service credit at	3867
any age;	3868
(iii) On or after August 1, 2017, but before August 1, 2019,	3869
has twenty-seven or more years of service credit and has attained	3870
age fifty-five or has thirty or more years of service credit at	3871
any age;	3872
(iv) On or after after August 1, 2019, but before August 1,	3873
2021, has twenty-eight or more years of service credit and has	3874
attained age fifty-five or has thirty or more years of service	3875
credit at any age;	3876
(v) On or after August 1, 2021, but before August 1, 2023,	3877
has twenty-nine or more years of service credit and has attained	3878
age fifty-five or has thirty or more years of service credit at	3879

any age; 3880

(vi) On or after August 1, 2023, has thirty or more years of 3881
service credit at any age. 3882

(3) The board may adjust the retirement eligibility 3883
requirements of this section if the board's actuary, in its annual 3884
actuarial valuation required by section 3307.51 of the Revised 3885
Code or in other evaluations conducted under that section, 3886
determines that an adjustment does not materially impair the 3887
fiscal integrity of the retirement system or is necessary to 3888
preserve the fiscal integrity of the system. 3889

(C) Service retirement shall be effective ~~on~~ not earlier than 3890
the first day of the month next following the later of: 3891

(1) The last day for which compensation was paid; or 3892

(2) The attainment of minimum age ~~or~~ and service credit 3893
eligibility for benefits provided under this section. 3894

(D)(1) Except as provided in division (E) of this section, 3895
the annual single lifetime benefit of a member whose retirement 3896
effective date is before August 1, 2013, shall be the greater of 3897
the amounts determined by the member's Ohio service credit 3898
multiplied by one of the following: 3899

(a) Eighty-six dollars; 3900

(b) The sum of the following amounts: 3901

(i) For each of the first thirty years of Ohio service 3902
credit, two and two-tenths per cent of the member's final average 3903
salary or, subject to the limitation described in division 3904
(D)(1)(c) of this section, two and five-tenths per cent of the 3905
member's final average salary if the member has thirty-five or 3906
more years of service credit under section 3307.48, 3307.53, 3907
3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3908
3307.765, 3307.77, or 3307.771 of the Revised Code, division 3909

(A)(2) or (B) of former section 3307.513 of the Revised Code, 3910
former section 3307.514 of the Revised Code, section 3307.72 of 3911
the Revised Code earned after July 1, 1978, or any combination of 3912
service credit under those sections; 3913

(ii) For each year or fraction of a year of Ohio service 3914
credit in excess of thirty years, two and two-tenths per cent of 3915
the member's final average salary or, subject to the limitation 3916
described in division (D)(1)(c) of this section, if the member has 3917
more than thirty years service credit under section 3307.48, 3918
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3919
3307.765, 3307.77, or 3307.771 of the Revised Code, division 3920
(A)(2) or (B) of former section 3307.513 of the Revised Code, 3921
former section 3307.514 of the Revised Code, section 3307.72 of 3922
the Revised Code earned after July 1, 1978, or any combination of 3923
service credit under those sections, the per cent of final average 3924
salary shown in the following schedule for each corresponding year 3925
or fraction of a year of service credit under those sections that 3926
is in excess of thirty years: 3927

Year	Per	Year	Per	
of	Cent	of	Cent	
Service	for that	Service	for that	
Credit	Year	Credit	Year	
30.01 - 31.00	2.5%	35.01 - 36.00	3.0%	3928
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3929
32.01 - 33.00	2.7	37.01 - 38.00	3.2	3930
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3931
34.01 - 35.00	2.9			3932

For purposes of this schedule, years of service credit shall be 3937
rounded to the nearest one-hundredth of a year. 3938

(c) For purposes of division (D)(1) of this section, a 3939
percentage of final average salary in excess of two and two-tenths 3940
per cent shall be applied to service credit under section 3307.57 3941

of the Revised Code only if the service credit was established 3942
under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3943
3309.021, 3309.022, or 3309.47 of the Revised Code or restored 3944
under section 145.31 or 3309.26 of the Revised Code. 3945

(2)(a) Except as provided in division (E) of this section, 3946
the annual single lifetime benefit of a member whose retirement 3947
effective date is on or after August 1, 2013, but before August 1, 3948
2015, shall be the amount determined by the member's Ohio service 3949
credit multiplied by the sum of the following amounts: 3950

(i) For each of the first thirty years of Ohio service 3951
credit, two and two-tenths per cent of the member's final average 3952
salary or, subject to the limitation described in division 3953
(D)(2)(b) of this section, two and five-tenths per cent of the 3954
member's final average salary if the member has thirty-five or 3955
more years of service credit under section 3307.48, 3307.53, 3956
3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3957
3307.765, 3307.77, or 3307.771 of the Revised Code, division 3958
(A)(2) or (B) of former section 3307.513 of the Revised Code, 3959
former section 3307.514 of the Revised Code, section 3307.72 of 3960
the Revised Code earned after July 1, 1978, or any combination of 3961
service credit under those sections; 3962

(ii) For each year or fraction of a year of Ohio service 3963
credit in excess of thirty years, two and two-tenths per cent of 3964
the member's final average salary or, subject to the limitation 3965
described in division (D)(2)(b) of this section, if the member has 3966
more than thirty years service credit under section 3307.48, 3967
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3968
3307.765, 3307.77, or 3307.771 of the Revised Code, division 3969
(A)(2) or (B) of former section 3307.513 of the Revised Code, 3970
former section 3307.514 of the Revised Code, section 3307.72 of 3971
the Revised Code earned after July 1, 1978, or any combination of 3972
service credit under those sections, the per cent of final average 3973

salary shown in the following schedule for each corresponding year 3974
or fraction of a year of service credit under those sections that 3975
is in excess of thirty years: 3976

Year	Per	Year	Per	
of	Cent	of	Cent	
Service	for that	Service	for that	
Credit	Year	Credit	Year	
30.01 - 31.00	2.5%	35.01 - 36.00	3.0%	3977
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3978
32.01 - 33.00	2.7	37.01 - 38.00	3.2	3979
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3980
34.01 - 35.00	2.9			3981

For purposes of this schedule, years of service credit shall be 3986
rounded to the nearest one-hundredth of a year. 3987

(b) For purposes of division (D)(2)(a)(ii) of this section, a 3988
percentage of final average salary in excess of two and two-tenths 3989
per cent shall be applied to service credit under section 3307.57 3990
of the Revised Code only if the service credit was established 3991
under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3992
3309.021, 3309.022, or 3309.47 of the Revised Code or restored 3993
under section 145.31 or 3309.26 of the Revised Code. 3994

(3) Except as provided in division (E) of this section, the 3995
annual single lifetime benefit of a member whose retirement 3996
effective date is on or after August 1, 2015, shall be the amount 3997
determined by the member's service credit multiplied by two and 3998
two-tenths per cent of the member's final average salary. 3999

(E)(1) The annual single lifetime benefit of a member 4000
described in division (B)(2) of this section whose service 4001
retirement is effective before August 1, 2015, shall be adjusted 4002
by the greater per cent shown in the following schedule opposite 4003
the member's attained age or Ohio service credit. 4004

Attained	or	Years of Ohio Service Credit	Per Cent of Base Amount	
				4005
				4006
Age				4007
58		25	75%	4008
59		26	80	4009
60		27	85	4010
61			88	4011
		28	90	4012
62			91	4013
63			94	4014
		29	95	4015
64			97	4016
65		30 or more	100	4017

(2) The annual single lifetime benefit of a member described in division (B)(2) of this section whose service retirement is effective on or after August 1, 2015, shall be reduced by a percentage determined by the board's actuary for each year the member retires before attaining the applicable age and service credit specified in division (B)(1) of this section. The board's actuary may use an actuarially based average percentage reduction for this purpose.

(F) Notwithstanding any other provision of this section, on application, a member who, as of July 1, 2015, has five or more years of Ohio service credit and has attained age sixty, has twenty-five or more years of Ohio service credit and has attained age fifty-five, or has thirty or more years of Ohio service credit shall be granted service retirement according to former section 3307.58 of the Revised Code as in effect immediately prior to ~~the effective date of this amendment~~ January 7, 2013. The member's benefit shall be the greater of the amount the member would have been eligible for had the member retired effective July 1, 2015, or the amount determined under division (D)(3) of this section.

(G) The annual single lifetime benefit determined under 4037
division (D) or (E) of this section shall not exceed the lesser of 4038
one hundred per cent of the final average salary or the limit 4039
established by section 415 of the "Internal Revenue Code of 1986," 4040
100 Stat. 2085, 26 U.S.C.A. 415, as amended. 4041

(H) The annual single lifetime benefit of a member whose 4042
retirement effective date is before August 1, 2013, shall be the 4043
greater of the amounts determined under division (D)(1) or (E)(1) 4044
of this section as appropriate or under this division. The benefit 4045
shall not exceed the lesser of the sum of the following amounts or 4046
the limit established by section 415 of the "Internal Revenue Code 4047
of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended: 4048

(1) An annuity with a reserve equal to the member's 4049
accumulated contributions; 4050

(2) A pension equal to the amount in division (H)(1) of this 4051
section; 4052

(3) An additional pension of forty dollars annually 4053
multiplied by the number of years of prior and military service 4054
credit, except years of credit purchased under section 3307.751 or 4055
3307.752 of the Revised Code. 4056

(I) If a member's disability benefit was terminated under 4057
section 3307.48 of the Revised Code and the member's retirement 4058
under this section is effective on the first day of the month 4059
following the last day for which the disability benefit was paid, 4060
the member's annual single lifetime benefit determined under 4061
division (D) or (E) of this section shall be increased by a 4062
percentage equal to the total of any percentage increases the 4063
member received under section 3307.67 of the Revised Code, plus 4064
any additional amount the member received under this chapter while 4065
receiving the disability benefit. The increase shall be based on 4066
the plan of payment selected by the member under section 3307.60 4067

of the Revised Code. However, the benefit used to calculate any 4068
future increases under section 3307.67 of the Revised Code shall 4069
be based on the plan of payment selected by the member, plus any 4070
additional amount added to the benefit determined under this 4071
division that established a new base benefit to the member. 4072

(J) Benefits determined under this section shall be paid as 4073
provided in section 3307.60 of the Revised Code. 4074

Sec. 3307.62. As used in this section, "qualifying service 4075
credit" has the same meaning as in section 3307.58 of the Revised 4076
Code. 4077

(A) The state teachers retirement system shall provide 4078
disability coverage to each member participating in the STRS 4079
defined benefit plan who meets either of the following: 4080

(1) If the member ~~earned~~ had service credit ~~before July 1 on~~ 4081
account on June 30, 2013, has at least five years of qualifying 4082
service credit; 4083

(2) If the member did not ~~earn~~ have any service credit ~~before~~ 4084
July 1 on account on June 30, 2013, has at least ten years of 4085
qualifying service credit. 4086

Not later than October 16, 1992, the state teachers 4087
retirement board shall give each person who is a member on July 4088
29, 1992, the opportunity to elect disability coverage either 4089
under former section 3307.43 of the Revised Code or under former 4090
section 3307.431 of the Revised Code. The board shall mail notice 4091
of the election, accompanied by an explanation of the coverage 4092
under each of the Revised Code sections and a form on which the 4093
election is to be made, to each member at the member's last known 4094
address. The board shall also provide the explanation and form to 4095
any member on the member's request. 4096

Regardless of whether the member actually receives notice of 4097

the right to make an election, a member who fails to file a valid 4098
election under this section shall be considered to have elected 4099
disability coverage under section 3307.63 of the Revised Code. To 4100
be valid, an election must be made on the form provided by the 4101
board, signed by the member, and filed with the board not later 4102
than one hundred eighty days after the date the notice was mailed, 4103
or, in the case of a form provided at the request of a member, a 4104
date specified by rule of the board. Once made, an election is 4105
irrevocable, but if the member ceases to be a member of the 4106
system, the election is void. If a person who makes an election 4107
under this section also makes an election under section 145.35 or 4108
3309.39 of the Revised Code, the election made for the system that 4109
pays a disability benefit to that person shall govern the benefit. 4110

Disability coverage shall be provided under section 3307.631 4111
of the Revised Code for persons who become members after July 29, 4112
1992, and for members who elect under this division to be covered 4113
under section 3307.631 of the Revised Code. 4114

The board may adopt rules governing elections made under this 4115
division. 4116

(B) Application for a disability benefit may be made by a 4117
member, by a person acting in the member's behalf, or by the 4118
member's employer and if the member has disability coverage under 4119
division (A) of this section. 4120

The application for a disability benefit shall be made on a 4121
form approved by the board. The benefit payable to any member 4122
whose application is approved shall become effective on the first 4123
day of the month next following the later of the following: 4124

(1) The last day for which compensation was paid; 4125

(2) The attainment of eligibility date on which the member's 4126
most recent application for a disability benefit was received by 4127
the board. 4128

(C) Medical examination of the member shall be conducted by a 4129
competent, disinterested physician or physicians selected by the 4130
board to determine whether the member is mentally or physically 4131
incapacitated for the performance of duty by a disabling 4132
condition, either permanent or presumed to be permanent for twelve 4133
continuous months following the filing of an application. The 4134
disability must have occurred since last becoming a member, or it 4135
must have increased since last becoming a member to such an extent 4136
as to make the disability permanent or presumably permanent for 4137
twelve continuous months following the filing of an application. 4138

(D) Application for a disability benefit must be made within 4139
a two-year period from the date the member's contributing service 4140
terminated, unless the board determines that the member's medical 4141
records demonstrate conclusively that at the time the period 4142
expired the member was physically or mentally incapacitated and 4143
unable to make application, except that if the member did not ~~earn~~ 4144
have any service credit ~~before July 1~~ on account on June 30, 2013, 4145
application must be made within a one-year period from the date 4146
contributing service terminated. Application may not be made by 4147
any person receiving service retirement benefits under section 4148
3307.58 or 3307.59 of the Revised Code or any person whose 4149
accumulated contributions standing to the credit of the person's 4150
individual account in the teachers' savings fund have been paid 4151
under section 3307.56 of the Revised Code. 4152

(E) If the physician or physicians determine that the member 4153
qualifies for a disability benefit, the board concurs with the 4154
determination, and the member agrees to medical treatment as 4155
specified in division (G) of this section, the member shall 4156
receive a disability benefit under section 3307.63 or 3307.631 of 4157
the Revised Code. If such physician or physicians determine that 4158
the member does not qualify for a disability benefit, the report 4159
of the examiner or examiners shall be evaluated by a board of 4160

medical review composed of at least three physicians appointed by 4161
the retirement board. 4162

(F) The state teachers retirement board shall render an order 4163
determining whether or not the applicant shall be granted a 4164
disability benefit. Notification to the applicant shall be issued, 4165
and upon the request of an applicant who is denied a disability 4166
benefit, a hearing or appeal relative to such order shall be 4167
conducted in accordance with procedures established by the 4168
retirement board. 4169

(G) The state teachers retirement board shall adopt rules 4170
requiring each disability benefit recipient, as a condition of 4171
continuing to receive a disability benefit, to agree in writing to 4172
obtain any medical treatment recommended by the board's physician 4173
and submit medical reports regarding the treatment. If the board 4174
determines that a disability benefit recipient is not obtaining 4175
the medical treatment or the board does not receive a required 4176
medical report, the disability benefit shall be suspended until 4177
the treatment is obtained, the report is received by the board, or 4178
the board's physician certifies that the treatment is no longer 4179
helpful or advisable. Should the recipient's failure to obtain 4180
treatment or submit a medical report continue for one year, the 4181
recipient's right to the disability benefit shall be terminated as 4182
of the effective date of the original suspension. 4183

(H) If an employer files an application for a disability 4184
benefit as a result of a member having been separated from service 4185
because the member is considered to be incapacitated for the 4186
performance of duty, and the board denies the disability benefit, 4187
the board shall so certify to the employer and the employer shall 4188
restore the member to the member's previous position and salary or 4189
to a similar position and salary. 4190

(I) The recipient of a disability allowance under section 4191
3307.631 of the Revised Code whose allowance terminates under 4192

division (C)(3) of that section due to age is not eligible to do 4193
either of the following: 4194

(1) Retire on disability under section 3307.63 of the Revised 4195
Code; 4196

(2) Receive a disability allowance under section 3307.631 of 4197
the Revised Code. 4198

Sec. 3307.66. (A) As used in this section: 4199

(1) "Physically or mentally incompetent" means incapable of 4200
earning a living because of a physically or mentally disabling 4201
condition. Physical or mental incompetency may be determined by a 4202
court or by a doctor of medicine or osteopathic medicine appointed 4203
by the state teachers retirement board. 4204

(2) "Qualifying service credit" has the same meaning as in 4205
section 3307.58 of the Revised Code. 4206

(B) For the purposes of this section: 4207

(1) A qualified spouse is the surviving spouse of a deceased 4208
member of the state teachers retirement system participating in 4209
the STRS defined benefit plan who is one of the following: 4210

(a) Sixty-two years of age or older or any age if the 4211
deceased member had ten or more years of Ohio service credit; 4212

(b) Caring for a qualified child; 4213

(c) Adjudged physically or mentally incompetent at the time 4214
of the member's death and has remained continuously incompetent; 4215

(d) Any age if the deceased member was eligible for a service 4216
retirement allowance as provided in section 3307.58 of the Revised 4217
Code and the surviving spouse elects to receive a benefit under 4218
division (C)(1) of this section. 4219

(2) A qualified child is a person who is the child of a 4220
deceased member participating in the STRS defined benefit plan to 4221

whom both of the following apply:	4222
(a) Never married;	4223
(b) Meets one of the following age-related requirements:	4224
(i) Is under age eighteen;	4225
(ii) Is under age twenty-two if attending an institution of	4226
learning or training pursuant to a program designed to complete in	4227
each school year the equivalent of at least two-thirds of the	4228
full-time curriculum requirements of such institution and as	4229
further determined by board policy;	4230
(iii) Is any age if adjudged physically or mentally	4231
incompetent, if the person became incompetent prior to attainment	4232
of age eighteen or prior to age twenty-two if attending an	4233
institution of learning or training described in division	4234
(B)(2)(b)(ii) of this section, and has remained continuously	4235
incompetent.	4236
(3) A qualified parent is a dependent parent of a deceased	4237
member participating in the STRS defined benefit plan who is age	4238
sixty-five or older.	4239
(4) A person is a "qualified survivor" if the person	4240
qualifies as a surviving spouse, child, or dependent parent.	4241
(C) Except as provided in division (G)(1) of this section, in	4242
lieu of accepting the payment of the accumulated account of a	4243
member participating in the STRS defined benefit plan who dies	4244
before service retirement, a beneficiary, as determined in section	4245
3307.562 of the Revised Code, may elect to forfeit the accumulated	4246
account and to substitute benefits under this division.	4247
(1) If a deceased member was eligible for a service	4248
retirement allowance as provided in section 3307.58 or 3307.59 of	4249
the Revised Code, a surviving spouse or an individual designated	4250
as the member's sole beneficiary pursuant to division (B) of	4251

section 3307.562 of the Revised Code who was a qualified child or 4252
dependent parent of the member or received one-half or more of 4253
support from the member during the twelve-month period preceding 4254
the member's death may elect to receive a monthly benefit computed 4255
as the joint-survivor allowance designated as option 1 in section 4256
3307.60 of the Revised Code, which the member would have received 4257
had the member retired on the last day of the month of death and 4258
had the member at that time selected such joint-survivor plan. 4259

