

Sub. H.B. 572
As Passed by the House

Topic: State retirement systems changes 1

_____ moved to amend as follows:

In line 1 of the title, after "To" insert "amend sections 2
145.01, 145.016, 145.33, 145.332, 145.362, 145.384, 145.45, 3
145.571, 145.62, 742.03, 742.05, 3307.05, 3307.14, 3307.20, 4
3307.231, 3307.25, 3307.251, 3307.26, 3307.28, 3307.351, 3307.352, 5
3307.39, 3307.44, 3307.48, 3307.501, 3307.56, 3307.562, 3307.58, 6
3307.60, 3307.62, 3307.66, 3307.71, 3307.74, 3307.761, 3309.01, 7
3309.011, 3309.22, and 3309.671, to"; after "145.018" insert ", 8
and to repeal sections 3307.23, 3307.241, 3307.96, 3307.97, and 9
3307.98" 10

Delete lines 2 through 4 of the title 11

In line 5 of the title, delete "developmental disabilities" 12
and insert "to revise the laws governing the Public Employees 13
Retirement System, the Ohio Police and Fire Pension Fund, the 14
State Teachers Retirement System, and the School Employees 15
Retirement System" 16

In line 6, after "That" insert "sections 145.01, 145.016, 17
145.33, 145.332, 145.362, 145.384, 145.45, 145.571, 145.62, 18
742.03, 742.05, 3307.05, 3307.14, 3307.20, 3307.231, 3307.25, 19
3307.251, 3307.26, 3307.28, 3307.351, 3307.352, 3307.39, 3307.44, 20
3307.48, 3307.501, 3307.56, 3307.562, 3307.58, 3307.60, 3307.62, 21
3307.66, 3307.71, 3307.74, 3307.761, 3309.01, 3309.011, 3309.22, 22

and 3309.671 be amended and" 23

After line 7, insert: 24

"Sec. 145.01. (A) "Public employee" means: 25

(1) Any person holding an office, not elective, under the 26
state or any county, township, municipal corporation, park 27
district, conservancy district, sanitary district, health 28
district, metropolitan housing authority, state retirement board, 29
Ohio history connection, public library, county law library, union 30
cemetery, joint hospital, institutional commissary, state 31
university, or board, bureau, commission, council, committee, 32
authority, or administrative body as the same are, or have been, 33
created by action of the general assembly or by the legislative 34
authority of any of the units of local government named in 35
division (A)(1) of this section, or employed and paid in whole or 36
in part by the state or any of the authorities named in division 37
(A)(1) of this section in any capacity not covered by section 38
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 39

(2) A person who is a member of the public employees 40
retirement system and who continues to perform the same or similar 41
duties under the direction of a contractor who has contracted to 42
take over what before the date of the contract was a publicly 43
operated function. The governmental unit with which the contract 44
has been made shall be deemed the employer for the purposes of 45
administering this chapter. 46

(3) Any person who is an employee of a public employer, 47
notwithstanding that the person's compensation for that employment 48
is derived from funds of a person or entity other than the 49
employer. Credit for such service shall be included as total 50
service credit, provided that the employee makes the payments 51
required by this chapter, and the employer makes the payments 52

required by sections 145.48 and 145.51 of the Revised Code. 53

(4) A person who elects in accordance with section 145.015 of 54
the Revised Code to remain a contributing member of the public 55
employees retirement system. 56

(5) A person who is an employee of the legal rights service 57
on September 30, 2012, and continues to be employed by the 58
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 59
153 of the 129th general assembly. The nonprofit entity is the 60
employer for the purpose of this chapter. 61

In all cases of doubt, the public employees retirement board 62
shall determine under section 145.036, 145.037, or 145.038 of the 63
Revised Code whether any person is a public employee, and its 64
decision is final. 65

(B) "Member" means any public employee, other than a public 66
employee excluded or exempted from membership in the retirement 67
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 68
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 69
retirant who becomes a member under division (C) of section 145.38 70
of the Revised Code. "Member" also includes a disability benefit 71
recipient. 72

(C) "Head of the department" means the elective or appointive 73
head of the several executive, judicial, and administrative 74
departments, institutions, boards, and commissions of the state 75
and local government as the same are created and defined by the 76
laws of this state or, in case of a charter government, by that 77
charter. 78

(D) "Employer" or "public employer" means the state or any 79
county, township, municipal corporation, park district, 80
conservancy district, sanitary district, health district, 81

metropolitan housing authority, state retirement board, Ohio 82
 history connection, public library, county law library, union 83
 cemetery, joint hospital, institutional commissary, state medical 84
 university, state university, or board, bureau, commission, 85
 council, committee, authority, or administrative body as the same 86
 are, or have been, created by action of the general assembly or by 87
 the legislative authority of any of the units of local government 88
 named in this division not covered by section 742.01, 3307.01, 89
 3309.01, or 5505.01 of the Revised Code. In addition, "employer" 90
 means the employer of any public employee. 91

(E) "Prior military service" also means all service credited 92
 for active duty with the armed forces of the United States as 93
 provided in section 145.30 of the Revised Code. 94

(F) "Contributor" means any person who has an account in the 95
 employees' savings fund created by section 145.23 of the Revised 96
 Code. When used in the sections listed in division (B) of section 97
 145.82 of the Revised Code, "contributor" includes any person 98
 participating in a PERS defined contribution plan. 99

(G) "Beneficiary" or "beneficiaries" means the estate or a 100
 person or persons who, as the result of the death of a member, 101
 contributor, or retirant, qualify for or are receiving some right 102
 or benefit under this chapter. 103

(H)(1) "Total service credit," except as provided in ~~section~~ 104
sections 145.016 and 145.37 of the Revised Code, means all service 105
 credited to a member of the retirement system since last becoming 106
 a member, including restored service credit as provided by section 107
 145.31 of the Revised Code; credit purchased under sections 108
 145.293 and 145.299 of the Revised Code; all the member's military 109
 service credit computed as provided in this chapter; all service 110
 credit established pursuant to section 145.297 of the Revised 111

Code; and any other service credited under this chapter. ~~For the~~ 112
~~exclusive purpose of satisfying the service credit requirement and~~ 113
~~of determining eligibility for benefits under sections 145.32,~~ 114
~~145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the~~ 115
~~Revised Code, "five or more years of total service credit" means~~ 116
~~sixty or more calendar months of contributing service in this~~ 117
~~system.~~ 118

(2) "One and one-half years of contributing service credit," 119
as used in division (B) of section 145.45 of the Revised Code, 120
also means eighteen or more calendar months of employment by a 121
municipal corporation that formerly operated its own retirement 122
plan for its employees or a part of its employees, provided that 123
all employees of that municipal retirement plan who have eighteen 124
or more months of such employment, upon establishing membership in 125
the public employees retirement system, shall make a payment of 126
the contributions they would have paid had they been members of 127
this system for the eighteen months of employment preceding the 128
date membership was established. When that payment has been made 129
by all such employee members, a corresponding payment shall be 130
paid into the employers' accumulation fund by that municipal 131
corporation as the employer of the employees. 132

(3) Not more than one year of credit may be given for any 133
period of twelve months. 134

(4) "Ohio service credit" means credit for service that was 135
rendered to the state or any of its political subdivisions or any 136
employer. 137

(I) "Regular interest" means interest at any rates for the 138
respective funds and accounts as the public employees retirement 139
board may determine from time to time. 140

(J) "Accumulated contributions" means the sum of all amounts 141

credited to a contributor's individual account in the employees' 142
savings fund together with any interest credited to the 143
contributor's account under section 145.471 or 145.472 of the 144
Revised Code. 145

(K)(1) "Final average salary" means the greater of the 146
following: 147

(a) The sum of the member's earnable salaries for the 148
appropriate number of calendar years of contributing service, 149
determined under section 145.017 of the Revised Code, in which the 150
member's earnable salary was highest, divided by the same number 151
of calendar years or, if the member has fewer than the appropriate 152
number of calendar years of contributing service, the total of the 153
member's earnable salary for all years of contributing service 154
divided by the number of calendar years of the member's 155
contributing service; 156

(b) The sum of a member's earnable salaries for the 157
appropriate number of consecutive months, determined under section 158
145.017 of the Revised Code, that were the member's last months of 159
service, up to and including the last month, divided by the 160
appropriate number of years or, if the time between the first and 161
final months of service is less than the appropriate number of 162
consecutive months, the total of the member's earnable salary for 163
all months of contributing service divided by the number of years 164
between the first and final months of contributing service, 165
including any fraction of a year, except that the member's final 166
average salary shall not exceed the member's highest earnable 167
salary for any twelve consecutive months. 168