(2)(a) A surviving spouse or other qualified survivor may 4260
elect to receive monthly benefits under division (C)(2) of this 4261
section if any of the following apply: 4262

(i) The deceased member ~~earned~~ had service credit ~~before July~~ 4263
~~1 on account on June 30, 2013,~~ and had completed at least one and 4264
one-half years of qualifying service credit, with at least 4265
one-quarter year of qualifying service credit within the two and 4266
one-half years prior to the date of death, or, if the member ~~had~~ 4267
did not earned have service credit ~~before July 1 on account on~~ 4268
June 30, 2013, had completed at least five years of qualifying 4269
service credit and died not later than one year after the date 4270
contributing service terminated. 4271

(ii) The member was receiving at the time of death a 4272
disability benefit as provided in section 3307.63 or 3307.631 of 4273
the Revised Code. 4274

(iii) The member was receiving, within twelve months prior to 4275
the date of death, a disability benefit as provided in section 4276
3307.63 or 3307.631 of the Revised Code and was contributing under 4277
this chapter or Chapter 145. or 3309. of the Revised Code at the 4278
time of death. 4279

(b) The surviving spouse or other qualified survivor shall 4280
elect one of the following methods of calculating benefits elected 4281
under division (C)(2) of this section, which shall, except as 4282

provided in division (G)(1) of this section, remain in effect	4283	
without regard to any change in the number of qualified survivors:	4284	
Or	4285	
(i) Number of qualified survivors	4286	
Annual benefit as a per cent of member's final average salary	4287	
Monthly benefit shall not be less than	4288	
1 25% \$ 96	4289	
2 40 186	4290	
3 50 236	4291	
4 55 236	4292	
5 or more 60 236	4293	
	Annual benefit as a	4294
	per cent of member's	4295
(ii) Years of service	final average salary	4296
20 29%	4297	
21 33	4298	
22 37	4299	
23 41	4300	
24 45	4301	
25 48	4302	
26 51	4303	
27 54	4304	
28 57	4305	
29 or more 60	4306	
(3)(a) If at the time of death the deceased member was	4307	
receiving a disability benefit under section 3307.63 or 3307.631	4308	
of the Revised Code, the benefit elected under division (C)(1) or	4309	
(2) of this section shall be increased by a percentage equal to	4310	
the total of any percentage increases the member received under	4311	
section 3307.67 of the Revised Code, plus any additional amount	4312	
the member received under this chapter while receiving the	4313	
disability benefit. The increase shall be based on the benefit	4314	
determined under division (C)(1) or (2) of this section. However,	4315	

the benefit used to calculate any future increases under section 4316
3307.67 of the Revised Code shall be the benefit determined under 4317
division (C)(1) or (2) of this section. 4318

(b) If eligibility for a benefit under division (C)(1) or (2) 4319
of this section is not established until more than one year after 4320
the member's death, the annual benefit shall be increased by a 4321
percentage equal to the total of the percentage increases that 4322
would have been made under section 3307.67 of the Revised Code, 4323
plus any additional amount that would have been paid under this 4324
chapter had the benefit begun in the year in which the member 4325
died. However, the benefit used to calculate any future increases 4326
under section 3307.67 of the Revised Code shall be the benefit 4327
determined under division (C)(1) or (2) of this section, plus any 4328
additional amounts added to the benefit determined under this 4329
division that established a new base benefit to the deceased 4330
member. 4331

(D) If a benefit is calculated pursuant to division 4332
(C)(2)(b)(i) of this section, benefits to a surviving spouse shall 4333
be paid in the amount determined for the first qualifying survivor 4334
in division (C)(2)(b)(i) of this section, but shall not be less 4335
than one hundred six dollars per month if the deceased member had 4336
ten or more years of qualifying service credit. All other 4337
qualifying survivors shall share equally in the benefit or 4338
remaining portion thereof. 4339

If a benefit is calculated pursuant to division (C)(2)(b)(ii) 4340
of this section and is payable to more than one qualified 4341
survivor, the benefit shall be apportioned equally among the 4342
qualified survivors, except that if there is a surviving spouse, 4343
the portion of the benefit allocated to the surviving spouse shall 4344
be as follows: 4345

Number of		4346
survivors	Spouse's share of total benefit	4347

2	62.5%	4348
3	50.0%	4349
4	45.45%	4350
5 or more	41.67%	4351

(E) A qualified survivor shall file with the board an application for benefits payable under this section. Payments shall begin on whichever of the following applies:

(1) If application is received not later than one year after the date of the member's death, benefits shall begin on the first day of the month following the date of death.

(2) If application is received later than one year from the date of death, benefits shall begin on the first day of the month immediately following receipt of application by the board.

Benefits to a qualified survivor shall terminate upon a first marriage, abandonment, or adoption. The termination of benefits is effective on the first day of the month following the day the person ceases to be a qualified survivor. Benefits to a deceased member's surviving spouse that were terminated under a former version of this section that required termination due to remarriage and were not resumed prior to the effective date of this amendment shall resume on the first day of the month immediately following receipt by the board of an application on a form provided by the board.

Upon the death of any subsequent spouse who was a member of the public employees retirement system, state teachers retirement system, or school employees retirement system, the surviving spouse of such member may elect to continue receiving benefits under this division, or to receive survivor's benefits, based upon the subsequent spouse's membership in one or more of the systems, for which such surviving spouse is eligible under this section or section 145.45 or 3309.45 of the Revised Code. If the surviving spouse elects to continue receiving benefits under this division,

such election shall not preclude the payment of benefits under 4380
this division to any other qualified survivor. 4381

(F) The beneficiary of a member who is also a member of the 4382
public employees retirement system, or the school employees 4383
retirement system, must forfeit the member's accumulated 4384
contributions in those systems, if the beneficiary elects to 4385
receive a benefit under division (C) of this section. Such benefit 4386
shall be exclusively governed by section 3307.57 of the Revised 4387
Code. 4388

(G)(1) Regardless of whether the member is survived by a 4389
spouse or designated beneficiary, if the state teachers retirement 4390
system receives notice that a deceased member described in 4391
division (C)(1) or (2) of this section has one or more qualified 4392
children, all persons who are qualified survivors under division 4393
(C)(2) of this section shall receive monthly benefits as provided 4394
in division (C)(2) of this section. 4395

If, after determining the monthly benefits to be paid under 4396
division (C)(2) of this section, the system receives notice that 4397
there is a qualified survivor who was not considered when the 4398
determination was made, the system shall, notwithstanding section 4399
3307.42 of the Revised Code, recalculate the monthly benefits with 4400
that qualified survivor included, even if the benefits to 4401
qualified survivors already receiving benefits are reduced as a 4402
result. The benefits shall be calculated as if the qualified 4403
survivor who is the subject of the notice became eligible on the 4404
date the notice was received and shall be paid to qualified 4405
survivors effective on the first day of the first month following 4406
the system's receipt of the notice. 4407

If the system did not receive notice that a deceased member 4408
has one or more qualified children prior to making payment under 4409
section 3307.562 of the Revised Code to a beneficiary as 4410
determined by the system, the payment is a full discharge and 4411

release of the system from any future claims under this section or 4412
section 3307.562 of the Revised Code. 4413

(2) If benefits under division (C)(2) of this section to all 4414
persons, or to all persons other than a surviving spouse or sole 4415
beneficiary, terminate, there are no children under the age of 4416
twenty-two years, and the surviving spouse or beneficiary 4417
qualifies for benefits under division (C)(1) of this section, the 4418
surviving spouse or beneficiary may elect to receive benefits 4419
under division (C)(1) of this section. The benefit shall be 4420
calculated based on the age of the spouse or beneficiary at the 4421
time of the member's death and is effective on the first day of 4422
the month following receipt by the board of an application for 4423
benefits under division (C)(1) of this section. 4424

(H) If the benefits due and paid under division (C) of this 4425
section are in a total amount less than the member's accumulated 4426
account that was transferred from the teachers' savings fund, 4427
school employees retirement fund, and public employees retirement 4428
fund, to the survivors' benefit fund, then the difference between 4429
the total amount of the benefits paid shall be paid to the 4430
beneficiary under section 3307.562 of the Revised Code. 4431

Sec. 3307.70. (A) A member of the state teachers retirement 4432
system who elects to purchase service credit described in section 4433
3307.73, 3307.74, 3307.751, 3307.76, 3307.771, or 3307.78 of the 4434
Revised Code shall do both of the following: 4435

(1) Submit an application to the state teachers retirement 4436
board in a manner or form approved by the board; 4437

(2)(a) If the purchase will be completed not later than 4438
December 31, 2013, for each year, or portion of a year, of credit 4439
purchased, pay to the ~~employees'~~ teachers' savings fund the amount 4440
specified by former section 3307.73, 3307.74, 3307.751, 3307.76, 4441
3307.771, or 3307.78 of the Revised Code as the appropriate 4442

section existed immediately before ~~the effective date of this~~ 4443
~~section~~ January 7, 2013. 4444

(b) If the purchase will not be completed until on or after 4445
January 1, 2014, for each year, or portion of a year, of credit 4446
purchased, pay to the ~~employees'~~ teachers' savings fund an amount 4447
specified by the board that is equal to one hundred per cent of 4448
the actuarial liability resulting from the purchase of that year 4449
or portion of a year of credit as determined by an actuary 4450
employed by the board. 4451

(c) If, on ~~the effective date of this amendment~~ January 7, 4452
2013, the purchase is being made through a payroll deduction plan 4453
under section 3307.701 of the Revised Code and at least one 4454
deduction has been made, pay to the ~~employees'~~ teachers' savings 4455
fund the amount specified by former section 3307.73, 3307.74, 4456
3307.751, 3307.76, 3307.771, or 3307.78 of the Revised Code as the 4457
appropriate section existed immediately before ~~the effective date~~ 4458
~~of this section~~ January 7, 2013. 4459

(B)(1) A purchase shall be considered completed for purposes 4460
of division (A)(2)(a) of this section only if the member's 4461
application is received by the retirement system as completed not 4462
later than December 31, 2013, and all payments are received by the 4463
retirement system not later than June 30, 2014. 4464

(2) A member purchasing credit through a payroll deduction 4465
plan under division (A)~~(1)~~(2)(c) of this section may pay in a 4466
single payment the balance of the cost of the credit. 4467

(C) Subject to board rules, a member may choose to purchase 4468
only part of any eligible service credit in any one payment. 4469

(D) The board shall adopt rules establishing criteria for 4470
determining eligibility for purchases of service credit and 4471
procedures for purchases of credit under this section. 4472

Any determination of the board under this section shall be 4473

final. 4474

(E) Service credit purchased under this section shall be 4475
included in the member's total service credit. 4476

If a member dies or withdraws from service, any payment made 4477
by the member under this section shall be considered as 4478
accumulated contributions of the member. 4479

Sec. 3307.71. (A)(1) Except as provided in this section, 4480
section 3305.05, or section 3305.051 of the Revised Code, a member 4481
or former member of the state teachers retirement system 4482
participating in the STRS defined benefit plan who has at least 4483
one and one-half years of contributing service credit in this 4484
system, the public employees retirement system, the school 4485
employees retirement system, the Ohio police and fire pension 4486
fund, or the state highway patrol retirement system after the 4487
withdrawal and cancellation of service credit in this system may 4488
restore all or part of such service credit by repayment of the 4489
amount withdrawn. To this amount shall be added interest at a rate 4490
per annum, compounded annually, to be determined by the state 4491
teachers retirement board. Interest shall be payable from the 4492
first of the month of withdrawal through the month of repayment. **A** 4493

(2) If the accumulated contributions were withdrawn under 4494
section 3307.561 of the Revised Code, service credit may be 4495
restored only if the member or former member accrued one and 4496
one-half years of service credit after the withdrawal and 4497
cancellation of service credit in this system. 4498

(B) A member may choose to purchase only part of such credit 4499
in any one payment. The cost for restoring partial service shall 4500
be calculated as the proportion that it bears to the total cost at 4501
the time of purchase and is subject to the rules established by 4502
the board. If a former member is eligible to buy the service 4503
credit as a member of the Ohio police and fire pension fund, the 4504

state highway patrol retirement system, or the city of Cincinnati Retirement System, the former member is ineligible to restore that service credit under this section.

(C) The total payment to restore canceled service credit shall be credited as follows:

~~(A)~~(1) The amount that equals contributions made pursuant to section 3307.26 of the Revised Code, plus any interest on the contributions paid by the member pursuant to this section, to the member's account in the teachers' savings fund;

~~(B)~~(2) The amount that equals the amount paid under section 3307.563 of the Revised Code, to the employers trust fund;

~~(C)~~(3) The remainder of the payment to restore canceled service credit, to the guarantee fund.

Sec. 3307.711. (A) A member of the state teachers retirement system who has at least eighteen months of contributing service credit in the system, the police and firemen's disability and pension fund, public employees retirement system, school employees retirement system, or state highway patrol retirement system, and is a former member of or no longer contributing to the public employees retirement system or school employees retirement system may restore service credit under section 145.31 or 3309.26 of the Revised Code by making payments pursuant to this section through a payroll deduction plan established under section 3307.701 of the Revised Code. A member seeking to restore this service credit shall notify the state teachers retirement system on a form approved by the state teachers retirement board. After receiving the notice, the state teachers retirement system shall request that the former retirement system calculate under section 145.312 or 3309.262 of the Revised Code the cost to the member to restore service credit for each year or portion of a year of service for which the member seeks to restore the service credit. The amount

the former retirement system certifies as the cost of restoring 4536
the service credit, plus interest described in division (B) of 4537
this section, is the cost to the member of restoring the service 4538
credit. On receiving the certification from the former retirement 4539
system, the state teachers retirement system shall notify the 4540
member of the cost. 4541

(B) For each year or portion of a year of service credit 4542
restored under section 145.31 or 3309.26 of the Revised Code, a 4543
member shall pay to the state teachers retirement system the 4544
amount certified by the former retirement system plus interest at 4545
a rate specified by the former retirement system under section 4546
145.312 or 3309.262 of the Revised Code for the period during 4547
which deductions are made under section 3307.701 of the Revised 4548
Code. 4549

(C) The state teachers retirement board shall at least 4550
annually ~~notify~~ transmit to the former retirement system ~~that a~~ 4551
~~payment notice and any payments made~~ to restore service credit 4552
under section 145.31 or 3309.26 of the Revised Code ~~has been made.~~ 4553
~~At the time the payment is transferred under division (D) of this~~ 4554
~~section, the~~ The former retirement system shall restore the 4555
service credit for the year or portion of a year for which the 4556
payment was made. 4557

(D) ~~On application for a payment of accumulated contributions~~ 4558
~~or an age and service retirement, disability, or survivor benefit~~ 4559
~~under Chapter 145., 3307., or 3309. of the Revised Code by a~~ 4560
~~member who made payments under this section to restore service~~ 4561
~~credit in a former retirement system, the state teachers~~ 4562
~~retirement system shall pay to the former retirement system an~~ 4563
~~amount equal to the total amount paid by the member under this~~ 4564
~~section.~~ 4565

(E) The board shall adopt rules to implement this section. 4566

Sec. 3307.73. (A)~~(1)~~ As used in this section, "paying system" and "transferring system" have the same meanings as in section 3307.57 of the Revised Code. 4567
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(B)(1) Except as provided in division ~~(A)~~(B)(2) of this section, a member of the state teachers retirement system participating in the STRS defined benefit plan who has at least eighteen months of contributing service in the system, the public employees retirement system, or school employees retirement system who chose to be exempted from membership in one or more of the systems pursuant to section 145.03, or 3309.23 of the Revised Code, or former section 3307.25 or 3309.25 of the Revised Code, or was exempt under section 3307.24 of the Revised Code, may purchase credit under section 3307.70 of the Revised Code for each year or portion of a year of service for which the member was exempted. 4570
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(2) A member may not purchase credit for service that was exempted from contribution under section 3307.24 of the Revised Code and subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 4581
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~~(B)~~(C) Credit described in this section shall not exceed one year of service for any twelve-month period. If the period of service for which credit is purchasable is concurrent with a period of service that will be used to calculate a retirement benefit from this system, the public employees retirement system, or school employees retirement system, the amount of the credit shall be adjusted in accordance with rules adopted by the board. 4586
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~~(C)~~(D) A member who is also a member of the public employees retirement system or school employees retirement system shall purchase credit for any service for which the member exempted the member's self under section 145.03 or 3309.23 of the Revised Code, or former section 3307.25 or 3309.25 of the Revised Code, or was 4593
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exempt under section 3307.24 of the Revised Code, from the 4598
retirement system in which the member has the greatest number of 4599
years of service credit. If the member receives benefits under 4600
section 3307.57 of the Revised Code, the ~~state retirement~~ system 4601
that ~~determines and pays the retirement benefit~~ is the paying 4602
system under that section shall receive from the ~~other~~ system or 4603
systems that are the transferring systems the amounts paid by the 4604
member for purchase of credit for exempt service plus interest at 4605
the actuarial assumption rate of the transferring system ~~paying~~ 4606
~~that amount~~. The interest shall be for the period beginning on the 4607
date of the member's last payment for purchase of the credit and 4608
ending on the date of the member's retirement. 4609

Sec. 3309.01. As used in this chapter: 4610

(A) "Employer" or "public employer" means boards of 4611
education, school districts, joint vocational districts, governing 4612
authorities of community schools established under Chapter 3314. 4613
of the Revised Code, a science, technology, engineering, and 4614
mathematics school established under Chapter 3326. of the Revised 4615
Code, educational institutions, technical colleges, state, 4616
municipal, and community colleges, community college branches, 4617
universities, university branches, other educational institutions, 4618
or other agencies within the state by which an employee is 4619
employed and paid, including any organization using federal funds, 4620
provided the federal funds are disbursed by an employer as 4621
determined by the above. In all cases of doubt, the school 4622
employees retirement board shall determine whether any employer is 4623
an employer as defined in this chapter, and its decision shall be 4624
final. 4625

(B) "Employee" means all of the following: 4626

(1) Any person employed by a public employer in a position 4627
for which the person is not required to have a certificate or 4628

license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(2) Any person who performs a service common to the normal daily operation of an educational unit even though the person is employed and paid by one who has contracted with an employer to perform the service, and the contracting board or educational unit shall be the employer for the purposes of administering the provisions of this chapter;

(3) Any person, not a faculty member, employed in any school or college or other institution wholly controlled and managed, and wholly or partly supported by the state or any political subdivision thereof, the board of trustees, or other managing body of which shall accept the requirements and obligations of this chapter.

In all cases of doubt, the school employees retirement board shall determine whether any person is an employee, as defined in this division, and its decision is final.

(C) "Prior service" means all service rendered prior to September 1, 1937:

(1) As an employee as defined in division (B) of this section;

(2) As an employee in a capacity covered by the public employees retirement system or the state teachers retirement system;

(3) As an employee of an institution in another state, service credit for which was procured by a member under the provisions of section 3309.31 of the Revised Code.