(2) If contributions were made in only one calendar year, 169
"final average salary" means the member's total earnable salary. 170

(L) "Annuity" means payments for life derived from 171

contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

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

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

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

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

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

(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the

member.	201
(R)(1) Except as otherwise provided in division (R) of this	202
section, "earnable salary" means all salary, wages, and other	203
earnings paid to a contributor by reason of employment in a	204
position covered by the retirement system. The salary, wages, and	205
other earnings shall be determined prior to determination of the	206
amount required to be contributed to the employees' savings fund	207
under section 145.47 of the Revised Code and without regard to	208
whether any of the salary, wages, or other earnings are treated as	209
deferred income for federal income tax purposes. "Earnable salary"	210
includes the following:	211
(a) Payments made by the employer in lieu of salary, wages,	212
or other earnings for sick leave, personal leave, or vacation used	213
by the contributor;	214
(b) Payments made by the employer for the conversion of sick	215
leave, personal leave, and vacation leave accrued, but not used if	216
the payment is made during the year in which the leave is accrued,	217
except that payments made pursuant to section 124.383 or 124.386	218
of the Revised Code are not earnable salary;	219
(c) Allowances paid by the employer for maintenance,	220
consisting of housing, laundry, and meals, as certified to the	221
retirement board by the employer or the head of the department	222
that employs the contributor;	223
(d) Fees and commissions paid under section 507.09 of the	224
Revised Code;	225
(e) Payments that are made under a disability leave program	226
sponsored by the employer and for which the employer is required	227
by section 145.296 of the Revised Code to make periodic employer	228
and employee contributions;	229

(f) Amounts included pursuant to former division (K)(3) and former division (Y) of this section and section 145.2916 of the Revised Code.	230 231 232
(2) "Earnable salary" does not include any of the following:	233
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	234 235 236 237
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	238 239 240 241 242
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	243 244 245 246
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	247 248 249
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	250 251 252 253
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	254 255 256 257 258

(g) Payments made under division (B), (C), or (E) of section 259
 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 260
 No. 3 of the 119th general assembly, Section 3 of Amended 261
 Substitute Senate Bill No. 164 of the 124th general assembly, or 262
 Amended Substitute House Bill No. 405 of the 124th general 263
 assembly; 264

(h) Anything of value received by the contributor that is 265
 based on or attributable to retirement or an agreement to retire, 266
 except that payments made on or before January 1, 1989, that are 267
 based on or attributable to an agreement to retire shall be 268
 included in earnable salary if both of the following apply: 269

(i) The payments are made in accordance with contract 270
 provisions that were in effect prior to January 1, 1986; 271

(ii) The employer pays the retirement system an amount 272
 specified by the retirement board equal to the additional 273
 liability resulting from the payments. 274

(i) The portion of any amount included in section 145.2916 of 275
 the Revised Code that represents employer contributions. 276

(3) The retirement board shall determine by rule whether any 277
 compensation not enumerated in division (R) of this section is 278
 earnable salary, and its decision shall be final. 279

(S) "Pension reserve" means the present value, computed upon 280
 the basis of the mortality and other tables adopted by the board, 281
 of all payments to be made on account of any retirement allowance 282
 or benefit in lieu of any retirement allowance, granted to a 283
 member or beneficiary under this chapter. 284

(T) "Contributing service" means both of the following: 285

(1) All service credited to a member of the system since 286
 January 1, 1935, for which contributions are made as required by 287

sections 145.47, 145.48, and 145.483 of the Revised Code. In any 288
year subsequent to 1934, credit for any service shall be allowed 289
in accordance with section 145.016 of the Revised Code. 290

(2) Service credit received by election of the member under 291
section 145.814 of the Revised Code. 292

(U) "State retirement board" means the public employees 293
retirement board, the school employees retirement board, or the 294
state teachers retirement board. 295

(V) "Retirant" means any former member who retires and is 296
receiving a monthly allowance as provided in sections 145.32, 297
145.33, 145.331, 145.332, and 145.46 and former section 145.34 of 298
the Revised Code. 299

(W) "Employer contribution" means the amount paid by an 300
employer as determined under section 145.48 of the Revised Code. 301

(X) "Public service terminates" means the last day for which 302
a public employee is compensated for services performed for an 303
employer or the date of the employee's death, whichever occurs 304
first. 305

(Y) "Five years of service credit," for the exclusive purpose 306
of satisfying the service credit requirements and of determining 307
eligibility under section 145.33 or 145.332 of the Revised Code, 308
means employment covered under this chapter or under a former 309
retirement plan operated, recognized, or endorsed by the employer 310
prior to coverage under this chapter or under a combination of the 311
coverage. 312

(Z) "Deputy sheriff" means any person who is commissioned and 313
employed as a full-time peace officer by the sheriff of any 314
county, and has been so employed since on or before December 31, 315
1965; any person who is or has been commissioned and employed as a 316

peace officer by the sheriff of any county since January 1, 1966, 317
 and who has received a certificate attesting to the person's 318
 satisfactory completion of the peace officer training school as 319
 required by section 109.77 of the Revised Code; or any person 320
 deputized by the sheriff of any county and employed pursuant to 321
 section 2301.12 of the Revised Code as a criminal bailiff or court 322
 constable who has received a certificate attesting to the person's 323
 satisfactory completion of the peace officer training school as 324
 required by section 109.77 of the Revised Code. 325

(AA) "Township constable or police officer in a township 326
 police department or district" means any person who is 327
 commissioned and employed as a full-time peace officer pursuant to 328
 Chapter 505. or 509. of the Revised Code, who has received a 329
 certificate attesting to the person's satisfactory completion of 330
 the peace officer training school as required by section 109.77 of 331
 the Revised Code. 332

(BB) "Drug agent" means any person who is either of the 333
 following: 334

(1) Employed full time as a narcotics agent by a county 335
 narcotics agency created pursuant to section 307.15 of the Revised 336
 Code and has received a certificate attesting to the satisfactory 337
 completion of the peace officer training school as required by 338
 section 109.77 of the Revised Code; 339

(2) Employed full time as an undercover drug agent as defined 340
 in section 109.79 of the Revised Code and is in compliance with 341
 section 109.77 of the Revised Code. 342

(CC) "Department of public safety enforcement agent" means a 343
 full-time employee of the department of public safety who is 344
 designated under section 5502.14 of the Revised Code as an 345
 enforcement agent and who is in compliance with section 109.77 of 346

the Revised Code. 347

(DD) "Natural resources law enforcement staff officer" means 348
a full-time employee of the department of natural resources who is 349
designated a natural resources law enforcement staff officer under 350
section 1501.013 of the Revised Code and is in compliance with 351
section 109.77 of the Revised Code. 352

(EE) "Forest-fire investigator" means a full-time employee of 353
the department of natural resources who is appointed a forest-fire 354
investigator under section 1503.09 of the Revised Code and is in 355
compliance with section 109.77 of the Revised Code. 356

(FF) "Natural resources officer" means a full-time employee 357
of the department of natural resources who is appointed as a 358
natural resources officer under section 1501.24 of the Revised 359
Code and is in compliance with section 109.77 of the Revised Code. 360

(GG) "Wildlife officer" means a full-time employee of the 361
department of natural resources who is designated a wildlife 362
officer under section 1531.13 of the Revised Code and is in 363
compliance with section 109.77 of the Revised Code. 364

(HH) "Park district police officer" means a full-time 365
employee of a park district who is designated pursuant to section 366
511.232 or 1545.13 of the Revised Code and is in compliance with 367
section 109.77 of the Revised Code. 368

(II) "Conservancy district officer" means a full-time 369
employee of a conservancy district who is designated pursuant to 370
section 6101.75 of the Revised Code and is in compliance with 371
section 109.77 of the Revised Code. 372

(JJ) "Municipal police officer" means a member of the 373
organized police department of a municipal corporation who is 374
employed full time, is in compliance with section 109.77 of the 375

Revised Code, and is not a member of the Ohio police and fire	376
pension fund.	377
(KK) "Veterans' home police officer" means any person who is	378
employed at a veterans' home as a police officer pursuant to	379
section 5907.02 of the Revised Code and is in compliance with	380
section 109.77 of the Revised Code.	381
(LL) "Special police officer for a mental health institution"	382
means any person who is designated as such pursuant to section	383
5119.08 of the Revised Code and is in compliance with section	384
109.77 of the Revised Code.	385
(MM) "Special police officer for an institution for persons	386
with intellectual disabilities" means any person who is designated	387
as such pursuant to section 5123.13 of the Revised Code and is in	388
compliance with section 109.77 of the Revised Code.	389
(NN) "State university law enforcement officer" means any	390
person who is employed full time as a state university law	391
enforcement officer pursuant to section 3345.04 of the Revised	392
Code and who is in compliance with section 109.77 of the Revised	393
Code.	394
(OO) "House sergeant at arms" means any person appointed by	395
the speaker of the house of representatives under division (B)(1)	396
of section 101.311 of the Revised Code who has arrest authority	397
under division (E)(1) of that section.	398
(PP) "Assistant house sergeant at arms" means any person	399
appointed by the house sergeant at arms under division (C)(1) of	400
section 101.311 of the Revised Code.	401
(QQ) "Regional transit authority police officer" means a	402
person who is employed full time as a regional transit authority	403
police officer under division (Y) of section 306.35 of the Revised	404

Code and is in compliance with section 109.77 of the Revised Code. 405

(RR) "State highway patrol police officer" means a special 406
police officer employed full time and designated by the 407
superintendent of the state highway patrol pursuant to section 408
5503.09 of the Revised Code or a person serving full time as a 409
special police officer pursuant to that section on a permanent 410
basis on October 21, 1997, who is in compliance with section 411
109.77 of the Revised Code. 412

(SS) "Municipal public safety director" means a person who 413
serves full time as the public safety director of a municipal 414
corporation with the duty of directing the activities of the 415
municipal corporation's police department and fire department. 416

(TT) "Bureau of criminal identification and investigation 417
investigator" means a person who is in compliance with section 418
109.77 of the Revised Code and is employed full time as an 419
investigator, as defined in section 109.541 of the Revised Code, 420
of the bureau of criminal identification and investigation 421
commissioned by the superintendent of the bureau as a special 422
agent for the purpose of assisting law enforcement officers or 423
providing emergency assistance to peace officers pursuant to 424
authority granted under that section. 425

(UU) "Gaming agent" means a person who is in compliance with 426
section 109.77 of the Revised Code and is employed full time as a 427
gaming agent with the Ohio casino control commission pursuant to 428
section 3772.03 of the Revised Code. 429

(VV) "Department of taxation investigator" means a person 430
employed full time with the department of taxation to whom both of 431
the following apply: 432

(1) The person has been delegated investigation powers 433

pursuant to section 5743.45 of the Revised Code for the 434
 enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 435
 5747. of the Revised Code. 436

(2) The person is in compliance with section 109.77 of the 437
 Revised Code. 438

(WW) "Special police officer for a port authority" means a 439
 person who is in compliance with section 109.77 of the Revised 440
 Code and is employed full time as a special police officer with a 441
 port authority under section 4582.04 or 4582.28 of the Revised 442
 Code. 443

(XX) "Special police officer for a municipal airport" means a 444
 person to whom both of the following apply: 445

(1) The person is employed full time as a special police 446
 officer with a municipal corporation at a municipal airport or 447
 other municipal air navigation facility that meets both of the 448
 following requirements: 449

(a) The airport or navigation facility has scheduled 450
 operations, as defined in 14 C.F.R. 110.2, as amended. 451

(b) The airport or navigation facility is required to be 452
 under a security program and is governed by aviation security 453
 rules of the transportation security administration of the United 454
 States department of transportation as provided in 49 C.F.R. parts 455
 1542 and 1544, as amended. 456

(2) The person is in compliance with section 109.77 of the 457
 Revised Code. 458

(YY) Notwithstanding section 2901.01 of the Revised Code, 459
 "PERS law enforcement officer" means a sheriff or any of the 460
 following whose primary duties are to preserve the peace, protect 461
 life and property, and enforce the laws of this state: a deputy 462

sheriff, township constable or police officer in a township police 463
 department or district, drug agent, department of public safety 464
 enforcement agent, natural resources law enforcement staff 465
 officer, wildlife officer, forest-fire investigator, natural 466
 resources officer, park district police officer, conservancy 467
 district officer, veterans' home police officer, special police 468
 officer for a mental health institution, special police officer 469
 for an institution for persons with developmental disabilities, 470
 state university law enforcement officer, municipal police 471
 officer, house sergeant at arms, assistant house sergeant at arms, 472
 regional transit authority police officer, or state highway patrol 473
 police officer. 474

"PERS law enforcement officer" also includes a person 475
 employed as a bureau of criminal identification and investigation 476
 investigator, gaming agent, department of taxation investigator, 477
 special police officer for a port authority, or special police 478
 officer for a municipal airport who commences employment in any of 479
 those positions on or after ~~the effective date of this amendment~~ 480
April 6, 2017, or makes the election described in section 145.334 481
 of the Revised Code. 482

"PERS law enforcement officer" also includes a person serving 483
 as a municipal public safety director at any time during the 484
 period from September 29, 2005, to March 24, 2009, if the duties 485
 of that service were to preserve the peace, protect life and 486
 property, and enforce the laws of this state. 487

(ZZ) "Hamilton county municipal court bailiff" means a person 488
 appointed by the clerk of courts of the Hamilton county municipal 489
 court under division (A)(3) of section 1901.32 of the Revised Code 490
 who is employed full time as a bailiff or deputy bailiff, who has 491
 received a certificate attesting to the person's satisfactory 492

completion of the peace officer basic training described in 493
 division (D)(1) of section 109.77 of the Revised Code. 494

(AAA) "PERS public safety officer" means a Hamilton county 495
 municipal court bailiff, or any of the following whose primary 496
 duties are other than to preserve the peace, protect life and 497
 property, and enforce the laws of this state: a deputy sheriff, 498
 township constable or police officer in a township police 499
 department or district, drug agent, department of public safety 500
 enforcement agent, natural resources law enforcement staff 501
 officer, wildlife officer, forest-fire investigator, natural 502
 resources officer, park district police officer, conservancy 503
 district officer, veterans' home police officer, special police 504
 officer for a mental health institution, special police officer 505
 for an institution for persons with developmental disabilities, 506
 state university law enforcement officer, municipal police 507
 officer, house sergeant at arms, assistant house sergeant at arms, 508
 regional transit authority police officer, or state highway patrol 509
 police officer. 510

"PERS public safety officer" also includes a person employed 511
 as a bureau of criminal identification and investigation 512
 investigator, gaming agent, department of taxation investigator, 513
 special police officer for a port authority, or special police 514
 officer for a municipal airport who commences employment in any of 515
 those positions on or after ~~the effective date of this amendment~~ 516
April 6, 2017, or makes the election described in section 145.334 517
 of the Revised Code. 518

"PERS public safety officer" also includes a person serving 519
 as a municipal public safety director at any time during the 520
 period from September 29, 2005, to March 24, 2009, if the duties 521
 of that service were other than to preserve the peace, protect 522

life and property, and enforce the laws of this state.	523
(BBB) "Fiduciary" means a person who does any of the following:	524
	525
(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;	526
	527
	528
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	529
	530
(3) Has any discretionary authority or responsibility in the administration of the system.	531
	532
(CCC) "Actuary" means an individual who satisfies all of the following requirements:	533
	534
(1) Is a member of the American academy of actuaries;	535
(2) Is an associate or fellow of the society of actuaries;	536
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	537
	538
(DDD) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	539
	540
(EEE) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	541
	542
Sec. 145.016. Contributing service shall be allowed in accordance with the following:	543
	544
(A) For service not later than December 31, 2013, credit for any contributing service shall be allowed as follows:	545
	546
(1) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit;	547
	548
(2) For each month for which the member's earnable salary is	549

less than two hundred fifty dollars, allow a fraction of a month's credit with a numerator of the earnable salary during the month and a denominator of two hundred fifty dollars, except that if the member's annual earnable salary is less than six hundred dollars, the member's credit shall not be reduced below twenty per cent of a year for a calendar year of employment during which the member worked each month.

Division (A)(2) of this section shall not reduce any credit earned before January 1, 1985.