Prior service, for service as an employee in a capacity covered by the public employees retirement system or the state teachers retirement system, shall be granted a member under

qualifications identical to the laws and rules applicable to 4659
service credit in those systems. 4660

Prior service shall not be granted any member for service 4661
rendered in a capacity covered by the public employees retirement 4662
system, the state teachers retirement system, and this system in 4663
the event the service credit has, in the respective systems, been 4664
received, waived by exemption, or forfeited by withdrawal of 4665
contributions, except as provided in this chapter. 4666

If a member who has been granted prior service should, 4667
subsequent to September 16, 1957, and before retirement, establish 4668
three years of contributing service in the public employees 4669
retirement system, or one year in the state teachers retirement 4670
system, then the prior service granted shall become, at 4671
retirement, the liability of the other system, if the prior 4672
service or employment was in a capacity that is covered by that 4673
system. 4674

The provisions of this division shall not cancel any prior 4675
service granted a member by the school employees retirement board 4676
prior to August 1, 1959. 4677

(D) "Total service," "total service credit," or "Ohio service 4678
credit" means all contributing service of a member of the school 4679
employees retirement system, and all prior service, computed as 4680
provided in this chapter, and all service established pursuant to 4681
sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In 4682
addition, "total service" includes any period, not in excess of 4683
three years, during which a member was out of service and 4684
receiving benefits from the state insurance fund, provided the 4685
injury or incapacitation was the direct result of school 4686
employment. 4687

(E) "Member" means any employee, except an SERS retirant or 4688
other system retirant as defined in section 3309.341 of the 4689

Revised Code, who has established membership in the school 4690
employees retirement system. "Member" includes a disability 4691
benefit recipient. 4692

(F) "Contributor" means any person who has an account in the 4693
employees' savings fund. When used in the sections listed in 4694
division (B) of section 3309.82 of the Revised Code, "contributor" 4695
includes any person participating in a plan established under 4696
section 3309.81 of the Revised Code. 4697

(G) "Retirant" means any former member who retired and is 4698
receiving a service retirement allowance or commuted service 4699
retirement allowance as provided in this chapter. 4700

(H) "Beneficiary" or "beneficiaries" means the estate or a 4701
person or persons who, as the result of the death of a contributor 4702
or retirant, qualifies for or is receiving some right or benefit 4703
under this chapter. 4704

(I) "Interest," as specified in division (E) of section 4705
3309.60 of the Revised Code, means interest at the rates for the 4706
respective funds and accounts as the school employees retirement 4707
board may determine from time to time, except as follows: 4708

(1) The rate of interest credited on employee contributions 4709
at retirement shall be four per cent per annum, compounded 4710
annually, to and including June 30, 1955; three per cent per 4711
annum, compounded annually, from July 1, 1955, to and including 4712
June 30, 1963; three and one-quarter per cent per annum, 4713
compounded annually, from July 1, 1963, through June 30, 1966; and 4714
thereafter, four per cent per annum compounded annually until a 4715
change in the amount is recommended by the system's actuary and 4716
approved by the retirement board. Subsequent to June 30, 1959, the 4717
retirement board shall discontinue the annual crediting of current 4718
interest on a contributor's accumulated contributions. 4719
Noncrediting of current interest shall not affect the rate of 4720

interest at retirement guaranteed under this division. 4721

(2) In determining the reserve value for purposes of 4722
computing the amount of the contributor's annuity, the rate of 4723
interest used in the annuity values shall be four per cent per 4724
annum through September 30, 1956; three per cent per annum 4725
compounded annually from October 1, 1956, through June 30, 1963; 4726
three and one-quarter per cent per annum compounded annually from 4727
July 1, 1963, through June 30, 1966; and, thereafter, four per 4728
cent per annum compounded annually until a change in the amount is 4729
recommended by the system's actuary and approved by the retirement 4730
board. In the purchase of out-of-state service credit as provided 4731
in section 3309.31 of the Revised Code, and in the purchase of an 4732
additional annuity, as provided in section 3309.47 of the Revised 4733
Code, interest shall be computed and credited to reserves therefor 4734
at the rate the school employees retirement board shall fix as 4735
regular interest thereon. 4736

(J) "Accumulated contributions" means the sum of all amounts 4737
credited to a contributor's account in the employees' savings fund 4738
together with any regular interest credited thereon at the rates 4739
approved by the retirement board prior to retirement. 4740

(K) "Final average salary" means the sum of the annual 4741
compensation for the three highest years of compensation for which 4742
contributions were made by the member, divided by three. If the 4743
member has a partial year of contributing service in the year in 4744
which the member terminates employment and the partial year is at 4745
a rate of compensation that is higher than the rate of 4746
compensation for any one of the highest three years of annual 4747
earnings, the board shall substitute the compensation earned for 4748
the partial year for the compensation earned for a similar 4749
fractional portion in the lowest of the three high years of annual 4750
compensation before dividing by three. If a member has less than 4751
three years of contributing membership, the final average salary 4752

shall be the total compensation divided by the total number of 4753
years, including any fraction of a year, of contributing service. 4754

(L) "Annuity" means payments for life derived from 4755
contributions made by a contributor and paid from the annuity and 4756
pension reserve fund as provided in this chapter. All annuities 4757
shall be paid in twelve equal monthly installments. 4758

(M)(1) "Pension" means annual payments for life derived from 4759
appropriations made by an employer and paid from the employers' 4760
trust fund or the annuity and pension reserve fund. All pensions 4761
shall be paid in twelve equal monthly installments. 4762

(2) "Disability retirement" means retirement as provided in 4763
section 3309.40 of the Revised Code. 4764

(N) "Retirement allowance" means the pension plus the 4765
annuity. 4766

(O)(1) "Benefit" means a payment, other than a retirement 4767
allowance or the annuity paid under section ~~3309.341~~ 3309.344 of 4768
the Revised Code, payable from the accumulated contributions of 4769
the member or the employer, or both, under this chapter and 4770
includes a disability allowance or disability benefit. 4771

(2) "Disability allowance" means an allowance paid on account 4772
of disability under section 3309.401 of the Revised Code. 4773

(3) "Disability benefit" means a benefit paid as disability 4774
retirement under section 3309.40 of the Revised Code, as a 4775
disability allowance under section 3309.401 of the Revised Code, 4776
or as a disability benefit under section 3309.35 of the Revised 4777
Code. 4778

(P) "Annuity reserve" means the present value, computed upon 4779
the basis of mortality tables adopted by the school employees 4780
retirement board, of all payments to be made on account of any 4781
annuity, or benefit in lieu of any annuity, granted to a retirant. 4782

(Q) "Pension reserve" means the present value, computed upon 4783
the basis of mortality tables adopted by the school employees 4784
retirement board, of all payments to be made on account of any 4785
pension, or benefit in lieu of any pension, granted to a retirant 4786
or a beneficiary. 4787

(R) "Year" means the year beginning the first day of July and 4788
ending with the thirtieth day of June next following. 4789

(S) "Local district pension system" means any school 4790
employees' pension fund created in any school district of the 4791
state prior to September 1, 1937. 4792

(T) "Employer contribution" means the amount paid by an 4793
employer as determined under section 3309.49 of the Revised Code. 4794

(U) "Fiduciary" means a person who does any of the following: 4795

(1) Exercises any discretionary authority or control with 4796
respect to the management of the system, or with respect to the 4797
management or disposition of its assets; 4798

(2) Renders investment advice for a fee, direct or indirect, 4799
with respect to money or property of the system; 4800

(3) Has any discretionary authority or responsibility in the 4801
administration of the system. 4802

(V)(1) Except as otherwise provided in this division, 4803
"compensation" means all salary, wages, and other earnings paid to 4804
a contributor by reason of employment. The salary, wages, and 4805
other earnings shall be determined prior to determination of the 4806
amount required to be contributed to the employees' savings fund 4807
under section 3309.47 of the Revised Code and without regard to 4808
whether any of the salary, wages, or other earnings are treated as 4809
deferred income for federal income tax purposes. 4810

(2) Compensation does not include any of the following: 4811

(a) Payments for accrued but unused sick leave or personal 4812

leave, including payments made under a plan established pursuant	4813
to section 124.39 of the Revised Code or any other plan	4814
established by the employer;	4815
(b) Payments made for accrued but unused vacation leave,	4816
including payments made pursuant to section 124.13 of the Revised	4817
Code or a plan established by the employer;	4818
(c) Payments made for vacation pay covering concurrent	4819
periods for which other salary or compensation is also paid or	4820
during which benefits are paid under this chapter;	4821
(d) Amounts paid by the employer to provide life insurance,	4822
sickness, accident, endowment, health, medical, hospital, dental,	4823
or surgical coverage, or other insurance for the contributor or	4824
the contributor's family, or amounts paid by the employer to the	4825
contributor in lieu of providing the insurance;	4826
(e) Incidental benefits, including lodging, food, laundry,	4827
parking, or services furnished by the employer, use of the	4828
employer's property or equipment, and reimbursement for	4829
job-related expenses authorized by the employer, including moving	4830
and travel expenses and expenses related to professional	4831
development;	4832
(f) Payments made to or on behalf of a contributor that are	4833
in excess of the annual compensation that may be taken into	4834
account by the retirement system under division (a)(17) of section	4835
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	4836
U.S.C.A. 401(a)(17), as amended. For a contributor who first	4837
establishes membership before July 1, 1996, the annual	4838
compensation that may be taken into account by the retirement	4839
system shall be determined under division (d)(3) of section 13212	4840
of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No.	4841
103-66, 107 Stat. 472;	4842
(g) Payments made under division (B), (C), or (E) of section	4843

5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 4844
No. 3 of the 119th general assembly, Section 3 of Amended 4845
Substitute Senate Bill No. 164 of the 124th general assembly, or 4846
Amended Substitute House Bill No. 405 of the 124th general 4847
assembly; 4848

(h) Anything of value received by the contributor that is 4849
based on or attributable to retirement or an agreement to retire, 4850
except that payments made on or before January 1, 1989, that are 4851
based on or attributable to an agreement to retire shall be 4852
included in compensation if both of the following apply: 4853

(i) The payments are made in accordance with contract 4854
provisions that were in effect prior to January 1, 1986. 4855

(ii) The employer pays the retirement system an amount 4856
specified by the retirement board equal to the additional 4857
liability from the payments. 4858

(3) The retirement board shall determine by rule whether any 4859
form of earnings not enumerated in this division is to be included 4860
in compensation, and its decision shall be final. 4861

(W) "Disability benefit recipient" means a member who is 4862
receiving a disability benefit. 4863

(X) "Actuary" means an individual who satisfies all of the 4864
following requirements: 4865

(1) Is a member of the American academy of actuaries; 4866

(2) Is an associate or fellow of the society of actuaries; 4867

(3) Has a minimum of five years' experience in providing 4868
actuarial services to public retirement plans. 4869

Sec. 3309.11. The school employees retirement board shall 4870
elect, from its membership, a ~~chairman~~ chairperson, and shall 4871
employ an executive director who shall serve as secretary ~~and who~~ 4872

~~may be a member of the board.~~ 4873

Sec. 3309.26. (A) The membership of any person in the school 4874
employees retirement system shall terminate if the person 4875
withdraws the person's accumulated contributions, retires on a 4876
retirement allowance as provided in sections 3309.36 and 3309.381 4877
of the Revised Code, or dies, unless otherwise provided in Chapter 4878
3309. of the Revised Code. 4879

(B) A former member with an account in the employees' savings 4880
fund who formerly lost membership shall be reinstated as a member 4881
with all the rights, privileges, and obligations as provided in 4882
Chapter 3309. of the Revised Code. 4883

(C)(1) Except as provided in this section, a member or former 4884
member of the school employees retirement system with at least one 4885
and one-half years of contributing service credit in this system, 4886
the public employees retirement system, the state teachers 4887
retirement system, the Ohio police and fire pension fund, or the 4888
state highway patrol retirement system, subsequent to the 4889
withdrawal of contributions and cancellation of service credit in 4890
this system may restore such service credit by redepositing in the 4891
employees' savings fund the amount withdrawn with interest at a 4892
rate to be determined by the board, compounded annually, from the 4893
first of the month of withdrawal to and including the month of 4894
redeposit. **A** 4895

(2) If the accumulated contributions were withdrawn under 4896
section 3309.43 of the Revised Code, service credit may be 4897
restored only if the member or former member accrued one and 4898
one-half years of service credit after the withdrawal of the 4899
accumulated contributions. 4900

(D) A member may choose to purchase only part of such credit 4901
in any one payment, subject to board rules. The total payment to 4902
restore cancelled service credit, plus any interest credited 4903

thereto, shall be considered as accumulated contributions of the 4904
member. If a former member is eligible to buy the service credit 4905
as a member of the Ohio police and fire pension fund, the state 4906
highway patrol retirement system, or the city of Cincinnati 4907
retirement system, the former member is ineligible to restore that 4908
service credit under this section. 4909

Sec. 3309.261. (A) A member of the school employees 4910
retirement system who has at least eighteen months of contributing 4911
service credit in the system, the Ohio police and fire pension 4912
fund, public employees retirement system, state teachers 4913
retirement system, or state highway patrol retirement system, and 4914
is a former member of or no longer contributing to the public 4915
employees retirement system or state teachers retirement system 4916
may restore service credit under section 145.31 or 3307.71 of the 4917
Revised Code by making payments pursuant to this section through a 4918
payroll deduction plan established under section 3309.27 of the 4919
Revised Code. A member seeking to restore service credit shall 4920
notify the school employees retirement system on a form approved 4921
by the school employees retirement board. After receiving the 4922
notice, the school employees retirement system shall request that 4923
the former retirement system calculate under section 145.312 or 4924
3307.712 of the Revised Code the cost to the member to restore 4925
service credit for each year or portion of a year of service for 4926
which the member seeks to restore the service credit. The amount 4927
the former retirement system certifies as the cost of restoring 4928
the service credit, plus interest described in division (B) of 4929
this section, is the cost to the member of restoring the service 4930
credit. On receiving the certification from the former retirement 4931
system, the school employees retirement system shall notify the 4932
member of the cost. 4933

(B) For each year or portion of a year of service credit 4934
restored under section 145.31 or 3307.71 of the Revised Code, a 4935

member shall pay to the school employees retirement system the 4936
amount certified by the former retirement system plus interest at 4937
a rate specified by the former retirement system under section 4938
145.312 or 3307.712 of the Revised Code for the period during 4939
which deductions are made under section 3309.27 of the Revised 4940
Code. 4941

(C) The school employees retirement board shall at least 4942
annually ~~notify~~ transmit to the former retirement system ~~that a~~ 4943
~~payment notice and any payments made~~ to restore service credit 4944
under section 145.31 or 3307.71 of the Revised Code ~~has been made.~~ 4945
~~At the time the payment is transferred under division (D) of this~~ 4946
~~section, the~~ The former retirement system shall restore the 4947
service credit for the year or portion of a year for which the 4948
payment was made. 4949

(D) ~~On application for a payment of accumulated contributions~~ 4950
~~or an age and service retirement, disability, or survivor benefit~~ 4951
~~under Chapter 145., 3307., or 3309. of the Revised Code by a~~ 4952
~~member who made payments under this section to restore service~~ 4953
~~credit in a former retirement system, the school employees~~ 4954
~~retirement system shall pay to the former retirement system an~~ 4955
~~amount equal to the total amount paid by the member under this~~ 4956
~~section.~~ 4957

~~(E)~~ The board shall adopt rules to implement this section. 4958

Sec. 3309.28. Not later than thirty days after an employee 4959
begins employment, the employer shall file with the school 4960
employees retirement system a detailed statement of the employee's 4961
personal information and ~~all of the employee's previous service as~~ 4962
~~an employee or such other service as comes under this chapter or~~ 4963
~~Chapter 145., 742., 3307., or 5505. of the Revised Code, and such~~ 4964
other information as the school employees retirement board 4965
requires for the proper operation of the school employees 4966

retirement system. 4967

Sec. 3309.301. (A)~~(1)~~ As used in this section, "paying system" and "transferring system" have the same meanings as in section 3309.35 of the Revised Code. 4968
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(B)(1) Except as provided in division ~~(A)~~(B)(2) of this section, a member of the school employees retirement system with at least eighteen months of contributing service in the system, the public employees retirement system, or the state teachers retirement system who exempted self from membership in one or more of the systems pursuant to section 145.03 or 3309.23 of the Revised Code, or former section 3307.25 or 3309.25 of the Revised Code, or was exempt under section 3307.24 of the Revised Code, may purchase credit for each year or portion of a year of service for which the member was exempted. 4971
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(2) A member may not purchase credit under this section for service that was exempted from contribution under section 3309.23 of the Revised Code and subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended. 4981
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~~(B)~~(C) Upon receipt of a request from a member eligible to purchase credit under this section and certification of the member's service and compensation from the employer for which the exempt service was performed, the school employees retirement system shall determine the amount of credit the member is eligible to purchase in accordance with divisions ~~(B)~~(C)(1) and (2) of this section. 4986
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(1) If the credit to be purchased is for service exempted under section 3309.23 or former section 3309.25 of the Revised Code, determine the amount of credit that would have been earned had the service not been exempt. 4993
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4996

(2) If the credit to be purchased is for service exempted under section 145.03 or 3307.24, or former section 3307.25 of the Revised Code, request certification from the applicable retirement system that the service was exempt and the amount of service credit that would have been earned had the service not been exempt.

~~(C)~~(D) For each year or portion of a year of credit purchased under this section, a member shall pay to the retirement system an amount determined by multiplying the member's compensation for the twelve months of contributing service preceding the month in which the member applies to purchase the credit by a percentage rate established by rule of the school employees retirement board adopted under division ~~(G)~~(H) of this section.

~~(D)~~(E) Subject to board rules, a member may purchase all or part of the credit the member is eligible to purchase under this section in one or more payments. If the member purchases the credit in more than one payment, compound interest at a rate specified by rule of the board shall be charged on the balance remaining after the first payment is made.

~~(E)~~(F) Credit purchasable under this section shall not exceed one year of service for any twelve-month period. If the period of service for which credit is purchasable under this section is concurrent with a period of service that will be used to calculate a retirement benefit from this system, the public employees retirement system, or the state teachers retirement system, the amount of the credit shall be adjusted in accordance with rules adopted by the school employees retirement board.

A member who is also a member of the public employees retirement system or the state teachers retirement system shall purchase credit for any service for which the member exempted self under section 145.03 or 3309.23 of the Revised Code, or former section 3307.25 or 3309.25 of the Revised Code, or was exempt

under section 3307.24 of the Revised Code, from the retirement 5029
system in which the member has the greatest number of years of 5030
service credit. If the member receives benefits under section 5031
3309.35 of the Revised Code, the state retirement system that 5032
~~determines and pays the retirement benefit~~ is the paying system 5033
under that section shall receive from the ~~other~~ system or systems 5034
that are the transferring systems the amounts paid by the member 5035
for purchase of credit for exempt service plus interest at the 5036
actuarial assumption rate of the transferring system ~~paying that~~ 5037
~~amount~~. The interest shall be for the period beginning on the date 5038
of the member's last payment for purchase of the credit and ending 5039
on the date of the member's retirement. 5040

~~(F)~~(G) If a member dies or withdraws from service, any 5041
payment made by the member under this section shall be considered 5042
as accumulated contributions of the member. 5043

~~(G)~~(H) The retirement board shall adopt rules to implement 5044
this section. 5045

Sec. 3309.35. (A) As used in this section: 5046

(1) "State retirement system" means the public employees 5047
retirement system, state teachers retirement system, or school 5048
employees retirement system. 5049

(2) "Total service credit" means all service credit earned in 5050
all state retirement systems, except credit for service subject to 5051
section 3309.341 of the Revised Code. Total service credit shall 5052
not exceed one year of credit for any twelve-month period. 5053

(3) In addition to the meaning given in division (O) of 5054
section 3309.01 of the Revised Code, "disability benefit" means 5055
"disability benefit" as defined in sections 145.01 and 3307.01 of 5056
the Revised Code. 5057

(4) "Paying system" means the state retirement system in 5058

which the member has the greatest service credit, without 5059
adjustment or, if a member who has equal service credit in two or 5060
more retirement systems, the retirement system in which the member 5061
has the greatest total contributions. 5062

(5) "Transferring system" means the state retirement system 5063
transferring a member's contributions and service credit in that 5064
system to the paying system. 5065

(6) "Retention percentage" means five per cent, or a 5066
percentage determined under division (E) of this section, of a 5067
member's earnable salary in the case of a member of the public 5068
employees retirement system or five per cent, or a percentage 5069
determined under division (E) of this section, of a member's 5070
compensation in the case of a member of the state teachers 5071
retirement system or school employees retirement system. 5072

(B) To coordinate and integrate membership in the state 5073
retirement systems, at the option of a member, total contributions 5074
and service credit in all state retirement systems, including 5075
amounts paid to restore service credit under sections 145.311, 5076
3307.711, and 3309.261 of the Revised Code, shall be used in 5077
determining the eligibility and total retirement or disability 5078
benefit payable. When total contributions and service credit are 5079
so combined, the following provisions apply: 5080

(1) Service and commuted service retirement or a disability 5081
benefit is effective no sooner than the first day of the month 5082
next following the last day of employment for which compensation 5083
was paid. If the application is filed after that date, the board 5084
may retire the member on the first day of the month next following 5085
the last day of employment for which compensation was paid. 5086

(2) ~~Eligibility for a disability benefit shall be determined~~ 5087
~~by the~~ The board of the state retirement paying system that will 5088
calculate shall do both of the following: 5089

<u>(a) Determine a member's eligibility for a retirement or disability benefit;</u>	5090
	5091
<u>(b) Calculate and pay the member's retirement or disability benefit, as provided in division (B)(3) of this section. The state retirement</u>	5092
	5093
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<u>(3)(a) Each transferring system calculating and paying the disability benefit in which the member has service credit shall</u>	5095
<u>certify the determination to the board of each other state retirement paying system in which the member has service credit</u>	5096
<u>and shall be accepted by that board as sufficient for granting a disability benefit.</u>	5097
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	5100
<u>(3) The board of the state retirement system in which the member had the greatest service credit, without adjustment, shall</u>	5101
<u>calculate and pay the total retirement or disability benefit.</u>	5102
<u>Where the member's credit is equal in two or more state retirement</u>	5103
<u>systems, the system having the largest total contributions of the</u>	5104
<u>member shall calculate and pay the total benefit all of the</u>	5105
<u>following:</u>	5106
	5107
<u>(i) The service credit earned by the member in the transferring system;</u>	5108
	5109
<u>(ii) The beginning and ending dates of the service credit period covered by the transferring system;</u>	5110
	5111
<u>(iii) Any breaks in service by the member, excluding school breaks;</u>	5112
	5113
<u>(iv) If available, a statement listing the member's monthly contributions and service credit earned, obtained, or purchased in the transferring system.</u>	5114
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	5116
<u>(b) The certification under division (B)(3)(a) of this section may be reviewed by both the transferring system and paying</u>	5117
<u>system.</u>	5118
	5119

(4) In determining the total credit to be used in calculating a retirement allowance or disability benefit, credit shall not be reduced below that certified by the system or systems transferring credit, except ~~that such total combined service credit shall not exceed~~ as follows:

(a) Not more than one year of credit may be certified by the transferring system for any one "year" as defined in the law of the transferring system ~~making the calculation.~~

(b) The paying system may reduce any credit certified by the transferring system that is concurrent with any period of service credit the member earned from the paying system.

(c) The paying system may reduce any credit certified by the transferring system if the amount certified, when added to the paying system's service credit for any one "year" as defined in the law of the paying system, exceeds one year.

(5)(a) ~~The state retirement paying system calculating and paying a retirement or disability benefit~~ shall receive from the ~~other~~ transferring system or systems all of the following for each year of service:

(i) The amount contributed by the member, or, in the case of service credit purchased by the member, paid by the member, that is attributable to the year of service;

(ii) An amount equal to the lesser of the employer's contributions made on behalf of the member to the ~~retirement~~ transferring system for that year of service less the retention percentage or the amount that would have been contributed by the employer for the service had the member been a member of the school employees retirement system at the time the credit was earned less the retention percentage;

(iii) If applicable, an amount equal to the amount paid on behalf of the member by an employer under section 145.483 of the

Revised Code; 5151

(iv) Interest compounded annually on the amounts specified in 5152
divisions (B)(5)(a)(i), (ii), and (iii) of this section at the 5153
lesser of the actuarial assumption rate for that year of the 5154
~~school employees retirement paying~~ system or the ~~other retirement~~ 5155
~~transferring~~ system or systems ~~transferring amounts under this~~ 5156
~~section.~~ 5157

(b) The annuity rates and mortality tables of the ~~state~~ 5158
~~retirement paying~~ system ~~making the calculation and paying the~~ 5159
~~benefit~~ shall be exclusively applicable. 5160

(c) Deposits made for the purchase of an additional annuity, 5161
and including guaranteed interest, upon the request of the member, 5162
shall be transferred to the ~~state retirement paying~~ system ~~paying~~ 5163
~~the retirement or disability benefit.~~ The return upon such 5164
deposits shall be that offered by the ~~state retirement paying~~ 5165
system ~~making the calculation and paying the retirement or~~ 5166
~~disability benefit.~~ 5167

(C) A former member receiving a retirement or disability 5168
benefit under this section, who accepts employment amenable to 5169
coverage in any state retirement system that participated in the 5170
member's combined benefit, shall be subject to the applicable 5171
provisions of law governing such re-employment. If a former member 5172
should be paid any amount in a retirement allowance, to which the 5173
former member is not entitled under the applicable provisions of 5174
law governing such re-employment, such amount shall be recovered 5175
by the ~~state retirement paying~~ system ~~paying such allowance by~~ 5176
utilizing any recovery procedure available under the ~~code~~ 5177
~~provisions of the state retirement system covering such paying~~ 5178
~~system's re-employment provisions.~~ 5179

(D) An SERS retirant or other system retirant, as defined in 5180
section 3309.341 of the Revised Code, is not eligible to receive 5181

any benefit under this section for service subject to section 5182
3309.341 of the Revised Code. 5183

(E) The retention percentage used in the calculation under 5184
division (B)(5)(a)(ii) of this section shall be reviewed by the 5185
state retirement systems not less than once every five years 5186
beginning after the effective date of this amendment or on request 5187
of any of the systems. If the retirement systems agree, the 5188
retention percentage may be changed if any of the system's 5189
employer contribution rate increases or decreases or the systems 5190
agree that a change is in the interest of one or more of the 5191
systems. 5192

Sec. 3309.381. (A) A recipient of a disability allowance 5193
under section 3309.401 of the Revised Code who is subject to 5194
division (C)(3) of that section may make application for 5195
retirement under this section. Retirement shall be effective on 5196
the first day of the first month following the last day for which 5197
the disability allowance is paid. 5198

(B) The annual allowance payable under this section shall 5199
consist of the sum of the amounts determined under divisions 5200
(B)(1) and (2) of this section: 5201

(1) The greater of the following: 5202

(a) An allowance calculated as ~~provided in section 3309.36 of~~ 5203
~~the Revised Code follows~~, excluding any period during which the 5204
applicant received a disability benefit under section 3309.401 of 5205
the Revised Code~~;~~: 5206

(i) For an applicant who would be eligible to retire under 5207
division (A)(1) of section 3309.34 of the Revised Code, the 5208
allowance shall be calculated under divisions (B)(1)(a) and (B)(2) 5209
of section 3309.36 of the Revised Code; 5210

(ii) For an applicant who would be eligible to retire under 5211

division (A)(2) of section 3309.34 of the Revised Code, the 5212
allowance shall be calculated under divisions (B)(1)(b) and (B)(3) 5213
of section 3309.36 of the Revised Code. 5214

(b) An allowance calculated by multiplying the applicant's 5215
total service credit, including service credit for the last 5216
continuous period during which the applicant received a disability 5217
benefit under section 3309.401 of the Revised Code, by two and 5218
two-tenths per cent of the applicant's final average salary, 5219
except that the allowance shall not exceed forty-five per cent of 5220
the applicant's final average salary. 5221

(2) An amount equal to the additional allowance the recipient 5222
would receive under section 3309.374 of the Revised Code, plus any 5223
other additional amount the recipient would receive under this 5224
chapter, had the recipient retired under section 3309.36 of the 5225
Revised Code effective on the effective date of the recipient's 5226
most recent continuous period of receipt of a disability benefit 5227
under section 3309.401 of the Revised Code. 5228

(C) The allowance calculated under division (B) of this 5229
section, exclusive of any amount added under division (B)(2) of 5230
this section based on section 3309.374 of the Revised Code, shall 5231
be the base for all future additional allowances under section 5232
3309.374 of the Revised Code. 5233

The anniversary date for future additional allowances under 5234
section 3309.374 of the Revised Code shall be the effective date 5235
of the recipient's most recent continuous period of receipt of a 5236
disability benefit under section 3309.401 of the Revised Code. 5237

(D) The retirement allowance determined under this section 5238
shall be paid as provided in section 3309.46 of the Revised Code. 5239

Sec. 3309.42. (A)(1) Subject to ~~sections 3309.43 and~~ section 5240
3309.67 of the Revised Code and except as provided in division (B) 5241

of this section, a member who elects to become exempt from 5242
contribution to the school employees retirement system pursuant to 5243
section 3309.23 of the Revised Code, or ceases to be an employee 5244
for any cause other than death, retirement, receipt of a 5245
disability benefit, or current employment in a position in which 5246
the member has elected to participate in an alternative retirement 5247
plan pursuant to section 3305.05 or 3305.051 of the Revised Code, 5248
shall be paid the accumulated contributions standing to the credit 5249
of the member's individual account in the employees' savings fund 5250
upon application and subject to such rules as are established by 5251
the school employees retirement board and provided three months 5252
have elapsed since employment, other than employment exempt from 5253
contribution under division (C) of section 3309.23 of the Revised 5254
Code, ceased. 5255

(2) A member described in division (A)(1) of this section who 5256
is married at the time of application for payment and would be 5257
eligible for age and service retirement under section 3309.34, 5258
3309.36, or 3309.40 of the Revised Code but for a forfeiture 5259
ordered under division (A) or (B) of section 2929.192 of the 5260
Revised Code shall submit with the application a written statement 5261
by the member's spouse attesting that the spouse consents to the 5262
payment of the member's accumulated contributions. Consent shall 5263
be valid only if it is signed and witnessed by a notary public. 5264
The board may waive the requirement of consent if the spouse is 5265
incapacitated or cannot be located, or for any other reason 5266
specified by the board. Consent or waiver is effective only with 5267
regard to the spouse who is the subject of the consent or waiver. 5268

(B) This division applies to any member who is employed in a 5269
position in which the member has elected under section 3305.05 or 5270
3305.051 of the Revised Code to participate in an alternative 5271
retirement plan and due to the election ceases to be an employee 5272
for purposes of that position. 5273

Subject to ~~sections 3309.43~~ and section 3309.67 of the 5274
Revised Code, the school employees retirement system shall do the 5275
following: 5276

(1) On receipt of an election under section 3305.05 or 5277
3305.051 of the Revised Code, pay, in accordance with section 5278
3305.052 of the Revised Code, the amount described in that section 5279
to the appropriate provider; 5280

(2) If a member has accumulated contributions, in addition to 5281
those subject to division (B)(1) of this section, standing to the 5282
credit of the member's individual account and is not otherwise in 5283
a position in which the member is considered an employee for the 5284
purposes of that position, pay, to the provider the member 5285
selected pursuant to section 3305.05 or 3305.051 of the Revised 5286
Code, the accumulated contributions standing to the credit of the 5287
member's individual account in the employees' saving fund. The 5288
payment shall be made on the member's application. 5289

(C) Payment of a member's accumulated contributions under 5290
this section cancels the member's total service credit in the 5291
school employees retirement system. A member whose accumulated 5292
contributions are paid to a provider pursuant to division (B) of 5293
this section is forever barred from claiming or purchasing service 5294
credit under the school employees retirement system for the period 5295
of employment attributable to those contributions. 5296

Sec. 3309.43. (A) As used in this section, "other retirement 5297
system" means the public employees retirement system or the state 5298
teachers retirement system. 5299

(B) Except as provided in division (C) of this section, on 5300
application, a member of the school employees retirement system 5301
who is also a member of one or both of the other retirement 5302
systems and has ceased to be an employee under this chapter may be 5303
paid, in accordance with section 3309.42 of the Revised Code, the 5304

member's accumulated contributions to the school employees 5305
retirement system. This payment does not affect the member's 5306
membership in the other retirement systems or any right the member 5307
may have to a benefit or return of contributions under those 5308
systems. 5309

(C) This section does not apply to a member of one of the 5310
other retirement systems whose employment under that system is 5311
with the public employer that was the employer under the school 5312
employees retirement system at the time the member's service 5313
subject to this chapter terminated. 5314

Sec. 3309.45. Except as provided in division (C)(1) of this 5315
section, in lieu of accepting the payment of the accumulated 5316
account of a member who dies before service retirement, the 5317
beneficiary, as determined in section 3309.44 of the Revised Code, 5318
may elect to forfeit the accumulated account and to substitute 5319
certain other benefits either under division (A) or (B) of this 5320
section. 5321

(A)(1) If a deceased member was eligible for a service 5322
retirement allowance as provided in section 3309.36 or 3309.381 of 5323
the Revised Code, a surviving spouse or other sole dependent 5324
beneficiary may elect to receive a monthly benefit computed as the 5325
joint-survivor allowance designated as "plan D" in section 3309.46 5326
of the Revised Code, which the member would have received had the 5327
member retired on the last day of the month of death and had the 5328
member at that time selected such joint-survivor plan. Payment 5329
shall begin with the month subsequent to the member's death. 5330

(2) Beginning on a date selected by the school employees 5331
retirement board, which shall be not later than July 1, 2004, a 5332
surviving spouse or other sole dependent beneficiary may elect, in 5333
lieu of a monthly payment under division (A)(1) of this section, a 5334
plan of payment consisting of both of the following: 5335

(a) A lump sum in an amount the surviving spouse or other sole dependent beneficiary designates that constitutes a portion of the allowance that would be payable under division (A)(1) of this section;

(b) The remainder of that allowance in monthly payments.

The total amount paid as a lump sum and a monthly benefit shall be the actuarial equivalent of the amount that would have been paid had the lump sum not been selected.

The lump sum amount designated by the surviving spouse or other sole dependent beneficiary under division (A)(2)(a) of this section shall be not less than six times and not more than thirty-six times the monthly amount that would be payable to the surviving spouse or other sole dependent beneficiary under division (A)(1) of this section and shall not result in a monthly benefit that is less than fifty per cent of that monthly amount.

(B) If the deceased member had completed at least one and one-half years of credit for Ohio service, with at least one-quarter year of Ohio contributing service credit within the two and one-half years prior to the date of death, or was receiving at the time of death a disability benefit as provided in section 3309.40 or 3309.401 of the Revised Code, qualified survivors who elect to receive monthly benefits shall receive the greater of the benefits provided in division (B)(1)(a) or (b) as allocated in accordance with division (B)(5) of this section.

(1)(a) Number of Qualified survivors affecting the benefit	Annual Benefit as a Per Cent of Decedent's Final Average Salary	Or Monthly Benefit shall not be less than
1	25%	\$96
2	40	186

3	50	236	5367
4	55	236	5368
5 or more	60	236	5369
(b) Years of Service	Annual Benefit as a Per Cent of		5370
	Member's Final Average Salary		
20	29%		5371
21	33		5372
22	37		5373
23	41		5374
24	45		5375
25	48		5376
26	51		5377
27	54		5378
28	57		5379
29 or more	60		5380

(2) Benefits shall begin as qualified survivors meet 5381
eligibility requirements as follows: 5382

(a) A qualified spouse is the surviving spouse of the 5383
deceased member who is age sixty-two, or regardless of age if the 5384
deceased member had ten or more years of Ohio service credit, or 5385
regardless of age if caring for a surviving child, or regardless 5386
of age if adjudged physically or mentally incompetent. 5387

(b) A qualified child whose benefit began before ~~the~~ 5388
~~effective date of this amendment~~ January 7, 2013, is any child of 5389
the deceased member who has never been married and to whom one of 5390
the following applies: 5391

(i) Is under age eighteen, or under age twenty-two if the 5392
child is attending an institution of learning or training pursuant 5393
to a program designed to complete in each school year the 5394
equivalent of at least two-thirds of the full-time curriculum 5395
requirements of such institution and as further determined by 5396
board policy; 5397

(ii) Regardless of age, is adjudged physically or mentally incompetent if the incompetence existed prior to the member's death and prior to the child attaining age eighteen, or age twenty-two if attending an institution described in division (B)(2)(b)(i) of this section.

(c) A qualified child whose benefit begins on or after ~~the effective date of this amendment~~ January 7, 2013, is any child of the deceased member who has never been married and to whom one of the following applies:

(i) Is under age nineteen;

(ii) Regardless of age, is adjudged physically or mentally incompetent if the incompetence existed prior to the member's death and prior to the child attaining age nineteen.

(d) A qualified parent is a dependent parent aged sixty-five or older.

(3) "Physically or mentally incompetent" as used in this section may be determined by a court of jurisdiction, or by a physician appointed by the retirement board. Incapability of earning a living because of a physically or mentally disabling condition shall meet the qualifications of this division.

(4) Benefits to a qualified survivor shall terminate upon a first marriage, abandonment, adoption, or during active military service. Benefits to a deceased member's surviving spouse that were terminated under a former version of this section that required termination due to remarriage and were not resumed prior to September 16, 1998, shall resume on the first day of the month immediately following receipt by the board of an application on a form provided by the board.