(B) For service on or after January 1, 2014, credit for any contributing service shall be allowed in accordance with the following:

(1) For each month in which the member's earnable salary equals or exceeds the amount specified in division (B)(1)(a) or (b) of this section, as appropriate, allow one month's credit:

(a) For service on or after January 1, 2014, but not later than December 31, 2014, six hundred dollars;

(b) For each calendar year thereafter, the sum of the following:

(i) The prior year's amount;

(ii) The prior year's amount multiplied by the average percentage increase, if any, made to compensation under section 505.24 of the Revised Code, if that increase became effective in the prior year.

(2) For each month that the member's earnable salary is less than the appropriate amount specified in division (B)(1) of this section, allow a fraction of a month's credit with a numerator of the earnable salary during the month and a denominator of the amount specified in division (B)(1)(a) or (b) of this section, as

appropriate. 579

Division (B) of this section shall not reduce any credit 580
earned before January 1, 2014. 581

(C)(1) Except as provided in division (C)(2) of this section, 582
for the purpose of satisfying the service credit requirement and 583
determining eligibility for benefits under sections 145.32, 584
145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the 585
Revised Code, "five or more years of total service credit" means 586
five or more years of contributing service for which credit is 587
allowed under division (A) or (B) of this section. 588

(2)(a) A member who, as of the effective date of this 589
amendment, has sixty or more calendar months of contributions and 590
has attained sixty years of age shall be considered to have five 591
or more years of total service credit for the purpose of 592
satisfying the service credit requirement and determining 593
eligibility for benefits under sections 145.32, 145.33, 145.331, 594
145.332, 145.35, 145.36, and 145.361 of the Revised Code. 595

(b) A member who, as of the effective date of this amendment, 596
has sixty or more calendar months of contributions and is 597
receiving a benefit under section 145.35, 145.36, or 145.361 of 598
the Revised Code shall be considered to have five or more years of 599
total service credit for the purpose of satisfying the service 600
credit requirement and determining eligibility for benefits under 601
section 145.32, 145.33, 145.331, or 145.332 of the Revised Code. 602

(D) Notwithstanding any other provision of this section, an 603
elected official who prior to January 1, 1980, was granted a full 604
year of credit for each year of service as an elected official 605
shall be considered to have earned a full year of credit for each 606
year of service regardless of whether the service was full-time or 607
part-time. The public employees retirement board has no authority 608

to reduce the credit." 609

After line 20, insert: 610

"Sec. 145.33. (A)(1) Except as provided in section 145.332 of 611
the Revised Code, when a member retires on age and service 612
retirement, the member's total annual single lifetime allowance 613
shall be an amount adjusted in accordance with division (A)(2) or 614
(B) of this section and determined by multiplying the member's 615
total service credit by the following: 616

(a) If the member is eligible for age and service retirement 617
under division (A) or (B) of section 145.32 of the Revised Code, 618
two and two-tenths per cent of the member's final average salary 619
for each of the first thirty years of service plus two and 620
one-half per cent of the member's final average salary for each 621
subsequent year of service; 622

(b) If the member is eligible for age and service retirement 623
under division (C) of section 145.32 of the Revised Code, two and 624
two-tenths per cent of the member's final average salary for each 625
of the first thirty-five years of service plus two and one-half 626
per cent of the member's final average salary for each subsequent 627
year of service. 628

(2)(a) For a member eligible to retire under division (A) of 629
section 145.32 of the Revised Code, the member's allowance under 630
division (A)(1) of this section shall be adjusted by the factors 631
of attained age or years of service to provide the greater amount 632
as determined by the following schedule: 633

Attained	or	Years of Total Service	Percentage of	
Birthday		Credit	Base Amount	
58		25	75	637
59		26	80	638

60	27	85	639
61		88	640
	28	90	641
62		91	642
63		94	643
	29	95	644
64		97	645
65	30 or more	100	646

(b) For a member eligible to retire under division (B) or (C) of section 145.32 of the Revised Code, the member's allowance under division (A)(1) of this section shall be reduced by a percentage determined by the board's actuary based on the number of years the commencement of the allowance precedes the member's eligibility for an unreduced allowance.

(c) The actuary may use an actuarially based average percentage reduction for purposes of division (A)(2)(b) of this section.

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

Attained Birthday	Percentage of Base Amount
66	102
67	104
68	106
69	108
70 or more	110

(B) The total annual single lifetime allowance that a member

shall receive under this section shall not exceed the lesser of
the following:

669
670

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

671
672

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

673
674

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

675
676
677

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

678
679

If the monthly amount of a member's annual single lifetime
allowance that is first payable on or after the effective date of
this amendment under division (A) of this section would be less
than fifty dollars, instead of a monthly payment the retirement
system shall pay the greater of the following in a single payment:

680
681
682
683
684

(1) An amount determined under section 145.40 of the Revised
Code as a refund of accumulated contributions;

685
686

(2) An amount equal to the actuarial present value of the
allowance as determined by the retirement system.

687
688

Sec. 145.332. Eligibility of members of the public employees
retirement system, other than those subject to section 145.32 of
the Revised Code, for age and service retirement shall be
determined under this section.

689
690
691
692

(A) A member of the public employees retirement system is
eligible for age and service retirement under this division if,
not later than five years after January 7, 2013, the member meets
one of the following requirements:

693
694
695
696

(1) Has attained age forty-eight and has at least twenty-five years of total service credit as a PERS law enforcement officer;	697
	698
(2) Has attained age fifty-two and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;	699
	700
	701
	702
	703
(3) Has attained age sixty-two and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer.	704
	705
	706
(B)(1) A member who would be eligible to retire not later than ten years after January 7, 2013, if the requirements of section 145.33 of the Revised Code as they existed immediately prior to January 7, 2013, were still in effect is eligible to retire under this division if the member meets one of the following requirements:	707
	708
	709
	710
	711
	712
(a) Has attained age fifty and has at least twenty-five years of total service credit as a PERS law enforcement officer;	713
	714
(b) Has attained age fifty-four and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;	715
	716
	717
	718
	719
(c) Has attained age sixty-four and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer.	720
	721
	722
(2) A member who on January 7, 2013, has twenty or more years of total service credit is eligible for age and service retirement under this division on meeting one of the requirements of division	723
	724
	725

(B)(1) of this section, regardless of when the member meets the requirement unless, between January 7, 2013, and the date the member meets the requirement, the member receives a refund of accumulated contributions under section 145.40 of the Revised Code. 726
727
728
729
730

(C) A member who is not eligible for age and service retirement under division (A) or (B) of this section is eligible under this division if the member meets one of the following requirements: 731
732
733
734

(1) Has attained age fifty-two and has at least twenty-five years of total service credit as a PERS law enforcement officer; 735
736

(2) Has attained age fifty-six and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit; 737
738
739
740
741

(3) Has attained age sixty-four and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer. 742
743
744

(D) Service credit purchased or obtained under this chapter shall be used in determining whether a member has the number of years of total service credit required under division (A) or (B) of this section only if the member was a member on January 7, 2013, or obtains credit under section 145.483 of the Revised Code that would have made the member a member on that date and one of the following applies: 745
746
747
748
749
750
751

(1) Except in the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati 752
753
754

retirement system:	755
(a) For division (A) of this section, the service credit purchase is completed or the service credit is obtained not later than five years after January 7, 2013;	756 757 758
(b) For division (B) of this section, the service credit purchase is completed or the service credit is obtained not later than ten years after January 7, 2013.	759 760 761
(2) In the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system:	762 763 764 765
(a) For division (A) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than five years after January 7, 2013;	766 767 768
(b) For division (B) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than ten years after January 7, 2013.	769 770 771
(E)(1) A member with at least twenty-five years of total service credit who would be eligible to retire under division (B)(1)(a) of this section had the member attained age fifty and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after attaining age forty-eight, but before attaining age fifty, may elect to receive a reduced benefit. The benefit shall be the actuarial equivalent of the allowance calculated under division (F) of this section adjusted for age.	772 773 774 775 776 777 778 779 780
(2) A member with at least twenty-five years of total service credit who would be eligible to retire under division (C)(1) of this section had the member attained age fifty-two and who	781 782 783

voluntarily resigns or is discharged for any reason except death, 784
dishonesty, cowardice, intemperate habits, or conviction of a 785
felony, on or after attaining age forty-eight, but before 786
attaining age fifty-two, may elect to receive a reduced benefit. 787
The benefit shall be the actuarial equivalent of the allowance 788
calculated under division (F) of this section adjusted for age. 789

(3) A member with at least twenty-five years of total service 790
credit who would be eligible to retire under division (A)(2) of 791
this section had the member attained age fifty-two and who 792
voluntarily resigns or is discharged for any reason except death, 793
dishonesty, cowardice, intemperate habits, or conviction of a 794
felony, on or after attaining age forty-eight, but before 795
attaining age fifty-two, may elect to receive a reduced benefit. 796

(a) If eligibility to make the election under division (E)(3) 797
of this section occurs not later than five years after January 7, 798
2013, the benefit shall be calculated in accordance with the 799
following schedule: 800

Attained Age	Reduced Benefit	
48	75% of the benefit payable under	802
	division (F) of this section	
49	80% of the benefit payable under	803
	division (F) of this section	
50	86% of the benefit payable under	804
	division (F) of this section	
51	93% of the benefit payable under	805
	division (F) of this section	

(b) If eligibility to make the election occurs after the date 806
determined under division (E)(3)(a) of this section, the benefit 807
shall be the actuarial equivalent of the allowance calculated 808
under division (F) of this section adjusted for age. 809

(4) A member with at least twenty-five years of total service credit who would be eligible to retire under division (B)(1)(b) of this section had the member attained age fifty-four and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after attaining age forty-eight, but before attaining age fifty-four, may elect to receive a reduced benefit. The benefit shall be the actuarial equivalent of the allowance calculated under division (F) of this section adjusted for age.

(5) A member with at least twenty-five years of total service credit who would be eligible to retire under division (C)(2) of this section had the member attained age fifty-six and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after attaining age fifty-two, but before attaining age fifty-six, may elect to receive a reduced benefit. The benefit shall be the actuarial equivalent of the allowance calculated under division (F) of this section adjusted for age.

(6) If a member elects to receive a reduced benefit under division (E)(1), (2), (3), (4), or (5) of this section, the reduced benefit shall be based on the member's age on the member's most recent birthday. Once a member elects to receive a reduced benefit and has received a payment, the member may not change that election.

(F) A benefit paid under division (A), (B), or (C) of this section shall consist of an annual single lifetime allowance equal to the sum of two and one-half per cent of the member's final average salary multiplied by the first twenty-five years of the member's total service credit plus two and one-tenth per cent of the member's final average salary multiplied by the number of

years of the member's total service credit in excess of 840
 twenty-five years. 841

(G) A member with at least fifteen years of total service 842
 credit as a PERS law enforcement officer or PERS public safety 843
 officer who voluntarily resigns or is discharged for any reason 844
 except death, dishonesty, cowardice, intemperate habits, or 845
 conviction of a felony may apply for an age and service retirement 846
 benefit, which shall consist of an annual single lifetime 847
 allowance equal to one and one-half per cent of the member's final 848
 average salary multiplied by the number of years of the member's 849
 total service credit. 850

(1) If the member will attain age fifty-two not later than 851
 ten years after January 7, 2013, the retirement allowance shall 852
 commence on the first day of the calendar month following the 853
 month in which application is filed with the board on or after the 854
 member's attainment of age fifty-two. 855

(2) If the member will not attain age fifty-two on or before 856
 the date determined under division (G)(1) of this section, the 857
 retirement allowance shall commence on the first day of the 858
 calendar month following the month in which application is filed 859
 with the board on or after the member's attainment of age 860
 fifty-six. 861

(H) A benefit paid under this section shall not exceed the 862
 lesser of ninety per cent of the member's final average salary or 863
 the limit established by section 415 of the "Internal Revenue Code 864
 of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended. 865

(I) A member with service credit as a PERS law enforcement 866
 officer or PERS public safety officer and other service credit 867
 under this chapter may elect one of the following: 868

(1) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement officer or PERS public safety officer, used in calculating a retirement allowance under section 145.33 of the Revised Code if the member qualifies for an allowance under that section;

(2) If the member qualifies for an allowance under division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section, to receive all of the following:

(a) A benefit under division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section for the member's service credit as a PERS law enforcement officer;

(b) A single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service;

(c) A pension equal to the annuity provided under division (I)(2)(b) of this section, excluding amounts of the member's accumulated contributions deposited under former division (Y) of section 145.01 or former sections 145.02, 145.29, 145.292, and 145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the Revised Code for the purchase of service credit.

(3) If the member qualifies for an allowance under division (A)(2), (B)(2), (C)(2), or (E)(3), (4), or (5) of this section, to receive all of the following:

(a) A benefit under division (A)(2), (B)(2), (C)(2), or (E)(3), (4), or (5) of this section for the member's service credit as a PERS law enforcement officer or PERS public safety officer;

(b) A single life annuity having a reserve equal to the

amount of the member's accumulated contributions for all service 898
 other than PERS law enforcement service or PERS public safety 899
 officer service; 900

(c) A pension equal to the annuity provided under division 901
 (I)(3)(b) of this section, excluding amounts of the member's 902
 accumulated contributions deposited under former division (Y) of 903
 section 145.01 or former sections 145.02, 145.29, 145.292, and 904
 145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 905
 145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 906
 Revised Code for the purchase of service credit. 907

(J) For the purposes of this section, "total service credit" 908
 includes credit for military service to the extent permitted by 909
 division (K) of this section and credit for service as a police 910
 officer or state highway patrol trooper to the extent permitted by 911
 division (L) of this section. 912

(K) Notwithstanding sections 145.01 and 145.30 of the Revised 913
 Code, not more than four years of military service credit granted 914
 or purchased under section 145.30 of the Revised Code and five 915
 years of military service credit purchased under section 145.301 916
 or 145.302 of the Revised Code shall be used in calculating 917
 service as a PERS law enforcement officer or PERS public safety 918
 officer or the total service credit of that person. 919

(L)(1) Only credit for the member's service as a PERS law 920
 enforcement officer, PERS public safety officer, or service credit 921
 obtained as a police officer or state highway patrol trooper shall 922
 be used in computing the benefit of a member who qualifies for a 923
 benefit under this section for the following: 924

(a) Any person who originally is commissioned and employed as 925
 a deputy sheriff by the sheriff of any county, or who originally 926
 is elected sheriff, on or after January 1, 1975; 927

(b) Any deputy sheriff who originally is employed as a	928
criminal bailiff or court constable on or after April 16, 1993;	929
(c) Any person who originally is appointed as a township	930
constable or police officer in a township police department or	931
district on or after January 1, 1981;	932
(d) Any person who originally is employed as a county	933
narcotics agent on or after September 26, 1984;	934
(e) Any person who originally is employed as an undercover	935
drug agent as defined in section 109.79 of the Revised Code,	936
department of public safety enforcement agent who prior to June	937
30, 1999, was a liquor control investigator, forest-fire	938
investigator, natural resources officer, wildlife officer, park	939
district police officer, conservancy district officer, veterans'	940
home police officer, special police officer for a mental health	941
institution, special police officer for an institution for persons	942
with developmental disabilities, or municipal police officer on or	943
after December 15, 1988;	944
(f) Any person who originally is employed as a state	945
university law enforcement officer on or after November 6, 1996;	946
(g) Any person who is originally employed as a state	947
university law enforcement officer by the university of Akron on	948
or after September 16, 1998;	949
(h) Any person who originally is employed as a preserve	950
officer on or after March 18, 1999;	951
(i) Any person who originally is employed as a natural	952
resources law enforcement staff officer on or after March 18,	953
1999;	954
(j) Any person who is originally employed as a department of	955
public safety enforcement agent on or after June 30, 1999;	956

(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;	957 958 959
(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;	960 961 962
(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than March 24, 2009.	963 964 965
(2) Only credit for a member's service as a PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), (C)(1)(b) or (c), or (C)(2) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.	966 967 968 969 970 971 972 973
(M) For purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.	974 975 976 977
(N)(1) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.	978 979
<u>(2) If the monthly amount of a member's annual single lifetime allowance that is first payable on or after the effective date of this amendment under division (F) or (G) of this section would be less than fifty dollars, instead of a monthly payment, the retirement system shall pay the greater of the following in a single payment:</u>	980 981 982 983 984 985