Upon the death of any subsequent spouse who was a member of the public employees retirement system, state teachers retirement system, or school employees retirement system, the surviving

spouse of such member may elect to continue receiving benefits 5429
under this division, or to receive survivor's benefits, based upon 5430
the subsequent spouse's membership in one or more of the systems, 5431
for which such surviving spouse is eligible under this section or 5432
section 145.45 or 3307.66 of the Revised Code. If the surviving 5433
spouse elects to continue receiving benefits under this division, 5434
such election shall not preclude the payment of benefits under 5435
this division to any other qualified survivor. 5436

Benefits shall begin or resume on the first day of the month 5437
following the attainment of eligibility and shall terminate on the 5438
first day of the month following loss of eligibility. 5439

(5)(a) If a benefit is payable under division (B)(1)(a) of 5440
this section, benefits to a qualified spouse shall be paid in the 5441
amount determined for the first qualifying survivor in division 5442
(B)(1)(a) of this section, but shall not be less than one hundred 5443
six dollars per month if the deceased member had ten or more years 5444
of Ohio service credit. All other qualifying survivors shall share 5445
equally in the benefit or remaining portion thereof. 5446

(b) All qualifying survivors shall share equally in a benefit 5447
payable under division (B)(1)(b) of this section, except that if 5448
there is a surviving spouse, the surviving spouse shall receive no 5449
less than the greater of the amount determined for the first 5450
qualifying survivor in division (B)(1)(a) of this section or one 5451
hundred six dollars per month. 5452

(6) The beneficiary of a member who is also a member of the 5453
public employees retirement system, or of the state teachers 5454
retirement system, must forfeit the member's accumulated 5455
contributions in those systems, if the beneficiary takes a 5456
survivor benefit. Such benefit shall be exclusively governed by 5457
section 3309.35 of the Revised Code. 5458

(C)(1) Regardless of whether the member is survived by a 5459

spouse or designated beneficiary, if the school employees 5460
retirement system receives notice that a deceased member described 5461
in division (A) or (B) of this section has one or more qualified 5462
children, all persons who are qualified survivors under division 5463
(B) of this section shall receive monthly benefits as provided in 5464
division (B) of this section. 5465

If, after determining the monthly benefits to be paid under 5466
division (B) of this section, the system receives notice that 5467
there is a qualified survivor who was not considered when the 5468
determination was made, the system shall, notwithstanding section 5469
3309.661 of the Revised Code, recalculate the monthly benefits 5470
with that qualified survivor included, even if the benefits to 5471
qualified survivors already receiving benefits are reduced as a 5472
result. The benefits shall be calculated as if the qualified 5473
survivor who is the subject of the notice became eligible on the 5474
date the notice was received and shall be paid to qualified 5475
survivors effective on the first day of the first month following 5476
the system's receipt of the notice. 5477

If the retirement system did not receive notice that a 5478
deceased member has one or more qualified children prior to making 5479
payment under section 3309.44 of the Revised Code to a beneficiary 5480
as determined by the retirement system, the payment is a full 5481
discharge and release of the system from any future claims under 5482
this section or section 3309.44 of the Revised Code. 5483

(2) If benefits under division (C)(1) of this section to all 5484
persons, or to all persons other than a surviving spouse or other 5485
sole beneficiary, terminate, there are no qualified children ~~under~~ 5486
~~the age of twenty two years~~, and the surviving spouse or 5487
beneficiary qualifies for benefits under division (A) of this 5488
section, the surviving spouse or beneficiary may elect to receive 5489
benefits under division (A) of this section. Benefits shall be 5490
effective on the first day of the month following receipt by the 5491

board of an application for benefits under division (A) of this 5492
section. 5493

(D) The final average salary used in the calculation of a 5494
benefit payable pursuant to division (A) or (B) of this section to 5495
a survivor or beneficiary of a disability benefit recipient shall 5496
be adjusted for each year between the disability benefit's 5497
effective date and the recipient's date of death by the lesser of 5498
three per cent or the actual average percentage increase in the 5499
consumer price index prepared by the United States bureau of labor 5500
statistics (U.S. City Average for Urban Wage Earners and Clerical 5501
Workers: "All Items 1982-84=100"). 5502

(E) If the survivor benefits due and paid under this section 5503
are in a total amount less than the member's accumulated account 5504
that was transferred from the employees' savings fund, the state 5505
teachers retirement fund, and the public employees retirement fund 5506
to the survivors' benefit fund, then the difference between the 5507
total amount of the benefits paid shall be paid to the beneficiary 5508
under section 3309.44 of the Revised Code. 5509

Sec. 3309.49. Each employer shall pay ~~annually~~ to the school 5510
employees retirement system at such times as required by the 5511
school employees retirement board under section 3309.51 of the 5512
Revised Code an amount ~~certified by the secretary~~ that shall be a 5513
certain per cent of the earnable compensation of all employees, 5514
and shall be known as the "employer contribution." The rate per 5515
cent of such contribution shall be fixed by the actuary on the 5516
basis of the actuary's evaluation of the liabilities of the school 5517
employees retirement system, but shall not exceed fourteen per 5518
cent, and shall be approved by the school employees retirement 5519
board. The school employees retirement board may raise the rate 5520
per cent of the contribution to fourteen per cent of the earnable 5521
compensation of all employees. In making such evaluation, the 5522

actuary shall use, as the actuarial assumptions, regular interest 5523
and such mortality and other tables as are adopted by the school 5524
employees retirement board. The actuary shall compute the 5525
percentage of such earnable compensation, to be known as the 5526
"employer rate," required annually to fund the liability for all 5527
allowances, annuities, pensions and other benefits, and any 5528
deficiencies in the various funds, provided for in this chapter, 5529
after deducting therefrom the annuity and other benefits provided 5530
by the contributor's accumulated contributions and deposits or 5531
other applicable moneys. 5532

Sec. 3309.51. (A) Each employer shall pay into the employers' 5533
trust fund, ~~in~~ monthly or ~~less frequent installments~~ at such times 5534
as the school employees retirement board requires, an amount 5535
certified by the school employees retirement board, which shall be 5536
as required by Chapter 3309. of the Revised Code. 5537

Payments by school district boards of education to the 5538
employers' trust fund of the school employees retirement system 5539
may be made from the amounts allocated under Chapter 3317. of the 5540
Revised Code prior to their distribution to the individual school 5541
districts. The amount due from each school district may be 5542
certified by the secretary of the system to the superintendent of 5543
public instruction monthly, or at such times as is determined by 5544
the school employees retirement board. 5545

Payments by governing authorities of community schools to the 5546
employers' trust fund of the school employees retirement system 5547
shall be made from the amounts allocated under section 3314.08 of 5548
the Revised Code prior to their distribution to the individual 5549
community schools. The amount due from each community school shall 5550
be certified by the secretary of the system to the superintendent 5551
of public instruction monthly, or at such times as determined by 5552
the school employees retirement board. 5553

Payments by a science, technology, engineering, and 5554
mathematics school to the employers' trust fund of the school 5555
employees retirement system shall be made from the amounts 5556
allocated under section 3326.33 of the Revised Code prior to their 5557
distribution to the school. The amount due from a science, 5558
technology, engineering, and mathematics school shall be certified 5559
by the secretary of the school employees retirement system to the 5560
superintendent of public instruction monthly, or at such times as 5561
determined by the school employees retirement board. 5562

(B) The superintendent shall deduct from the amount allocated 5563
to each community school under section 3314.08 of the Revised 5564
Code, to each school district under Chapter 3317. of the Revised 5565
Code, or to each science, technology, engineering, and mathematics 5566
school under section 3326.33 of the Revised Code the entire 5567
amounts due to the school employees retirement system from such 5568
school or school district upon the certification to the 5569
superintendent by the secretary thereof. 5570

(C) Where an employer fails or has failed or refuses to make 5571
payments to the employers' trust fund, as provided for under 5572
Chapter 3309. of the Revised Code, or fails to pay any penalty 5573
imposed under section 3309.571 of the Revised Code the secretary 5574
of the school employees retirement system may certify to the state 5575
superintendent of public instruction, monthly or at such times as 5576
is determined by the school employees retirement board, the amount 5577
due from such employer, and the superintendent shall deduct from 5578
the amount allocated to the employer under section 3314.08 or 5579
3326.33 or Chapter 3317. of the Revised Code, as applicable, the 5580
entire amounts due to the system from the employer upon the 5581
certification to the superintendent by the secretary of the school 5582
employees retirement system. 5583

(D) The superintendent shall certify to the director of 5584
budget and management the amounts thus due the system for payment. 5585

Sec. 3309.55. Each employer shall on the first day of each 5586
calendar month, or at such ~~less frequent~~ intervals as the school 5587
employees retirement board approves, notify the board of ~~the~~ 5588
~~employment of new employees,~~ removals, and withdrawals, ~~and~~ 5589
~~changes in compensation~~ of employees that have occurred during the 5590
month preceding or the period since the period covered by the last 5591
notification. ~~At least once a year each employer shall submit to~~ 5592
~~the board a complete listing of all employees not contributing to~~ 5593
~~the school employees retirement system.~~ Each employer shall keep 5594
such records and shall furnish such information and assistance to 5595
the school employees retirement board as it requires in the 5596
discharge of its duties. 5597

Sec. 3309.56. Each employer shall cause to be deducted, on 5598
each payroll of a contributor for each payroll period, the 5599
contribution payable by such contributor. ~~Each employer shall~~ 5600
~~certify to the treasurer of said employer on each payroll a~~ 5601
~~statement as voucher for the amount so deducted and for the amount~~ 5602
~~of the contribution payable by the employer.~~ Each employer shall 5603
send a duplicate of such statement to the secretary of report that 5604
lists such contributions deducted by contributor to the school 5605
employees retirement system at such time and in such manner as 5606
required by the school employees retirement board. 5607

Sec. 3309.57. ~~The treasurer of each~~ Each employer on receipt 5608
~~from the employer of the voucher for deductions from the~~ 5609
~~compensation of employees and for the contributions of the~~ 5610
~~employer~~ shall transmit monthly or at such times as the school 5611
employees retirement board designates the ~~amounts specified in~~ 5612
~~such voucher to the secretary of the board~~ contributions required 5613
under this chapter. ~~The secretary of the board~~ school employees 5614
retirement system after making a record of all such receipts shall 5615

pay them to the treasurer of state for use according to this 5616
chapter. 5617

Sec. 3309.571. The school employees retirement system shall 5618
impose the following penalties, which may be collected in the same 5619
manner as described in division (B) of section 3309.51 of the 5620
Revised Code: 5621

(A) For a failure to transmit contributions withheld from 5622
employees not later than the date specified under rules adopted by 5623
the school employees retirement board, one hundred dollars per day 5624
for each day the employer fails to transmit the contributions; 5625

(B) For a failure to transmit any amount due the employer's 5626
trust fund not later than the date specified under rules adopted 5627
by the board, one hundred dollars per day for each day the 5628
employer fails to transmit the amounts; 5629

(C) Except for a statement required by section 3309.28 of the 5630
Revised Code, for a failure to submit, ~~complete, or correct any a~~ 5631
payroll ~~information report~~ report or other report required under this 5632
chapter not later than the date specified under rules adopted by 5633
the board, one hundred dollars per day for each day the employer 5634
fails to submit, ~~complete, or correct the information or report,~~ 5635
except that the penalty shall not exceed one thousand five hundred 5636
dollars; 5637

(D) For a failure to submit a record in the form of a 5638
statement required by section 3309.28 of the Revised Code, fifty 5639
dollars per record for each month the record is not filed, except 5640
that the penalty shall not exceed three hundred dollars. 5641

Sec. 3309.691. The school employees retirement board ~~shall~~ 5642
may establish a program under which members of the retirement 5643
system, employers on behalf of members, and persons receiving 5644

service, disability, or survivor benefits are permitted to 5645
participate in contracts for long-term health care insurance. 5646
Participation may include dependents and family members. If a 5647
participant in a contract for long-term care insurance leaves 5648
employment, the participant and the participant's dependents and 5649
family members may, at their election, continue to participate in 5650
a program established under this section in the same manner as if 5651
the participant had not left employment, except that no part of 5652
the cost of the insurance shall be paid by the participant's 5653
former employer. 5654

Such program may be established independently or jointly with 5655
one or more of the other retirement systems. For purposes of this 5656
section, "retirement systems" has the same meaning as in division 5657
(A) of section 145.581 of the Revised Code. 5658

The board may enter into an agreement with insurance 5659
companies, health insuring corporations, or government agencies 5660
authorized to do business in the state for issuance of a long-term 5661
care insurance policy or contract. However, prior to entering into 5662
such an agreement with an insurance company or health insuring 5663
corporation, the board shall request the superintendent of 5664
insurance to certify the financial condition of the company or 5665
corporation. The board shall not enter into the agreement if, 5666
according to that certification, the company or corporation is 5667
insolvent, is determined by the superintendent to be potentially 5668
unable to fulfill its contractual obligations, or is placed under 5669
an order of rehabilitation or conservation by a court of competent 5670
jurisdiction or under an order of supervision by the 5671
superintendent. 5672

The board ~~shall~~ may adopt rules in accordance with section 5673
111.15 of the Revised Code governing the program. ~~The~~ Any rules 5674
adopted by the board shall establish methods of payment for 5675
participation under this section, which may include establishment 5676

of a payroll deduction plan under section 3309.27 of the Revised Code, deduction of the full premium charged from a person's service, disability, or survivor benefit, or any other method of payment considered appropriate by the board. If the program is established jointly with one or more of the other retirement systems, the rules also shall establish the terms and conditions of such joint participation.

Sec. 3309.82. (A) Except as provided in division (B) of this section, sections 3309.02, 3309.021, and 3309.022 and sections 3309.18 to 3309.70 of the Revised Code do not apply to a plan established under section 3309.81 of the Revised Code, except that a plan may incorporate provisions of those sections as specified in the plan document.

(B) The following sections of Chapter 3309. of the Revised Code apply to a plan established under section 3309.81 of the Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, ~~3309.53,~~ ~~3309.54,~~ 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 3309.673, 3309.68, and 3309.70 of the Revised Code.

Sec. 4113.75. (A) As used in this section:

(1) "Employee" and "employer" have the same meanings as in section 4113.51 of the Revised Code except that "employer" does not include the state, any municipal corporation, county, township, school district, or other political subdivision, or any agency or instrumentality of any of those entities.

(2) "Employee retirement plan" means an employee retirement plan described in section 401(k) or 403(b) of the Internal Revenue Code or a payroll deduction individual retirement account plan

described in section 408 or 408A of the Internal Revenue Code. 5707

(3) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1 et seq., as amended. 5708
5709

(B)(1) Notwithstanding section 4113.15 of the Revised Code, an employer may create and implement a program for automatically withholding a specified percentage of employees' wages to be contributed on behalf of the employees to an employee retirement plan. The program shall allow an employee to affirmatively elect not to participate in the program and not have wages withheld under the program. 5710
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(2) The employer shall provide each participating employee with all of the following: 5717
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(a) Notice of the percentage of the employee's wages that will be withheld and contributed on behalf of the employee to an employee retirement plan unless the employee affirmatively elects not to participate in the plan; 5719
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(b) At least one opportunity each calendar quarter to select investments for the employee's contributions between investment alternatives available under the plan; 5723
5724
5725

(c) A description of every investment alternative available for employee investment direction under the plan; 5726
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(d) Notice of the default investment decisions that will be made in the absence of the employee's direction; 5728
5729

(e) A brief description of available procedures that allow an employee to change investments; 5730
5731

(f) A report, at least once a year, of the actual default investments made of contributions attributable to the employee. 5732
5733

(3) An employer that creates or implements a program described in division (B) of this section shall provide its participating employees with reasonable opportunities to 5734
5735
5736

affirmatively elect not to participate in the program and not have 5737
wages withheld under the program. An affirmative election not to 5738
participate in a program shall be effective as soon after the 5739
employer receives the election as is administratively feasible. 5740

Sec. 5505.03. (A) The funds created by this section are the 5741
"employees' savings fund," "employer's accumulation fund," 5742
"pension reserve fund," "survivors' benefit fund," "income fund," 5743
and "expense fund." When reference is made to any of such funds, 5744
such reference is made to each as a separate legal entity; 5745
provided that the moneys in the funds may be intermingled for 5746
deposit and investment purposes. 5747

(B) The employees' savings fund is the fund in which shall be 5748
accumulated the contributions deducted from the salaries of 5749
members, except as provided in division (B)(1)(b) of section 5750
5505.54 of the Revised Code. Any refunds of accumulated 5751
contributions, as provided in the plan, shall be paid from such 5752
fund. Upon a member's retirement, the accumulated contributions 5753
standing to the member's credit in the fund shall be transferred 5754
to the pension reserve fund ~~if the member's retirement occurs on~~ 5755
~~or after January 1, 1966, or to the employer's accumulation fund~~ 5756
~~if the member's retirement occurred prior to January 1, 1966.~~ If a 5757
pension is payable on account of the death of a member, the 5758
accumulated contributions standing to the member's credit in the 5759
employees' savings fund shall be transferred to the survivors' 5760
benefit fund ~~if the member's death occurs after January 1, 1966,~~ 5761
~~or to the employer's accumulation fund if the member's death~~ 5762
~~occurs prior to January 1, 1966.~~ 5763

(C)(1) The employer's accumulation fund is the fund in which 5764
shall be accumulated the state's contribution to the state highway 5765
patrol retirement system and the amounts contributed under 5766
division (B)(1)(b) of section 5505.54 of the Revised Code. Upon a 5767

member's retirement ~~after January 1, 1966,~~ the difference between 5768
the member's pension reserve and the member's accumulated 5769
contributions shall be transferred to the pension reserve fund. If 5770
a pension is payable on account of a member's death occurring 5771
~~after January 1, 1966,~~ the difference between the pension reserve 5772
for that pension and the member's accumulated contributions shall 5773
be transferred to the survivors' benefit fund. 5774

~~(2) All pensions allowed and payable prior to January 1, 5775
1966, shall be continued according to the provisions of the plan 5776
in force the day preceding January 1, 1966, unless otherwise 5777
provided for in this chapter and shall be paid from the employer's 5778
accumulation fund. 5779~~

(D) The pension reserve fund is the fund from which shall be 5780
paid all pensions on account of members ~~who retire on or after~~ 5781
~~January 1, 1966.~~ If a disability retirant returns to the employ of 5782
the state highway patrol, the disability retirant's pension 5783
reserve at that time shall be transferred to the employees' 5784
savings fund and the employer's accumulation fund in the same 5785
proportion as the pension reserve was originally transferred to 5786
the pension reserve fund. 5787

(E) The survivors' benefit fund is the fund from which shall 5788
be paid all pensions, payable under section 5505.17 of the Revised 5789
Code, ~~on account of members who die on or after January 1, 1966.~~ 5790

(F)(1) The income fund is the fund to which shall be credited 5791
all interest, dividends, distributions, and other income derived 5792
from deposits and investments of moneys of the retirement system, 5793
all gifts and bequests to the system, all transfers from the 5794
employees' savings fund because of lack of claimant, and any other 5795
moneys the disposition of which is not otherwise provided for in 5796
the plan. 5797

(2) If the balance in the income fund exceeds the 5798

requirements of the fund, the state highway patrol retirement 5799
board may transfer amounts from the income fund to meet special 5800
requirements of the various other funds of the retirement system. 5801

(G) The expense fund is the fund from which the expense of 5802
the administration of this chapter shall be paid, exclusive of 5803
amounts payable as retirement allowances and as other benefits. 5804
The state highway patrol retirement board shall estimate annually 5805
the amount to be provided in the expense fund and such amount 5806
shall be transferred from the income fund. If such amount is 5807
insufficient during any year, the board is authorized to transfer 5808
the amount of such insufficiency from the income fund. 5809

Sec. 5505.04. (A)(1) The general administration and 5810
management of the state highway patrol retirement system and the 5811
making effective of this chapter are hereby vested in the state 5812
highway patrol retirement board. The board may sue and be sued, 5813
plead and be impleaded, contract and be contracted with, and do 5814
all things necessary to carry out this chapter. 5815

The board shall consist of the following members: 5816

(a) The superintendent of the state highway patrol; 5817

(b) Two retirant members who reside in this state; 5818

(c) Five employee-members; 5819

(d) One member, known as the treasurer of state's investment 5820
designee, who shall be appointed by the treasurer of state for a 5821
term of four years and who shall have the following 5822
qualifications: 5823

(i) The member is a resident of this state. 5824

(ii) Within the three years immediately preceding the 5825
appointment, the member has not been employed by the public 5826
employees retirement system, police and fire pension fund, state 5827
teachers retirement system, school employees retirement system, or 5828

state highway patrol retirement system or by any person, 5829
partnership, or corporation that has provided to one of those 5830
retirement systems services of a financial or investment nature, 5831
including the management, analysis, supervision, or investment of 5832
assets. 5833

(iii) The member has direct experience in the management, 5834
analysis, supervision, or investment of assets. 5835

(iv) The member is not currently employed by the state or a 5836
political subdivision of the state. 5837