<u>(a) An amount determined under section 145.40 of the Revised Code as a refund of accumulated contributions;</u>	986
	987
<u>(b) An amount equal to the actuarial present value of the allowance as determined by the retirement system.</u>	988
	989
<u>(3) If the monthly amount of a member's single life annuity that is first payable on or after the effective date of this amendment under division (I) (2) or (3) of this section for service other than PERS law enforcement service or PERS public safety service would be less than fifty dollars, instead of a monthly payment, the retirement system shall pay an amount determined under section 145.40 of the Revised Code as a refund of accumulated contributions.</u>	990
	991
	992
	993
	994
	995
	996
	997
(O) A member seeking to retire under this section shall file an application with the public employees retirement board.	998
	999
Service retirement shall be effective as provided in division (E) of section 145.32 of the Revised Code.	1000
	1001
(P) If fewer than one per cent of the retirement system's members are contributing as public safety officers, the board, pursuant to a rule it adopts, may treat service as a public safety officer as service as a law enforcement officer.	1002
	1003
	1004
	1005
Sec. 145.362. A disability benefit recipient whose application for a disability benefit was received by the public employees retirement system before January 7, 2013, shall, regardless of when the disability occurred, retain membership status and shall be considered on leave of absence from employment during the first five years following the effective date of a disability benefit, notwithstanding any contrary provisions in this chapter.	1006
	1007
	1008
	1009
	1010
	1011
	1012
	1013
A disability benefit recipient whose application for a	1014

disability benefit is received by the system on or after January 1015
 7, 2013, shall, regardless of when the disability occurred, retain 1016
 membership status and shall be considered on leave of absence from 1017
 employment during the first three years following the effective 1018
 date of a disability benefit, except that, if the member is 1019
 receiving rehabilitative services acceptable to the board's 1020
 examining physician, the board may permit the recipient to retain 1021
 membership status and be considered on leave of absence from 1022
 employment for up to five years following the effective date of a 1023
 disability benefit. 1024

The public employees retirement board shall require any 1025
 disability benefit recipient to undergo a periodic medical 1026
 examination, as determined by the board's medical consultant or as 1027
 specified in rules adopted by the board. The board may waive the 1028
 medical examination if the board's medical consultant certifies 1029
 that the recipient's disability is ongoing or for any other reason 1030
 specified in rules adopted by the board. If any disability benefit 1031
 recipient refuses to submit to a medical examination, the 1032
 recipient's disability benefit shall be suspended until withdrawal 1033
 of the refusal. Should the refusal continue for one year, all the 1034
 recipient's rights in and to the disability benefit shall be 1035
 terminated as of the effective date of the original suspension. 1036

On completion of the examination by the board's examining 1037
 physician, the physician shall report to the board's medical 1038
 consultant and certify whether the disability benefit recipient 1039
 meets the applicable standard for termination of a disability 1040
 benefit. If the examining physician certifies that the recipient 1041
 meets the applicable standard for termination of a disability 1042
 benefit and the medical consultant concurs, the medical consultant 1043
 shall certify to the board that the recipient meets the applicable 1044
 standard for termination. 1045

(A) Regardless of when the disability occurred, if the recipient's application for a disability benefit was received by the system before 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 and considered on leave of absence, or, if, at the 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.

(B) Regardless of when the disability occurred, if the recipient's application for a disability benefit is received by the system on or after January 7, 2013, the recipient has been receiving the benefit for three years or longer, the recipient was not a PERS law enforcement officer at the time contributing service terminated, and the recipient is not receiving rehabilitative services acceptable to the board's examining physician, 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:

(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 1982-1984=100");

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

(3) Is one that the member is qualified for by experience or

education. 1076

If the board concurs in the report that the disability 1077
benefit recipient meets the applicable standard for termination of 1078
a disability benefit, the payment of the disability benefit shall 1079
be terminated not later than three months after the date of the 1080
board's concurrence or upon employment as a public employee. If 1081
the leave of absence has not expired, the retirement board shall 1082
certify to the disability benefit recipient's last employer before 1083
being found disabled that the recipient is no longer physically 1084
and mentally incapable of resuming service that is the same or 1085
similar to that from which the recipient was found disabled. The 1086
employer shall restore the recipient to the recipient's previous 1087
position and salary or to a position and salary similar thereto, 1088
unless the recipient was dismissed or resigned in lieu of 1089
dismissal for dishonesty, misfeasance, malfeasance, or conviction 1090
of a felony. 1091

Each disability benefit recipient shall file with the board 1092
an annual statement of earnings, current medical information on 1093
the recipient's condition, and any other information required in 1094
rules adopted by the board. The board may waive the requirement 1095
that a disability benefit recipient file an annual statement of 1096
earnings or current medical information if the board's medical 1097
consultant certifies that the recipient's disability is ongoing or 1098
for any other reason specified in rules adopted by the board. 1099

The board shall annually examine the information submitted by 1100
the recipient. If a disability benefit recipient fails to file the 1101
statement or information, the disability benefit shall be 1102
suspended until the statement and information are filed. If the 1103
failure continues for one year, the recipient's right to the 1104
disability benefit shall be terminated as of the effective date of 1105

the original suspension. 1106

If a disability benefit recipient is restored to service by, 1107
or elected to an elective office with, an employer covered by this 1108
chapter, the recipient's disability benefit shall cease. 1109

The board may terminate a disability benefit at the request 1110
of the recipient if the board's medical consultant determines that 1111
the recipient is no longer disabled. 1112

If disability retirement under section 145.36 of the Revised 1113
Code is terminated for any reason, the annuity and pension 1114
reserves at that time in the annuity and pension reserve fund 1115
shall be transferred to the employees' savings fund and the 1116
employers' accumulation fund, respectively. If the total 1117
disability benefit paid is less than the amount of the accumulated 1118
contributions of the member transferred to the annuity and pension 1119
reserve fund at the time of the member's disability retirement, 1120
the difference shall be transferred from the annuity and pension 1121
reserve fund to another fund as may be required. In determining 1122
the amount of a member's account following the termination of 1123
disability retirement for any reason, the total amount paid shall 1124
be charged against the member's refundable account. 1125

If a disability allowance paid under section 145.361 of the 1126
Revised Code is terminated for any reason, the reserve on the 1127
allowance at that time in the annuity and pension reserve fund 1128
shall be transferred from that fund to the employers' accumulation 1129
fund. 1130

If a former disability benefit recipient again becomes a 1131
contributor, other than as an other system retirant under section 1132
145.38 of the Revised Code, to this system, the state teachers 1133
retirement system, or the school employees retirement system, and 1134
completes an additional two years of service credit, the former 1135

disability benefit recipient shall be entitled to full service 1136
 credit, not exceeding five years' service credit, for the period 1137
 as a disability benefit recipient, except that if the board adopts 1138
 a rule requiring payment for the service credit it shall be 1139
 granted only if the former disability benefit recipient pays an 1140
 amount determined under the rule. The rule shall not require 1141
 payment of more than the additional liability to the retirement 1142
 system resulting from granting the credit. The former recipient 1143
 may choose to purchase only part of the credit in any one payment. 1144

If any employer employs any member who is receiving a 1145
 disability benefit, the employer shall file notice of employment 1146
 with the retirement board, designating the date of employment. In 1147
 case the notice is not filed, the total amount of the benefit paid 1148
 during the period of employment prior to notice shall be charged 1149
 to and paid by the employer. 1150

Sec. 145.384. (A) As used in this section, "PERS retirant" 1151
 means a PERS retirant who is not subject to division (C) of 1152
 section 145.38 of the Revised Code. For purposes of this section, 1153
 "PERS retirant" also includes both of the following: 1154

(1) A member who retired under section 145.383 of the Revised 1155
 Code; 1156

(2) A retirant whose retirement allowance resumed under 1157
 section 145.385 of the Revised Code. 1158

(B)(1) An other system retirant or PERS retirant who has made 1159
 contributions under section 145.38 or 145.383 of the Revised Code 1160
 or, in the case of a retirant described in division (A)(2) of this 1161
 section, section 145.47 of the Revised Code may file an 1162
 application with the public employees retirement system to receive 1163
 either a benefit, as provided in division (B)(2) of this section, 1164
 or payment of the retirant's contributions made under those 1165

sections, as provided in division (H) of this section. 1166

(2) A benefit under this section shall consist of an annuity 1167
having a reserve equal to the amount of the retirant's accumulated 1168
contributions for the period of employment, other than the 1169
contributions excluded pursuant to division (B)(4)(a) or (b) of 1170
section 145.38 of the Revised Code, and an amount of the 1171
employer's contributions determined by the board. 1172

(a) Unless, as described in division (I) of this section, the 1173
application is accompanied by a statement of the spouse's consent 1174
to another form of payment or the board waives the requirement of 1175
spousal consent, a PERS retirant or other system retirant who is 1176
married at the time of application for a benefit under this 1177
section shall receive a monthly annuity under which the actuarial 1178
equivalent of the retirant's single life annuity is paid in a 1179
lesser amount for life and one-half of the lesser amount continues 1180
after the retirant's death to the surviving spouse. 1181

(b) A PERS retirant or other system retirant who is not 1182
subject to division (B)(2)(a) of this section shall elect either 1183
to receive the benefit as a monthly annuity or a lump sum payment 1184
discounted to the present value using a rate of interest 1185
determined by the board. A retirant who elects to receive a 1186
monthly annuity shall select one of the following as the plan of 1187
payment: 1188

(i) The retirant's single life annuity; 1189

(ii) The actuarial equivalent of the retirant's single life 1190
annuity in an equal or lesser amount for life and continuing after 1191
death to a surviving beneficiary designated at the time the plan 1192
of payment is selected. 1193

If a retirant who is eligible to select a plan of payment 1194

under division (B)(2)(b) of this section fails to do so, the 1195
 benefit shall be paid as a monthly annuity under the plan of 1196
 payment specified in rules adopted by the public employees 1197
 retirement board. 1198

(c) Notwithstanding divisions (B)(2)(a) and (b) of this 1199
 section, if a monthly annuity would be less than ~~twenty-five~~ fifty 1200
 dollars per month, the retirant shall receive a lump sum payment. 1201

(C)(1) The death of a spouse or other designated beneficiary 1202
 under a plan of payment described in division (B)(2) of this 1203
 section cancels that plan of payment. The PERS retirant or other 1204
 system retirant shall receive the equivalent of the retirant's 1205
 single life annuity, as determined by the board, effective the 1206
 first day of the month following the date of death. 1207

(2) On divorce, annulment, or marriage dissolution, a PERS 1208
 retirant or other system retirant receiving a benefit described in 1209
 division (B)(2) of this section under which the beneficiary is the 1210
 spouse may, with the written consent of the spouse or pursuant to 1211
 an order of the court with jurisdiction over the termination of 1212
 the marriage, elect to cancel the plan and receive the equivalent 1213
 of the retirant's single life annuity as determined by the board. 1214
 The election shall be made on a form provided by the board and 1215
 shall be effective the month following its receipt by the board. 1216

(D) Following a marriage or remarriage, a PERS retirant or 1217
 other system retirant who is receiving a benefit described in 1218
 division (B)(2)(b)(i) of this section may elect a new plan of 1219
 payment under division (B)(2)(b) of this section based on the 1220
 actuarial equivalent of the retirant's single life annuity as 1221
 determined by the board. 1222

If the marriage or remarriage occurs on or after June 6, 1223
 2005, the election must be made not later than one year after the 1224

date of the marriage or remarriage. 1225

The plan elected under this division shall be effective on 1226
the date of receipt by the board of an application on a form 1227
approved by the board, but any change in the amount of the benefit 1228
shall commence on the first day of the month following the 1229
effective date of the plan. 1230

(E) A benefit payable under division (B)(2) of this section 1231
shall commence on the latest of the following: 1232

(1) The last day for which compensation for all employment 1233
subject to section 145.38, 145.383, or 145.385 of the Revised Code 1234
was paid; 1235

(2) Attainment by the PERS retirant or other system retirant 1236
of age sixty-five; 1237

(3) If the PERS retirant or other system retirant was 1238
previously employed under section 145.38, 145.383, or 145.385 of 1239
the Revised Code and is receiving or previously received a benefit 1240
under this section, completion of a period of twelve months since 1241
the effective date of the last benefit under this section; 1242

(4) Ninety days prior to receipt by the board of the member's 1243
completed application for retirement; 1244

(5) A date specified by the retirant. 1245

(F)(1) If a PERS retirant or other system retirant dies while 1246
employed in employment subject to section 145.38, 145.383, or 1247
145.385 of the Revised Code, a lump sum payment shall be paid to 1248
the retirant's beneficiary under division (G) of this section. The 1249
lump sum shall be calculated in accordance with division (H) of 1250
this section if the retirant was under age sixty-five at the time 1251
of death. It shall be calculated in accordance with division 1252
(B)(2) of this section if the retirant was age sixty-five or older 1253

at the time of death. 1254

(2) If at the time of death a PERS retirant or other system 1255
retirant receiving a monthly annuity under division (B)(2)(b)(i) 1256
of this section has received less than the retirant would have 1257
received as a lump sum payment, the difference between the amount 1258
received and the amount that would have been received as a lump 1259
sum payment shall be paid to the retirant's beneficiary under 1260
division (G) of this section. 1261

(3) If a beneficiary receiving a monthly annuity under 1262
division (B)(2) of this section dies and, at the time of the 1263
beneficiary's death, the total of the amounts paid to the retirant 1264
and beneficiary are less than the amount the retirant would have 1265
received as a lump sum payment, the difference between the total 1266
of the amounts received by the retirant and beneficiary and the 1267
amount that the retirant would have received as a lump sum payment 1268
shall be paid to the beneficiary's estate. 1269

(G) A PERS retirant or other system retirant employed under 1270
section 145.38, 145.383, or 145.385 of the Revised Code may 1271
designate one or more persons as beneficiary to receive any 1272
benefits payable under division (B)(2)(b) of this section due to 1273
death. The designation shall be in writing duly executed on a form 1274
provided by the public employees retirement board, signed by the 1275
PERS retirant or other system retirant, and filed with the board 1276
prior to death. The last designation of a beneficiary revokes all 1277
previous designations. The PERS retirant's or other system 1278
retirant's marriage, divorce, marriage dissolution, legal 1279
separation, withdrawal of account, birth of a child, or adoption 1280
of a child revokes all previous designations. If there is no 1281
designated beneficiary or the beneficiary is not located within 1282
ninety days, the beneficiary shall be determined in the following 1283

order of precedence:	1284
(1) Surviving spouse;	1285
(2) Children, share and share alike;	1286
(3) Parents, share and share alike;	1287
(4) Estate.	1288
If any benefit payable under this section due to the death of	1289
a PERS retirant or other system retirant is not claimed by a	1290
beneficiary within five years after the death, the amount payable	1291
shall be transferred to the income fund and thereafter paid to the	1292
beneficiary or the estate of the PERS retirant or other system	1293
retirant on application to the board.	1294
(H)(1) A PERS retirant or other system retirant who applies	1295
under division (B)(1) of this section for payment of the	1296
retirant's contributions and is unmarried or is married and,	1297
unless the board has waived the requirement of spousal consent,	1298
includes with the application a statement of the spouse's consent	1299
to the payment, shall be paid the contributions made under section	1300
145.38 or 145.383 of the Revised Code or, in the case of a	1301
retirant described in division (A)(2) of this section, section	1302
145.47 of the Revised Code, plus interest as provided in section	1303
145.471 of the Revised Code, if the following conditions are met:	1304
(a) The retirant has not attained sixty-five years of age and	1305
has terminated employment subject to section 145.38, 145.383, or	1306
145.385 of the Revised Code for any cause other than death or the	1307
receipt of a benefit under this section.	1308
(b) Two months have elapsed since the termination of the	1309
retirant's employment subject to section 145.38, 145.383, or	1310
145.385 of the Revised Code, other than employment exempted from	1311
contribution pursuant to section 145.03 of the Revised Code.	1312

(c) The retirant has not returned to public service, other 1313
 than service exempted from contribution pursuant to section 145.03 1314
 of the Revised Code, during the two-month period. 1315

(2) Payment of a retirant's contributions cancels the 1316
 retirant's right to a benefit under division (B)(2) of this 1317
 section. 1318

(I) A statement of a spouse's consent under division (B)(2) 1319
 of this section to the form of a benefit or under division (H) of 1320
 this section to a payment of contributions is valid only if signed 1321
 by the spouse and witnessed by a notary public. The board may 1322
 waive the requirement of spousal consent if the spouse is 1323
 incapacitated or cannot be located, or for any other reason 1324
 specified by the board. Consent or waiver is effective only with 1325
 regard to the spouse who is the subject of the consent or waiver. 1326

(J) No amount received under this section shall be included 1327
 in determining an additional benefit under section 145.323 of the 1328
 Revised Code or any other post-retirement benefit increase. 1329

Sec. 145.45. Except as provided in division (C)(1) of this 1330
 section, in lieu of accepting the payment of the accumulated 1331
 account of a member who dies before service retirement, a 1332
 beneficiary, as determined in this section or section 145.43 of 1333
 the Revised Code, may elect to forfeit the accumulated 1334
 contributions and to substitute certain other benefits under 1335
 division (A) or (B) of this section. 1336