(e) Two investment expert members, who shall be appointed to 5838
four-year terms. One investment expert member shall be appointed 5839
by the governor, and one investment expert member shall be jointly 5840
appointed by the speaker of the house of representatives and the 5841
president of the senate. Each investment expert member shall have 5842
the following qualifications: 5843

(i) Each investment expert member shall be a resident of this 5844
state. 5845

(ii) Within the three years immediately preceding the 5846
appointment, each investment expert member shall not have been 5847
employed by the public employees retirement system, police and 5848
fire pension fund, state teachers retirement system, school 5849
employees retirement system, or state highway patrol retirement 5850
system or by any person, partnership, or corporation that has 5851
provided to one of those retirement systems services of a 5852
financial or investment nature, including the management, 5853
analysis, supervision, or investment of assets. 5854

(iii) Each investment expert member shall have direct 5855
experience in the management, analysis, supervision, or investment 5856
of assets. 5857

(2) The board shall annually elect a chairperson and 5858
vice-chairperson from among its members. The vice-chairperson 5859

shall act as chairperson in the absence of the chairperson. A 5860
majority of the members of the board shall constitute a quorum and 5861
any action taken shall be approved by a majority of the members of 5862
the board. The board shall meet not less than once each year, upon 5863
sufficient notice to the members. All meetings of the board shall 5864
be open to the public except executive sessions as set forth in 5865
division (G) of section 121.22 of the Revised Code, and any 5866
portions of any sessions discussing medical records or the degree 5867
of disability of a member excluded from public inspection by this 5868
section. 5869

(3) Any ~~investment expert~~ member appointed to fill a vacancy 5870
occurring prior to the expiration of the term for which the 5871
member's predecessor was appointed holds under this section shall 5872
hold office until the end of ~~such term. The member continues in~~ 5873
~~office subsequent to the expiration date of the member's term~~ 5874
until or, if later, the date the member's successor takes office, 5875
~~or until a period of sixty days has elapsed, whichever occurs~~ 5876
~~first.~~ 5877

(B) The attorney general shall prescribe procedures for the 5878
adoption of rules authorized under this chapter, consistent with 5879
the provision of section 111.15 of the Revised Code under which 5880
all rules shall be filed in order to be effective. Such procedures 5881
shall establish methods by which notice of proposed rules are 5882
given to interested parties and rules adopted by the board 5883
published and otherwise made available. When it files a rule with 5884
the joint committee on agency rule review pursuant to section 5885
111.15 of the Revised Code, the board shall submit to the Ohio 5886
retirement study council a copy of the full text of the rule, and 5887
if applicable, a copy of the rule summary and fiscal analysis 5888
required by division (B) of section 127.18 of the Revised Code. 5889

(C)(1) As used in this division, "personal history record" 5890
means information maintained by the board on an individual who is 5891

a member, former member, retirant, or beneficiary that includes 5892
the address, electronic mail address, telephone number, social 5893
security number, record of contributions, correspondence with the 5894
system, and other information the board determines to be 5895
confidential. 5896

(2) The records of the board shall be open to public 5897
inspection and may be made available in printed or electronic 5898
format, except for the following which shall be excluded: the 5899
member's, former member's, retirant's, or beneficiary's personal 5900
history record and the amount of a monthly allowance or benefit 5901
paid to a retirant, beneficiary, or survivor, except with the 5902
written authorization of the individual concerned. 5903

(D) All medical reports and recommendations are privileged 5904
except as follows: 5905

(1) Copies of such medical reports or recommendations shall 5906
be made available to the individual's personal physician, 5907
attorney, or authorized agent upon written release received from 5908
such individual or such individual's agent, or when necessary for 5909
the proper administration of the fund to the board-assigned 5910
physician. 5911

(2) Documentation required by section 2929.193 of the Revised 5912
Code shall be provided to a court holding a hearing under that 5913
section. 5914

(E) Notwithstanding the exceptions to public inspection in 5915
division (C)(2) of this section, the board may furnish the 5916
following information: 5917

(1) If a member, former member, or retirant is subject to an 5918
order issued under section 2907.15 of the Revised Code or an order 5919
issued under division (A) or (B) of section 2929.192 of the 5920
Revised Code or is convicted of or pleads guilty to a violation of 5921
section 2921.41 of the Revised Code, on written request of a 5922

prosecutor as defined in section 2935.01 of the Revised Code, the 5923
board shall furnish to the prosecutor the information requested 5924
from the individual's personal history record. 5925

(2) Pursuant to a court order issued under Chapters 3119., 5926
3121., and 3123. of the Revised Code, the board shall furnish to a 5927
court or child support enforcement agency the information required 5928
under those chapters. 5929

(3) At the written request of any nonprofit organization or 5930
association providing services to retirement system members, 5931
retirants, or beneficiaries, the board shall provide to the 5932
organization or association a list of the names and addresses of 5933
members, former members, retirants, or beneficiaries if the 5934
organization or association agrees to use such information solely 5935
in accordance with its stated purpose of providing services to 5936
such individuals and not for the benefit of other persons, 5937
organizations, or associations. The costs of compiling, copying, 5938
and mailing the list shall be paid by such entity. 5939

(4) Within fourteen days after receiving from the director of 5940
job and family services a list of the names and social security 5941
numbers of recipients of public assistance pursuant to section 5942
5101.181 of the Revised Code, the board shall inform the auditor 5943
of state of the name, current or most recent employer address, and 5944
social security number of each member whose name and social 5945
security number are the same as those of a person whose name or 5946
social security number was submitted by the director. The board 5947
and its employees, except for purposes of furnishing the auditor 5948
of state with information required by this section, shall preserve 5949
the confidentiality of recipients of public assistance in 5950
compliance with section 5101.181 of the Revised Code. 5951

(5) The system shall comply with orders issued under section 5952
3105.87 of the Revised Code. 5953

On the written request of an alternate payee, as defined in 5954
section 3105.80 of the Revised Code, the system shall furnish to 5955
the alternate payee information on the amount and status of any 5956
amounts payable to the alternate payee under an order issued under 5957
section 3105.171 or 3105.65 of the Revised Code. 5958

(6) At the request of any person, the board shall make 5959
available to the person copies of all documents, including 5960
resumes, in the board's possession regarding filling a vacancy of 5961
an employee member or retirant member of the board. The person who 5962
made the request shall pay the cost of compiling, copying, and 5963
mailing the documents. The information described in this division 5964
is a public record. 5965

(7) The system shall provide the notice required by section 5966
5505.263 of the Revised Code to the prosecutor assigned to the 5967
case. 5968

(8) The system may provide information requested by the 5969
United States social security administration, United States 5970
centers for medicare and medicaid, public employees retirement 5971
system, Ohio public employees deferred compensation program, Ohio 5972
police and fire pension fund, school employees retirement system, 5973
state teachers retirement system, or Cincinnati retirement system. 5974

(F) A statement that contains information obtained from the 5975
system's records that is certified and signed by an officer of the 5976
retirement system and to which the system's official seal is 5977
affixed, or copies of the system's records to which the signature 5978
and seal are attached, shall be received as true copies of the 5979
system's records in any court or before any officer of this state. 5980

(G) The board may maintain records in printed or electronic 5981
format. 5982

Sec. 5505.112. Any action brought against the state highway 5983

patrol retirement system or the state highway patrol retirement 5984
board or its officers, employees, or board members in their 5985
official capacities shall be brought in the appropriate court in 5986
Franklin county, Ohio. 5987

Sec. 5505.12. (A) The state highway patrol retirement board 5988
shall have prepared annually by or under the supervision of an 5989
actuary an actuarial valuation of the pension assets, liabilities, 5990
and funding requirements of the state highway patrol retirement 5991
system as established pursuant to this chapter. The actuary shall 5992
complete the valuation in accordance with actuarial standards of 5993
practice promulgated by the actuarial standards board of the 5994
American academy of actuaries and prepare a report of the 5995
valuation. The report shall include all of the following: 5996

(1) A summary of the benefit provisions evaluated; 5997

(2) A summary of the census data and financial information 5998
used in the valuation; 5999

(3) A description of the actuarial assumptions, actuarial 6000
cost method, and asset valuation method used in the valuation, 6001
including a statement of the assumed rate of payroll growth and 6002
assumed rate of growth or decline in the number of members 6003
contributing to the retirement system; 6004

(4) A summary of findings that includes a statement of the 6005
actuarial accrued pension liabilities and unfunded actuarial 6006
accrued pension liabilities; 6007

(5) A schedule showing the effect of any changes in the 6008
benefit provisions, actuarial assumptions, or cost methods since 6009
the last annual actuarial valuation; 6010

(6) A statement of whether contributions to the retirement 6011
system are expected to be sufficient to satisfy the funding 6012
objectives established by the board. 6013

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of ~~July~~ September following the year for which the valuation was made.

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

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended changes in actuarial assumptions;

(4) If the investigation required by this division includes the investigation required by division (F) of this section, a report of the result of that investigation.

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of

representatives and the senate with primary responsibility for 6045
retirement legislation not later than the first day of November 6046
following the last fiscal year of the period the report covers. 6047

(C) The board may at any time request the actuary to make any 6048
studies or actuarial valuations to determine the adequacy of the 6049
rates of contributions provided by section 5505.15 of the Revised 6050
Code. 6051

(D) The board shall have prepared by or under the supervision 6052
of an actuary an actuarial analysis of any introduced legislation 6053
expected to have a measurable financial impact on the retirement 6054
system. The actuarial analysis shall be completed in accordance 6055
with the actuarial standards of practice promulgated by the 6056
actuarial standards board of the American academy of actuaries. 6057
The actuary shall prepare a report of the actuarial analysis, 6058
which shall include all of the following: 6059

(1) A summary of the statutory changes that are being 6060
evaluated; 6061

(2) A description of or reference to the actuarial 6062
assumptions and actuarial cost method used in the report; 6063

(3) A description of the participant group or groups included 6064
in the report; 6065

(4) A statement of the financial impact of the legislation, 6066
including the resulting increase, if any, in the employer normal 6067
cost percentage; the increase, if any, in actuarial accrued 6068
liabilities; and the per cent of payroll that would be required to 6069
amortize the increase in actuarial accrued liabilities as a level 6070
per cent of covered payroll for all active members over a period 6071
not to exceed thirty years; 6072

(5) A statement of whether the scheduled contributions to the 6073
system after the proposed change is enacted are expected to be 6074
sufficient to satisfy the funding objectives established by the 6075

board. 6076

Not later than sixty days from the date of introduction of 6077
the legislation, the board shall submit a copy of the actuarial 6078
analysis to the legislative service commission, the standing 6079
committees of the house of representatives and the senate with 6080
primary responsibility for retirement legislation, and the Ohio 6081
retirement study council. 6082

(E) The board shall have prepared annually a report giving a 6083
full accounting of the revenues and costs relating to the 6084
provision of benefits under section 5505.28 of the Revised Code. 6085
The report shall be made ~~as of December 31, 1997, and not later~~ 6086
than the thirty-first day of December of each year ~~thereafter~~. The 6087
report shall include the following: 6088

(1) A description of the statutory authority for the benefits 6089
provided; 6090

(2) A summary of the benefits; 6091

(3) A summary of the eligibility requirements for the 6092
benefits; 6093

(4) A statement of the number of participants eligible for 6094
the benefits; 6095

(5) A description of the accounting, asset valuation, and 6096
funding method used to provide the benefits; 6097

(6) A statement of the net assets available for the provision 6098
of the benefits as of the last day of the fiscal year; 6099

(7) A statement of any changes in the net assets available 6100
for the provision of benefits, including participant and employer 6101
contributions, net investment income, administrative expenses, and 6102
benefits provided to participants, as of the last day of the 6103
fiscal year; 6104

(8) For the last six consecutive fiscal years, a schedule of 6105

the net assets available for the benefits, the annual cost of 6106
benefits, administrative expenses incurred, and annual employer 6107
contributions allocated for the provision of benefits; 6108

(9) A description of any significant changes that affect the 6109
comparability of the report required under this division; 6110

(10) A statement of the amount paid under division (B) of 6111
section 5505.28 of the Revised Code. 6112

The board shall submit the report to the Ohio retirement 6113
study council, the director of budget and management, and the 6114
standing committees of the house of representatives and the senate 6115
with primary responsibility for retirement legislation immediately 6116
upon its availability and not later than the thirtieth day of June 6117
following the year for which the report was made. 6118

(F) At least once in each five-year period, the board shall 6119
have prepared by or under the supervision of an actuary an 6120
actuarial investigation of the deferred retirement option plan 6121
established under section 5505.50 of the Revised Code. The 6122
investigation shall include an examination of the financial 6123
impact, if any, on the retirement system of offering the plan to 6124
members. 6125

The actuary shall prepare a report of the actuarial 6126
investigation. The report shall include a determination of whether 6127
the plan, as established or modified, has a negative financial 6128
impact on the retirement system and, if so, recommendations on how 6129
to modify the plan to eliminate the negative financial impact. If 6130
the actuarial report indicates that the plan has a negative 6131
financial impact on the retirement system, the board shall modify 6132
the plan. If the board modifies the plan, the rights and 6133
obligations of members who have already elected to participate 6134
shall not be altered. 6135

The state's contributions to the employer accumulation fund 6136

shall not be increased to offset any negative financial impact of 6137
the deferred retirement option plan. 6138

The board may include the actuarial investigation required 6139
under this division as part of the actuarial investigation 6140
required under division (B) of this section. If the report of the 6141
actuarial investigation required by this division is not included 6142
in the report required by division (B) of this section, the board 6143
shall submit the report required by this division to the Ohio 6144
retirement study council and the standing committees of the house 6145
of representatives and the senate with primary responsibility for 6146
retirement legislation not later than the first day of November 6147
following the last fiscal year of the period the report covers. 6148

Sec. 5505.14. Subject to such rules and regulations as the 6149
state highway patrol retirement board adopts, the board shall 6150
issue, upon written request of the member, a certificate 6151
certifying to the aggregate length of all ~~his~~ the member's prior 6152
service as a state highway patrol employee. ~~In no event shall~~ 6153
~~service be computed prior to November 15, 1933.~~ 6154

Sec. 5505.15. (A)~~(1)~~ A member of the state highway patrol 6155
retirement system shall contribute a certain percentage of the 6156
member's annual salary to the state highway patrol retirement 6157
fund. The percentage shall be not less than ten per cent of the 6158
member's annual salary but not more than fourteen per cent. The 6159
state highway patrol retirement board shall establish and may 6160
adjust the rate as it considers necessary to meet the amortization 6161
period requirement of section 5505.121 of the Revised Code. The 6162
board shall base its determination of the necessary rate on the 6163
annual actuarial valuation required by section 5505.12 of the 6164
Revised Code. The amount shall be deducted by the employer from 6165
the employee's salary for each payroll period. 6166

~~(2) The total contributions arising from deductions made 6167
prior to January 1, 1966, from the salaries of members in the 6168
employ of the state highway patrol and standing to the credit of 6169
their individual accounts in the retirement fund shall be 6170
transferred and credited to their respective individual accounts 6171
in the employees' savings fund. 6172~~

(B) The state shall annually pay into the employer 6173
accumulation fund, in monthly or less frequent installments as the 6174
state highway patrol retirement board requires, the employer 6175
contribution. The employer contribution shall be an amount equal 6176
to twenty-six and one-half per cent of the total salaries paid 6177
contributing members. If a member severs connection with the 6178
patrol or is dismissed, the employer contribution shall remain in 6179
the retirement system. 6180

The rate percentage of the employer contribution shall be 6181
certified by the board to the director of budget and management 6182
and shall not be lower than nine per cent of the total salaries 6183
paid contributing members and shall not exceed three times the 6184
rate percentage being deducted from the annual salaries of 6185
contributing members. The board shall prepare and submit to the 6186
director, on or before the first day of November of each 6187
even-numbered year, an estimate of the amounts necessary to pay 6188
the state's obligations accruing during the biennium beginning the 6189
first day of July of the following year. Such amounts shall be 6190
included in the budget and allocated as certified by the board. 6191

Sec. 5505.16. (A) A member of the state highway patrol 6192
retirement system who has ~~been in the service of the state highway~~ 6193
~~patrol for a period of~~ twenty-five years as an employee of service 6194
credit according to the rules adopted by the state highway patrol 6195
retirement board may make application for a pension which, if the 6196
member is under age forty-eight, shall be deferred until age 6197

forty-eight. 6198

(B) A member ~~of the retirement system~~ who has been in the 6199
~~service of the highway patrol for a period of~~ twenty years as an 6200
~~employee~~ of service credit according to the rules adopted by the 6201
retirement board, may make application for a pension that, if the 6202
member is under age fifty-two, shall be deferred until age 6203
fifty-two, except that any such member who has attained twenty 6204
years of service may, on or after attaining age forty-eight but 6205
before attaining age fifty-two, elect to receive a reduced pension 6206
of the greater of nine hundred dollars or an amount computed as 6207
follows: 6208

Attained Age	Reduced Pension	
48	75% of normal service pension	6210
49	80% of normal service pension	6211
50	86% of normal service pension	6212
51	93% of normal service pension	6213

In the case of a member who elects to receive a reduced 6214
pension after attaining age forty-eight, the reduced pension is 6215
payable from the later of the date of the member's most recent 6216
birthday or the date the member becomes eligible to receive the 6217
reduced pension. 6218

A member who has elected to receive a reduced pension in 6219
accordance with the schedule provided in this division and has 6220
received a payment in connection therewith may not change the 6221
election. 6222

(C) Any member who attains the age of sixty years and has 6223
~~been in the service of the patrol for a period of~~ twenty years as 6224
~~a uniformed patrol officer~~ of service credit according to the 6225
rules adopted by the board, shall file application for retirement 6226
with the board, and if the member refuses or neglects to do so, 6227
the board may deem the member's application to have been filed on 6228
the member's sixtieth birthday. The member may, upon written 6229

application approved by the superintendent of the state highway patrol, be continued in service after attaining the age of sixty years, but only until the member has accumulated twenty years of service credit in accordance with rules adopted by the board.

(D)(1) As used in this division:

(a) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(b) "Uniformed services" of the United States includes both:

(i) Army, navy, air force, marine corps, coast guard, or any reserve components of these services; auxiliary corps as established by congress; army nurse corps; navy nurse corps; service as red cross nurse with the army, navy, air force, or hospital service of the United States, or serving full-time with the American red cross in a combat zone; and such other service as is designated by congress as included therein;

(ii) Personnel of the Ohio national guard, the Ohio military reserve, the Ohio naval militia, and the reserve components of the armed forces enumerated in division (D)(1) of this section who are called to active duty pursuant to an executive order issued by the president of the United States or an act of congress.

(2) A member's total service credit may include periods not to exceed a total of seven years, while the member's employment with the state highway patrol is or was interrupted due to service in the uniformed services of the United States. Such military service shall be credited to the member towards total service as

provided by this chapter and to the extent approved by the board, 6261
provided that: 6262

(a) The member is or was honorably discharged from service in 6263
the uniformed services; 6264

(b) The member is or was re-employed by the state highway 6265
patrol within ninety days immediately following termination of 6266
service in the uniformed services; 6267

(c) The member, subject to board rules, pays into the 6268
retirement system to the member's credit in the employees' savings 6269
fund an amount equal to the total contributions the member would 6270
have paid had state highway patrol employment not been so 6271
interrupted. Such payment may be made at any time prior to receipt 6272
of a pension. 6273

(3) If the member meets the requirements of division (D)(2) 6274
of this section, on receipt of contributions from the member, the 6275
state highway patrol shall be billed for the employer contribution 6276
that would have been paid pursuant to section 5505.15 of the 6277
Revised Code if the member had not rendered service in the 6278
uniformed services, subject to board rules. 6279

(4) If under division (D)(2)(c) of this section a member pays 6280
all or any portion of the contributions later than the lesser of 6281
five years or a period that is three times the member's period of 6282
service in the uniformed services beginning from the ~~later of the~~ 6283
member's date of re-employment ~~or October 29, 1996~~, an amount 6284
equal to compound interest at a rate established by the board from 6285
the ~~later of the~~ member's date of re-employment ~~or October 29,~~ 6286
~~1996~~, to the date of payment shall be added to the remaining 6287
amount to be paid by the member to purchase service credit under 6288
this section. 6289

(5) Credit purchased by a member under division (D)(2) of 6290
this section shall be used to determine the member's eligibility 6291

for retirement under this section and section 5505.17 of the Revised Code.

Sec. 5505.17. (A)(1) Upon retirement as provided in section 5505.16 of the Revised Code, a member of the state highway patrol retirement system shall receive a life pension, without guaranty or refund, equal to the greater of one thousand fifty dollars or the sum of two and one-half per cent of the member's final average salary multiplied by the first twenty years of total service credit, plus two and one-quarter per cent of the member's final average salary multiplied by the number of years, and fraction of a year, of total service credit in excess of twenty years but not in excess of twenty-five years, plus two per cent of the member's final average salary multiplied by the number of years, and fraction of a year, in excess of twenty-five years; provided that in no case shall the pension exceed the lesser of seventy-nine and one-quarter 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.

(2) A member with fifteen or more years of total service credit, who voluntarily resigns or who is discharged from the state highway patrol for any reason except retirement under this chapter, death, dishonesty, cowardice, intemperate habits, or conviction of a felony, shall receive a pension equal to one and one-half per cent of the member's final average salary multiplied by the number of years, and fraction of a year, of total service credit, except that the pension shall not exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The pension shall commence at the end of the calendar month in which the application is filed with the retirement board on or after the attainment of age fifty-five years by the applicant. A member who withdraws any part or all of the accumulated contributions from the employees'

savings fund shall thereupon forfeit all rights to a pension 6324
provided for in this division. 6325

(3)(a) A surviving spouse of a deceased member shall receive 6326
a monthly pension, determined as follows, during the spouse's 6327
life: 6328

(i) If at the time of death the member was not eligible to be 6329
granted a pension payable under this section or to elect to 6330
receive a reduced pension payable under section 5505.16 of the 6331
Revised Code, nine hundred dollars; 6332

(ii) If at the time of death the member was eligible to be 6333
granted a pension payable under this section or to elect to 6334
receive a reduced pension payable under section 5505.16 of the 6335
Revised Code, the greater of nine hundred dollars or fifty per 6336
cent of the computed monthly pension the member would have 6337
received had the member been granted a pension under this section 6338
or elected to receive a reduced pension under section 5505.16 of 6339
the Revised Code. 6340

(b) The surviving spouse of a retirant shall receive a 6341
monthly pension, determined as follows, during the spouse's life: 6342

(i) If the retirant had applied for a pension payable under 6343
section 5505.16 of the Revised Code, but at the time of death had 6344
not attained the age of eligibility for the pension, nine hundred 6345
dollars; 6346

(ii) If the retirant had applied for a pension payable under 6347
section 5505.16 of the Revised Code and had attained the age of 6348
eligibility for the pension, but at the time of death had not 6349
elected to begin receiving the pension, the greater of nine 6350
hundred dollars or fifty per cent of the computed monthly pension 6351
the retirant was eligible to receive under section 5505.16 of the 6352
Revised Code; 6353

(iii) If the retirant was receiving a pension under this 6354

section or section 5505.16 or 5505.18 of the Revised Code, or, 6355
regardless of whether or not the retirant had actually received 6356
any payment, if the retirant was eligible to receive a pension 6357
under this section or section 5505.16 or 5505.18 of the Revised 6358
Code and had elected to begin receiving it, the greater of nine 6359
hundred dollars or fifty per cent of the computed monthly pension 6360
awarded the retirant. 6361

(c) If a monthly pension to a surviving spouse was terminated 6362
due to a remarriage, the surviving spouse is eligible to receive a 6363
monthly pension under division (A)(3) of this section effective 6364
the first day of the first month following June 5, 1996. The 6365
pension shall be computed under division (A)(3) of this section as 6366
of June 5, 1996. The pension payable to a person who is the 6367
surviving spouse of more than one state highway patrol retirement 6368
system member or retirant shall be computed on the basis of the 6369
service of the member or retirant to whom the surviving spouse was 6370
most recently married. 6371

(4) A pension of one hundred fifty dollars per month shall be 6372
paid by the system to or for the benefit of each child of a 6373
deceased member or retirant until the child attains the age of 6374
eighteen years or marries, whichever event occurs first, or until 6375
the child attains twenty-three years of age if the child is a 6376
student in and attending an institution of learning or training 6377
pursuant to a program designed to complete in each school year the 6378
equivalent of at least two-thirds of the full-time curriculum 6379
requirements of the institution, as determined by the retirement 6380
board. If any surviving child, regardless of age at the time of 6381
the member's or retirant's death, because of physical or mental 6382
disability, was totally dependent upon the deceased member or 6383
retirant for support at the time of death, a pension of one 6384
hundred fifty dollars per month shall be paid by the system to or 6385
for the benefit of the child during the child's natural life or 6386

until the child recovers from the disability. 6387

(5)(a) If a retirant died prior to June 6, 1988, and the 6388
surviving spouse was not married to the retirant while the 6389
retirant was in the active service of the patrol, the surviving 6390
spouse shall receive a pension of the greater of four hundred 6391
twenty-five dollars per month or fifty per cent of the computed 6392
monthly pension the retirant was receiving. 6393

(b) If the pension payable to a person receiving a pension 6394
under division (A)(5)(a) of this section on ~~the effective date of~~ 6395
~~this amendment~~ June 30, 2000, is less than nine hundred dollars 6396
per month, the pension shall be increased to nine hundred dollars 6397
per month. 6398

~~(6)(a) If the pension payable to the surviving spouse of a 6399
deceased member or retirant under division (A)(3) of this section 6400
on the effective date of this amendment is less than nine hundred 6401
dollars per month, the pension shall be increased to nine hundred 6402
dollars per month. 6403~~

~~(b) The pension payable to a child of a deceased member or 6404
retirant who is receiving a pension under division (A)(4) of this 6405
section on June 5, 1996, shall be increased to one hundred fifty 6406
dollars per month. 6407~~

~~(7) If a deceased member or retirant leaves no spouse or 6408
surviving children, but leaves two parents depending solely upon 6409
the deceased member or retirant for support, each parent shall be 6410
paid a monthly pension of one hundred fifty-four dollars. If in 6411
such case there is only one parent dependent solely upon the 6412
deceased member or retirant for support, such parent shall be paid 6413
a monthly pension of one hundred fifty-four dollars. Such pension 6414
shall be paid during the life of the surviving parents, or until 6415
dependency ceases, or until remarriage, whichever event occurs 6416
first. 6417~~

~~(8)~~(7) Any amount remaining as accumulated contributions at 6418
the time of death of a ~~member or~~ retirant who leaves no surviving 6419
spouse or dependent children or parents shall be paid to the 6420
estate of the ~~member or~~ retirant. 6421

~~(9)~~(8) The ~~increases~~ increase provided for by ~~divisions~~ 6422
division (A)(5) and ~~(A)(6)(a)~~ of this section shall be included in 6423
the calculation of the additional benefit paid under section 6424
5505.174 of the Revised Code. 6425

(B) The board shall adopt, and may amend or rescind, the 6426
necessary rules for the administration of this section and all 6427
decisions of the board shall be final. Any payment of a pension or 6428
benefit under this section is subject to the provisions of section 6429
5505.26 of the Revised Code. 6430

(C) A member's total service credit may include periods 6431
during which the member's employment with the state highway patrol 6432
is interrupted by a leave of absence, when requested by the 6433
governor, to accept employment with another agency of the state, 6434
provided that: 6435

(1) The member is reemployed by the state highway patrol 6436
within thirty days following termination of such other employment; 6437

(2) The member pays into the retirement system, to the credit 6438
of the employees' savings fund, an amount equal to the total 6439
contributions the member would have paid had the state highway 6440
patrol employment not been so interrupted. Such repayment shall 6441
begin within ninety days after the member's return to duty with 6442
the state highway patrol and be completed within a period equal to 6443
that of the leave of absence. 6444

(D) Service credits granted under division (C) of this 6445
section shall not include any duplications of credits for which a 6446
pension is payable by the public employees retirement system. 6447

Sec. 5505.174. (A) Eligibility for an increase under this 6448
section shall be determined as follows: 6449

(1) For a person whose pension effective date is prior to ~~the~~ 6450
~~effective date of this amendment~~ January 7, 2013, an "eligible 6451
person" is one of the following: 6452

(a) A person fifty-three years old or older who has been 6453
receiving a pension pursuant to division (B) of section 5505.16, 6454
division (A)(1) of section 5505.17, or division (B) of section 6455
5505.18 of the Revised Code for not less than twelve months; 6456

(b) A person who has been receiving a pension pursuant to 6457
division (B) of section 5505.18 of the Revised Code for not less 6458
than sixty months regardless of age; 6459

(c) A person who has been receiving a pension pursuant to 6460
section 5505.162 or division (A)(3), (4), (5), or (6), ~~or~~ (7) of 6461
section 5505.17 of the Revised Code for not less than twelve 6462
months regardless of age. 6463

(2) For a person whose pension effective date is on or after 6464
~~the effective date of this amendment~~ January 7, 2013, an "eligible 6465
person" is a person who is sixty years old or older who has been 6466
receiving a pension pursuant to division (B) of section 5505.16, 6467
section 5505.162, division (A)(1), (3), (4), (5), or (6), ~~or~~ (7) 6468
of section 5505.17, or division (B) of section 5505.18 of the 6469
Revised Code for not less than twelve months. 6470

(B)(1) Except as otherwise provided in this section, the 6471
state highway patrol retirement board shall annually increase 6472
pensions payable to eligible persons under this chapter in 6473
accordance with the following: 6474

(a) For each person sixty-five years of age or older who is 6475
receiving a pension not greater than one hundred eighty-five per 6476
cent of the federal poverty level for a family of two persons, as 6477

revised annually by the United States department of health and 6478
human services in accordance with section 673(2) of the "Omnibus 6479
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 6480
amended, the board shall increase the pension by three per cent. 6481

(b) For persons other than those described in division 6482
(B)(1)(a) of this section, the board may increase the pension. Any 6483
increase shall be determined by the board based on compliance with 6484
the amortization period requirement of section 5505.121 of the 6485
Revised Code. The board's determination shall be based on the 6486
annual actuarial valuation required by section 5505.12 of the 6487
Revised Code. If the board determines that an increase may be 6488
made, the increase shall not exceed three per cent of the eligible 6489
person's pension. 6490

(2) No increase under this section shall exceed the limit 6491
established by section 415 of the "Internal Revenue Code of 1986," 6492
100 Stat. 2085, 26 U.S.C. 415, as amended. 6493

(3) The date of the first increase paid under this section 6494
shall be the anniversary date for future increases. The pension 6495
used in the first calculation of an increase under this section 6496
shall remain as the base for all future increases paid under this 6497
section, unless a new base is established. 6498

(C) If payment of a portion of a benefit is made to an 6499
alternate payee under section 5505.261 of the Revised Code, 6500
increases under this section granted while the order is in effect 6501
shall be apportioned between the alternate payee and the eligible 6502
person in the same proportion that the amount being paid to the 6503
alternate payee bears to the amount paid to the eligible person. 6504

If payment of a portion of a benefit is made to one or more 6505
beneficiaries under "option 4" under division (A)(4) of section 6506
5505.162 of the Revised Code, each increase under this section 6507
granted while the plan of payment is in effect shall be divided 6508

among the designated beneficiaries in accordance with the portion 6509
each beneficiary has been allocated. 6510

(D) The board shall adopt, and may amend or rescind, any rule 6511
necessary to carry out this section. 6512

Sec. 5505.18. As used in this section, "member" does not 6513
include state highway patrol cadets attending training schools 6514
pursuant to section 5503.05 of the Revised Code. 6515

(A) Upon the application of a member of the state highway 6516
patrol retirement system, a person acting on behalf of a member, 6517
or the superintendent of the state highway patrol on behalf of a 6518
member, a member who becomes totally and permanently incapacitated 6519
for duty in the employ of the state highway patrol may be retired 6520
on disability by the board. 6521

The medical or psychological examination of a member who has 6522
applied for disability retirement shall be conducted by a 6523
competent health-care professional or professionals appointed by 6524
the board. The health-care professional or professionals shall 6525
file a written report with the board containing the following 6526
information: 6527

(1) Whether the member is totally incapacitated for duty in 6528
the employ of the patrol; 6529

(2) Whether the incapacity is expected to be permanent; 6530

(3) The cause of the member's incapacity. 6531

The board shall determine whether the member qualifies for 6532
disability retirement and its decision shall be final. The board 6533
shall consider the written medical or psychological report, 6534
opinions, statements, and other competent evidence in making its 6535
determination. If the incapacity is a result of heart disease or 6536
any cardiovascular disease of a chronic nature, which disease or 6537
any evidence of which was not revealed by the physical examination 6538

passed by the member on entry into the patrol, the member is 6539
presumed to have incurred the disease in the line of duty as a 6540
member of the patrol, unless the contrary is shown by competent 6541
evidence. 6542

(B)(1) Except as provided under division (A) of section 6543
5505.58 of the Revised Code, a member whose retirement on account 6544
of disability incurred in the line of duty shall receive the 6545
applicable pension provided for in section 5505.17 of the Revised 6546
Code, except that if the member has less than twenty-five years of 6547
contributing service, the member's service credit shall be deemed 6548
to be twenty-five years for the purpose of this provision. In no 6549
case shall the member's disability pension be less than sixty-one 6550
and one-quarter per cent or exceed the lesser of seventy-nine and 6551
one-quarter per cent of the member's final average salary or the 6552
limit established by section 415 of the "Internal Revenue Code of 6553
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 6554

(2) Except as provided under division (B) of section 5505.58 6555
of the Revised Code, a member whose retirement on account of 6556
disability incurred not in the line of duty shall receive the 6557
applicable pension provided for in section 5505.17 of the Revised 6558
Code, except that if the member has less than twenty years of 6559
contributing service, the member's service credit shall be deemed 6560
to be twenty years for the purpose of this provision. In no case 6561
shall the member's disability pension exceed the lesser of 6562
seventy-nine and one-quarter per cent of the member's final 6563
average salary or the limit established by section 415 of the 6564
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 6565
as amended. 6566

(C) The state highway patrol retirement board shall adopt 6567
rules requiring a disability ~~pension recipient~~ retirant, as a 6568
condition of continuing to receive a disability pension, to agree 6569
in writing to obtain any medical or psychological treatment 6570

recommended by the board's health-care professional and submit 6571
medical or psychological reports regarding the treatment. If the 6572
board determines that a disability ~~pension recipient~~ retirant is 6573
not obtaining the medical or psychological treatment or the board 6574
does not receive a required medical or psychological report, the 6575
disability pension shall be suspended until the treatment is 6576
obtained, the report is received by the board, or the board's 6577
health-care professional certifies that the treatment is no longer 6578
helpful or advisable. Should the ~~recipient's~~ retirant's failure to 6579
obtain treatment or submit a medical or psychological report 6580
continue for one year, the recipient's right to the disability 6581
~~benefit~~ pension shall be terminated as of the effective date of 6582
the original suspension. 6583

(D) A ~~member placed on a disability pension~~ disability 6584
retirant who has not attained the age of sixty years shall be 6585
subject to an annual medical or psychological re-examination by 6586
health-care professionals appointed by the board, except that the 6587
board may waive the re-examination if the board's health-care 6588
professionals certify that the ~~member's~~ retirant's disability is 6589
ongoing. If any ~~member placed on a disability pension~~ retirant 6590
refuses to submit to a medical or psychological re-examination, 6591
the ~~member's~~ retirant's disability pension shall be suspended 6592
until the ~~member~~ retirant withdraws the refusal. If the refusal 6593
continues for one year, all the ~~member's~~ retirant's rights under 6594
and to the disability pension shall be terminated as of the 6595
effective date of the original suspension. 6596

(E) Each ~~recipient of a disability pension~~ disability 6597
retirant who has not attained the age of sixty years shall file 6598
with the board an annual statement of earnings, current medical or 6599
psychological information on the recipient's condition, and any 6600
other information required in rules adopted by the board. The 6601
board may waive the requirement that a disability ~~benefit~~ 6602

~~recipient~~ retirant file an annual statement of earnings or current 6603
medical or psychological information if the board's health-care 6604
professional certifies that the ~~recipient's~~ retirant's disability 6605
is ongoing. 6606

The board shall annually examine the information submitted by 6607
the ~~recipient~~ retirant. If a ~~recipient~~ retirant refuses to file 6608
the statement or information, the disability pension shall be 6609
suspended until the statement and information are filed. If the 6610
refusal continues for one year, the right to the pension shall be 6611
terminated as of the effective date of the original suspension. 6612

(F)(1) Except as provided in division (F)(2) of this section, 6613
a disability retirant ~~who has been on disability pension, and~~ who 6614
has been physically or psychologically examined and found no 6615
longer incapable of performing the retirant's duties, shall be 6616
restored to the rank the retirant held at the time the retirant 6617
was pensioned and all previous rights shall be restored, including 6618
the retirant's civil service status, and the disability pension 6619
shall terminate. Upon return to employment in the patrol, the 6620
retirant shall again become a contributing member of the 6621
retirement system, the total service at the time of the retirant's 6622
retirement shall be restored to the retirant's credit, and the 6623
retirant shall be given service credit for the period the retirant 6624
was in receipt of a disability pension. The provisions of division 6625
(F)(1) of this section shall be retroactive to September 5, 1941. 6626

(2) The state highway patrol is not required to take action 6627
under division (F)(1) of this section if the retirant was 6628
dismissed or resigned in lieu of dismissal for dishonesty, 6629
misfeasance, malfeasance, or conviction of a felony. 6630

(G) The board may adopt rules to carry out this section, 6631
including rules that specify the types of health-care 6632
professionals the board may appoint for the purpose of this 6633
section. 6634

Sec. 5505.33. (A) As used in this section: 6635

(1) "Long-term care insurance" has the same meaning as in 6636
section 3923.41 of the Revised Code. 6637

(2) "Retirement systems" has the same meaning as in division 6638
(A) of section 145.581 of the Revised Code. 6639

(B) The state highway patrol retirement board ~~shall~~ may 6640
establish a program under which members of the retirement system, 6641
employers on behalf of members, and persons receiving service or 6642
disability pensions or survivor benefits are permitted to 6643
participate in contracts for long-term care insurance. 6644
Participation may include dependents and family members. If a 6645
participant in a contract for long-term care insurance leaves 6646
employment, the person and the person's dependents and family 6647
members may, at their election, continue to participate in a 6648
program established under this section in the same manner as if 6649
the person had not left employment, except that no part of the 6650
cost of the insurance shall be paid by the person's former 6651
employer. Such program may be established independently or jointly 6652
with one or more of the retirement systems. 6653

(C) The board may enter into an agreement with insurance 6654
companies, health insuring corporations, or government agencies 6655
authorized to do business in the state for issuance of a long-term 6656
care insurance policy or contract. However, prior to entering into 6657
such an agreement with an insurance company or health insuring 6658
corporation, the board shall request the superintendent of 6659
insurance to certify the financial condition of the company or 6660
corporation. The board shall not enter into the agreement if, 6661
according to that certification, the company or corporation is 6662
insolvent, is determined by the superintendent to be potentially 6663
unable to fulfill its contractual obligations, or is placed under 6664
an order of rehabilitation or conservation by a court of competent 6665

jurisdiction or under an order of supervision by the 6666
superintendent. 6667

(D) The board ~~shall~~ may adopt rules in accordance with 6668
section 111.15 of the Revised Code governing the program. ~~The~~ Any 6669
rules adopted by the board shall establish methods of payment for 6670
participation under this section, which may include establishment 6671
of a payroll deduction plan under section 5505.203 of the Revised 6672
Code, deduction of the full premium charged from a person's 6673
service or disability pension or survivor benefit, or any other 6674
method of payment considered appropriate by the board. If the 6675
program is established jointly with one or more of the other 6676
retirement systems, the rules also shall establish the terms and 6677
conditions of such joint participation. 6678

Sec. 5505.34. If a person ~~who is a disability benefit~~ 6679
~~recipient or an alternate payee, as defined in section 3105.80 of~~ 6680
~~the Revised Code,~~ is paid any benefit or payment by the state 6681
highway patrol retirement system to which the person is not 6682
entitled, ~~the person shall repay~~ benefit or payment shall be 6683
repaid to the retirement system by the person. If the person fails 6684
to ~~repay~~ make the repayment, the retirement system shall withhold 6685
the amount due from any benefit or payment due the person or the 6686
person's beneficiary or may collect the amount in any other manner 6687
provided by law. 6688

Sec. 5505.59. If a member dies while participating in the 6689
deferred retirement option plan, all of the following apply: 6690

(A) The amounts accrued to the member's benefit shall be paid 6691
to the member's surviving spouse or, if there is no surviving 6692
spouse, the beneficiary designated by the member on a form 6693
provided by the state highway patrol retirement system. If there 6694
is no surviving spouse or designated beneficiary, the amounts 6695

accrued to the member's benefit shall be paid to the member's 6696
estate. 6697

Any payment made under this division shall be made in the 6698
form of a single lump sum payment. 6699

(B) The surviving spouse and, if eligible, each surviving 6700
child, shall receive a pension as described in division 6701
(A)(3)(b)(iii) or (4) of section 5505.17 of the Revised Code, 6702
utilizing the pension amount calculated under section 5505.53 of 6703
the Revised Code. 6704

(C) If the member has no surviving spouse or surviving 6705
children, but has a parent or parents dependent on the member for 6706
support, the parent or parents shall receive a pension determined 6707
under division (A)~~(7)~~(6) of section 5505.17 of the Revised Code. 6708

(D) The lump sum payment described in section 5505.30 of the 6709
Revised Code shall be paid to the member's surviving spouse or, if 6710
there is no surviving spouse, to the member's estate. 6711

Sec. 5705.21. (A) At any time, the board of education of any 6712
city, local, exempted village, cooperative education, or joint 6713
vocational school district, by a vote of two-thirds of all its 6714
members, may declare by resolution that the amount of taxes ~~which~~ 6715
that may be raised within the ten-mill limitation by levies on the 6716
current tax duplicate will be insufficient to provide an adequate 6717
amount for the necessary requirements of the school district, that 6718
it is necessary to levy a tax in excess of such limitation for one 6719
of the purposes specified in division (A), (D), (F), (H), or (DD) 6720
of section 5705.19 of the Revised Code, for general permanent 6721
improvements, for the purpose of operating a cultural center, for 6722
the purpose of providing for school safety and security, or for 6723
the purpose of providing education technology, and that the 6724
question of such additional tax levy shall be submitted to the 6725
electors of the school district at a special election on a day to 6726

be specified in the resolution. In the case of a qualifying 6727
library levy for the support of a library association or private 6728
corporation, the question shall be submitted to the electors of 6729
the association library district. If the resolution states that 6730
the levy is for the purpose of operating a cultural center, the 6731
ballot shall state that the levy is "for the purpose of operating 6732
the (name of cultural center)." 6733

As used in this division, "cultural center" means a 6734
freestanding building, separate from a public school building, 6735
that is open to the public for educational, musical, artistic, and 6736
cultural purposes; "education technology" means, but is not 6737
limited to, computer hardware, equipment, materials, and 6738
accessories, equipment used for two-way audio or video, and 6739
software; and "general permanent improvements" means permanent 6740
improvements without regard to the limitation of division (F) of 6741
section 5705.19 of the Revised Code that the improvements be a 6742
specific improvement or a class of improvements that may be 6743
included in a single bond issue. 6744

A resolution adopted under this division shall be confined to 6745
a single purpose and shall specify the amount of the increase in 6746
rate that it is necessary to levy, the purpose of the levy, and 6747
the number of years during which the increase in rate shall be in 6748
effect. The number of years may be any number not exceeding five 6749
or, if the levy is for current expenses of the district or for 6750
general permanent improvements, for a continuing period of time. 6751

(B)(1) The board of education of a qualifying school 6752
district, by resolution, may declare that it is necessary to levy 6753
a tax in excess of the ten-mill limitation for the purpose of 6754
paying the current expenses of the district and of partnering 6755
community schools and that the question of the additional tax levy 6756
shall be submitted to the electors of the school district at a 6757
special election on a day to be specified in the resolution. The 6758

resolution shall state the purpose of the levy, the rate of the tax expressed in mills per dollar of taxable value, the number of such mills to be levied for the current expenses of the partnering community schools and the number of such mills to be levied for the current expenses of the school district, the number of years the tax will be levied, and the first year the tax will be levied. The number of years the tax may be levied may be any number not exceeding ten years, or for a continuing period of time.

The levy of a tax for the current expenses of a partnering community school under this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The form of the ballot at an election held pursuant to division (B) of this section shall be as follows:

"Shall a levy be imposed by the (insert the name of the qualifying school district) for the purpose of current expenses of the school district and of partnering community schools at a rate not exceeding (insert the number of mills) mills for each one dollar of valuation (of which (insert the number of mills to be allocated to partnering community schools) mills is to be allocated to partnering community schools), which amounts to (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning (insert first year the tax is to be levied), which will first be payable in calendar year (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date of receipt and deposit of the tax distribution.

(b) If the qualifying school district is not a municipal school district, the board of education may distribute all or a portion of the amount in the partnering community schools fund during a fiscal year to partnering community schools that were either sponsored by the district or entered into an agreement pursuant to division (B)(6)(b) of this section on or before the first day of June of the preceding fiscal year. Each such partnering community school shall receive a portion of the amount distributed by the board from the partnering community schools fund during the fiscal year in the proportion that the number of its resident students bears to the aggregate number of resident students of all such partnering community schools as of the date the school district received and deposited the most recent tax distribution. On or before the fifteenth day of June of each fiscal year, the board of education shall announce an estimated

allocation to partnering community schools for the ensuing fiscal 6823
year. The board is not required to allocate to partnering 6824
community schools the entire partnering community schools amount 6825
in the fiscal year in which a tax distribution is received and 6826
deposited in the partnering community schools fund. The estimated 6827
allocation shall be published on the web site of the school 6828
district and expressed as a dollar amount per resident student. 6829
The actual allocation to community schools in a fiscal year need 6830
not conform to the estimate published by the school district so 6831
long if the estimate was made in good faith. 6832

Distributions by a school district under division (B)(3)(b) 6833
of this section shall be made in accordance with distribution 6834
agreements entered into by the board of education and each 6835
partnering community school eligible for distributions under this 6836
division. The distribution agreements shall be certified to the 6837
department of education each fiscal year before the thirtieth day 6838
of July. Each agreement shall provide for at least three 6839
distributions by the school district to the partnering community 6840
school during the fiscal year and shall require the initial 6841
distribution be made on or before the thirtieth day of July. 6842

(c) For the purposes of division (B) of this section, the 6843
number of resident students shall be the number of such students 6844
reported under section 3317.03 of the Revised Code and established 6845
by the department of education as of the date of receipt and 6846
deposit of the tax distribution. 6847

(4) To the extent an agreement whereby the qualifying school 6848
district and a community school endorse each other's programs is 6849
necessary for the community school to qualify as a partnering 6850
community school under division (B)(6)(b) of this section, the 6851
board of education of the school district shall certify to the 6852
department of education the agreement along with the determination 6853
that such agreement satisfies the requirements of that division. 6854

The board's determination is conclusive. 6855

(5) For the purposes of Chapter 3317. of the Revised Code or 6856
other laws referring to the "taxes charged and payable" for a 6857
school district, the taxes charged and payable for a qualifying 6858
school district that levies a tax under division (B) of this 6859
section includes only the taxes charged and payable under that 6860
levy for the current expenses of the school district, and does not 6861
include the taxes charged and payable for the current expenses of 6862
partnering community schools. The taxes charged and payable for 6863
the current expenses of partnering community schools shall not 6864
affect the calculation of "state education aid" as defined in 6865
section 5751.20 of the Revised Code. 6866

(6) As used in division (B) of this section: 6867

(a) "Qualifying school district" means a municipal school 6868
district, as defined in section 3311.71 of the Revised Code or a 6869
school district that has an average daily membership, as reported 6870
under division (A) of section 3317.03 of the Revised Code, greater 6871
than sixty thousand and the majority of the territory of which 6872
district is located in a city with a population greater than seven 6873
hundred thousand according to the most recent federal decennial 6874
census. 6875

(b) "Partnering community school" means a community school 6876
established under Chapter 3314. of the Revised Code that is 6877
located within the territory of the qualifying school district and 6878
that either is sponsored by the district or is a party to an 6879
agreement with the district whereby the district and the community 6880
school endorse each other's programs. 6881

(c) "Partnering community schools amount" means the product 6882
obtained, as of the receipt and deposit of the tax distribution, 6883
by multiplying the amount of a tax distribution by a fraction, the 6884
numerator of which is the number of mills per dollar of taxable 6885

value of the property tax to be allocated to partnering community 6886
schools, and the denominator of which is the total number of mills 6887
per dollar of taxable value authorized by the electors in the 6888
election held under division (B) of this section, each as set 6889
forth in the resolution levying the tax. 6890

(d) "Partnering community schools fund" means a separate fund 6891
established by the board of education of a qualifying school 6892
district for the deposit of partnering community school amounts 6893
under this section. 6894

(e) "Resident student" means a student enrolled in a 6895
partnering community school who is entitled to attend school in 6896
the qualifying school district under section 3313.64 or 3313.65 of 6897
the Revised Code. 6898

(f) "Tax distribution" means a distribution of proceeds of 6899
the tax authorized by division (B) of this section under section 6900
321.24 of the Revised Code and distributions that are attributable 6901
to that tax under sections 323.156 and 4503.068 of the Revised 6902
Code or other applicable law. 6903

(C) A resolution adopted under this section shall specify the 6904
date of holding the election, which shall not be earlier than 6905
ninety days after the adoption and certification of the resolution 6906
and which shall be consistent with the requirements of section 6907
3501.01 of the Revised Code. 6908

A resolution adopted under this section may propose to renew 6909
one or more existing levies imposed under division (A) or (B) of 6910
this section or to increase or decrease a single levy imposed 6911
under either such division. 6912

If the board of education imposes one or more existing levies 6913
for the purpose specified in division (F) of section 5705.19 of 6914
the Revised Code, the resolution may propose to renew one or more 6915
of those existing levies, or to increase or decrease a single such 6916

existing levy, for the purpose of general permanent improvements. 6917

If the resolution proposes to renew two or more existing 6918
levies, the levies shall be levied for the same purpose. The 6919
resolution shall identify those levies and the rates at which they 6920
are levied. The resolution also shall specify that the existing 6921
levies shall not be extended on the tax lists after the year 6922
preceding the year in which the renewal levy is first imposed, 6923
regardless of the years for which those levies originally were 6924
authorized to be levied. 6925

If the resolution proposes to renew an existing levy imposed 6926
under division (B) of this section, the rates allocated to the 6927
qualifying school district and to partnering community schools 6928
each may be increased or decreased or remain the same, and the 6929
total rate may be increased, decreased, or remain the same. The 6930
resolution and notice of election shall specify the number of the 6931
mills to be levied for the current expenses of the partnering 6932
community schools and the number of the mills to be levied for the 6933
current expenses of the qualifying school district. 6934

A resolution adopted under this section shall go into 6935
immediate effect upon its passage, and no publication of the 6936
resolution shall be necessary other than that provided for in the 6937
notice of election. A copy of the resolution shall immediately 6938
after its passing be certified to the board of elections of the 6939
proper county in the manner provided by section 5705.25 of the 6940
Revised Code. That section shall govern the arrangements for the 6941
submission of such question and other matters concerning the 6942
election to which that section refers, including publication of 6943
notice of the election, except that the election shall be held on 6944
the date specified in the resolution. In the case of a resolution 6945
adopted under division (B) of this section, the publication of 6946
notice of that election shall state the number of the mills to be 6947
levied for the current expenses of partnering community schools 6948

and the number of the mills to be levied for the current expenses 6949
of the qualifying school district. If a majority of the electors 6950
voting on the question so submitted in an election vote in favor 6951
of the levy, the board of education may make the necessary levy 6952
within the school district or, in the case of a qualifying library 6953
levy for the support of a library association or private 6954
corporation, within the association library district, at the 6955
additional rate, or at any lesser rate in excess of the ten-mill 6956
limitation on the tax list, for the purpose stated in the 6957
resolution. A levy for a continuing period of time may be reduced 6958
pursuant to section 5705.261 of the Revised Code. The tax levy 6959
shall be included in the next tax budget that is certified to the 6960
county budget commission. 6961

(D)(1) After the approval of a levy on the current tax list 6962
and duplicate for current expenses, for recreational purposes, for 6963
community centers provided for in section 755.16 of the Revised 6964
Code, or for a public library of the district under division (A) 6965
of this section, and prior to the time when the first tax 6966
collection from the levy can be made, the board of education may 6967
anticipate a fraction of the proceeds of the levy and issue 6968
anticipation notes in a principal amount not exceeding fifty per 6969
cent of the total estimated proceeds of the levy to be collected 6970
during the first year of the levy. 6971

(2) After the approval of a levy for general permanent 6972
improvements for a specified number of years or for permanent 6973
improvements having the purpose specified in division (F) of 6974
section 5705.19 of the Revised Code, the board of education may 6975
anticipate a fraction of the proceeds of the levy and issue 6976
anticipation notes in a principal amount not exceeding fifty per 6977
cent of the total estimated proceeds of the levy remaining to be 6978
collected in each year over a period of five years after the 6979
issuance of the notes. 6980

The notes shall be issued as provided in section 133.24 of 6981
the Revised Code, shall have principal payments during each year 6982
after the year of their issuance over a period not to exceed five 6983
years, and may have a principal payment in the year of their 6984
issuance. 6985

(3) After approval of a levy for general permanent 6986
improvements for a continuing period of time, the board of 6987
education may anticipate a fraction of the proceeds of the levy 6988
and issue anticipation notes in a principal amount not exceeding 6989
fifty per cent of the total estimated proceeds of the levy to be 6990
collected in each year over a specified period of years, not 6991
exceeding ten, after the issuance of the notes. 6992

The notes shall be issued as provided in section 133.24 of 6993
the Revised Code, shall have principal payments during each year 6994
after the year of their issuance over a period not to exceed ten 6995
years, and may have a principal payment in the year of their 6996
issuance. 6997

(4) After the approval of a levy on the current tax list and 6998
duplicate under division (B) of this section, and prior to the 6999
time when the first tax collection from the levy can be made, the 7000
board of education may anticipate a fraction of the proceeds of 7001
the levy for the current expenses of the school district and issue 7002
anticipation notes in a principal amount not exceeding fifty per 7003
cent of the estimated proceeds of the levy to be collected during 7004
the first year of the levy and allocated to the school district. 7005
The portion of the levy proceeds to be allocated to partnering 7006
community schools under that division shall not be included in the 7007
estimated proceeds anticipated under this division and shall not 7008
be used to pay debt charges on any anticipation notes. 7009

The notes shall be issued as provided in section 133.24 of 7010
the Revised Code, shall have principal payments during each year 7011
after the year of their issuance over a period not to exceed five 7012

years, and may have a principal payment in the year of their 7013
issuance. 7014

(E) The submission of questions to the electors under this 7015
section is subject to the limitation on the number of election 7016
dates established by section 5705.214 of the Revised Code. 7017

(F) The board of education of any school district that levies 7018
a tax under this section for the purpose of providing for school 7019
safety and security may report to the department of education how 7020
the district is using revenue from that tax. 7021

Section 2. That existing sections 145.012, 145.09, 145.191, 7022
145.194, 145.28, 145.29, 145.295, 145.297, 145.2914, 145.2915, 7023
145.31, 145.311, 145.33, 145.35, 145.362, 145.363, 145.37, 7024
145.384, 145.391, 145.40, 145.43, 145.431, 145.45, 145.46, 7025
145.563, 145.58, 145.581, 145.584, 145.63, 145.64, 145.82, 145.88, 7026
145.92, 145.95, 171.04, 311.01, 742.53, 742.63, 3307.04, 3307.35, 7027
3307.39, 3307.41, 3307.56, 3307.563, 3307.57, 3307.58, 3307.62, 7028
3307.66, 3307.70, 3307.71, 3307.711, 3307.73, 3309.01, 3309.11, 7029
3309.26, 3309.261, 3309.28, 3309.301, 3309.35, 3309.381, 3309.42, 7030
3309.45, 3309.49, 3309.51, 3309.55, 3309.56, 3309.57, 3309.571, 7031
3309.691, 3309.82, 5505.03, 5505.04, 5505.12, 5505.14, 5505.15, 7032
5505.16, 5505.17, 5505.174, 5505.18, 5505.33, 5505.34, 5505.59, 7033
and 5705.21 and sections 145.402, 3307.561, and 3309.43 of the 7034
Revised Code are hereby repealed. 7035

Section 3. Notwithstanding sections 742.03 and 742.04 of the 7036
Revised Code, the individual who receives the second highest 7037
number of votes in the 2015 election for the two employee member 7038
firefighter positions on the Board of Trustees of the Ohio Police 7039
and Fire Pension Fund shall serve a term of three years. 7040

Section 4. Section 742.63 of the Revised Code is presented in 7041
this act as a composite of the section as amended by both Sub. 7042

S.B. 340 and Sub. S.B. 343 of the 129th General Assembly. The 7043
General Assembly, applying the principle stated in division (B) of 7044
section 1.52 of the Revised Code that amendments are to be 7045
harmonized if reasonably capable of simultaneous operation, finds 7046
that the composite is the resulting version of the section in 7047
effect prior to the effective date of the section as presented in 7048
this act. 7049

Section 5705.21 of the Revised Code is presented in this act 7050
as a composite of the section as amended by both Am. Sub. H.B. 59 7051
and Sub. H.B. 167 of the 130th General Assembly. The General 7052
Assembly, applying the principle stated in division (B) of section 7053
1.52 of the Revised Code that amendments are to be harmonized if 7054
reasonably capable of simultaneous operation, finds that the 7055
composite is the resulting version of the section in effect prior 7056
to the effective date of the section as presented in this act. 7057