(A)(1) ~~If~~ Except as provided in division (A)(3) of this 1337
section, if a deceased member was eligible for a service 1338
 retirement benefit as provided in section 145.33, 145.331, or 1339
 145.332 of the Revised Code, a surviving spouse or other sole 1340
 dependent beneficiary may elect to receive a monthly benefit 1341
 computed as a joint-life plan under which the spouse or 1342

beneficiary receives one hundred per cent of the actuarial 1343
equivalent of the deceased member's lesser retirement allowance 1344
payable for the member's life, which the member would have 1345
received had the member retired on the last day of the month of 1346
death and had the member at that time selected such a plan. 1347
Payment shall begin with the month subsequent to the member's 1348
death, except that a surviving spouse who is less than sixty-five 1349
years old may defer receipt of such benefit. Upon receipt, the 1350
benefit shall be calculated based upon the spouse's age at the 1351
time of first payment, and shall accrue regular interest during 1352
the time of deferral. 1353

~~(2) Beginning on a date selected by the public employees 1354
retirement board, which shall be not later than July 1, 2004 1355~~
Except as provided in division (A)(3) of this section, a surviving 1356
spouse or other sole dependent beneficiary may elect, in lieu of a 1357
monthly payment under division (A)(1) of this section, a plan of 1358
payment consisting of both of the following: 1359

(a) A lump sum in an amount the surviving spouse or other 1360
sole dependent beneficiary designates that constitutes a portion 1361
of the allowance that would be payable under division (A)(1) of 1362
this section; 1363

(b) The remainder of that allowance in monthly payments. 1364

The total amount paid as a lump sum and a monthly benefit 1365
shall be the actuarial equivalent of the amount that would have 1366
been paid had the lump sum not been selected. 1367

The lump sum amount designated by the surviving spouse or 1368
other sole dependent beneficiary under division (A)(2)(a) of this 1369
section shall be not less than six times and not more than 1370
thirty-six times the monthly amount that would be payable to the 1371
surviving spouse or other sole dependent beneficiary under 1372

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. 1373
1374

(3) If the monthly amount of the single lifetime allowance of a member who dies on or after the effective date of this amendment would be less than fifty dollars, a benefit under division (A)(1) or (2) of this section shall be the greater of the following: 1375
1376
1377
1378

(a) The amount payable under section 145.43 of the Revised Code as a refund of the member's accumulated contributions; 1379
1380

(b) An amount equal to the actuarial present value of the member's retirement allowance as determined by the public employees retirement system. 1381
1382
1383

(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. 1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394

(1)(a) Number		Or	1395
of Qualified		Monthly	1396
survivors	Annual Benefit as a Per	Benefit	1397
affecting	Cent of Decedent's Final	shall not be	1398
the benefit	Average Salary	less than	1399
1	25%	\$250	1400
2	40	400	1401
3	50	500	1402

4	55	500	1403
5 or more	60	500	1404
(b) Years of	Annual Benefit as a Per Cent		1405
Service	of Member's Final Average		1406
		Salary	1407
20		29%	1408
21		33	1409
22		37	1410
23		41	1411
24		45	1412
25		48	1413
26		51	1414
27		54	1415
28		57	1416
29 or more		60	1417

(2) Benefits shall begin as qualified survivors meet 1418
eligibility requirements as follows: 1419

(a) A qualified spouse is the surviving spouse of the 1420
deceased member, who is age sixty-two, or regardless of age meets 1421
one of the following qualifications: 1422

(i) Except as provided in division (B)(7) of this section, 1423
the deceased member had ten or more years of Ohio service credit. 1424

(ii) The spouse is caring for a qualified child. 1425

(iii) The spouse is adjudged physically or mentally 1426
incompetent. 1427

A spouse of a member who died prior to August 27, 1970, whose 1428
eligibility was determined at the member's death, and who is 1429
physically or mentally incompetent on or after August 20, 1976, 1430
shall be paid the monthly benefit which that person would 1431
otherwise receive when qualified by age. 1432

(b) A qualified child is any child of the deceased member who 1433
has never been married and to whom one of the following applies: 1434

(i) Is under age twenty-two; 1435

(ii) Regardless of age, is adjudged physically or mentally 1436
incompetent at the time of the member's death. 1437

(c) A qualified parent is a dependent parent aged sixty-five 1438
or older or regardless of age if physically or mentally 1439
incompetent, a dependent parent whose eligibility was determined 1440
by the member's death prior to August 20, 1976, and who is 1441
physically or mentally incompetent on or after August 20, 1976, 1442
shall be paid the monthly benefit for which that person would 1443
otherwise qualify. 1444

(3) "Physically or mentally incompetent" as used in this 1445
section may be determined by a court of jurisdiction, or by a 1446
physician appointed by the retirement board. Incapability of 1447
making a living because of a physically or mentally disabling 1448
condition shall meet the qualifications of this division. 1449

(4) Benefits to a qualified survivor shall terminate upon 1450
ceasing to meet eligibility requirements as provided in this 1451
division, a first marriage, abandonment, adoption, or during 1452
active military service. Benefits to a deceased member's surviving 1453
spouse that were terminated under a former version of this section 1454
that required termination due to remarriage and were not resumed 1455
prior to September 16, 1998, shall resume on the first day of the 1456
month immediately following receipt by the board of an application 1457
on a form provided by the board. 1458

Benefits to a qualified child who is at least eighteen years 1459
of age but under twenty-two years of age that under a former 1460
version of this section never commenced or were terminated due to 1461

a lack of attendance at an institution of learning or training and 1462
 not commenced or resumed before ~~the effective date of this~~ 1463
~~amendment~~ April 6, 2017, shall commence or resume on the first day 1464
 of the month immediately following receipt by the board of an 1465
 application on a form provided by the board if the application is 1466
 received on or before the date that is one year after ~~the~~ 1467
~~effective date of this amendment~~ April 6, 2017. These benefits 1468
 terminate on the child attaining twenty-two years of age. 1469

Upon the death of any subsequent spouse who was a member of 1470
 the public employees retirement system, state teachers retirement 1471
 system, or school employees retirement system, the surviving 1472
 spouse of such member may elect to continue receiving benefits 1473
 under this division, or to receive survivor's benefits, based upon 1474
 the subsequent spouse's membership in one or more of the systems, 1475
 for which such surviving spouse is eligible under this section or 1476
 section 3307.66 or 3309.45 of the Revised Code. If the surviving 1477
 spouse elects to continue receiving benefits under this division, 1478
 such election shall not preclude the payment of benefits under 1479
 this division to any other qualified survivor. 1480

Benefits shall begin or resume on the first day of the month 1481
 following the attainment of eligibility and shall terminate on the 1482
 first day of the month following loss of eligibility. 1483

(5)(a) If a benefit is payable under division (B)(1)(a) of 1484
 this section, benefits to a qualified spouse shall be paid in the 1485
 amount determined for the first qualifying survivor in division 1486
 (B)(1)(a) of this section. All other qualifying survivors shall 1487
 share equally in the benefit or remaining portion thereof. 1488

(b) All qualifying survivors shall share equally in a benefit 1489
 payable under division (B)(1)(b) of this section, except that if 1490
 there is a surviving spouse, the surviving spouse shall receive 1491

not less than the amount determined for the first qualifying survivor in division (B)(1)(a) of this section. 1492
1493

(6) The beneficiary of a member who is also a member of the state teachers retirement system or of the school employees retirement system, must forfeit the member's accumulated contributions in those systems and in the public employees retirement system, if the beneficiary takes a survivor benefit. Such benefit shall be exclusively governed by section 145.37 of the Revised Code. 1494
1495
1496
1497
1498
1499
1500

(7) The following restrictions do not apply if the deceased member was contributing toward benefits under section 145.332 of the Revised Code at the time of death: 1501
1502
1503

(a) That the deceased member have had at least one and one-half years of contributing service credit, with at least one-quarter year of contributing service within the two and one-half years prior to the date of death; 1504
1505
1506
1507

(b) If the deceased member was killed in the line of duty, that the deceased member have had ten or more years of Ohio service credit as described in division (B)(2)(a)(i) of this section. 1508
1509
1510
1511

For the purposes of division (B)(7)(b) of this section, "killed in the line of duty," means either that death occurred in the line of duty or that death occurred as a result of injury sustained in the line of duty. 1512
1513
1514
1515

(C)(1) Regardless of whether the member is survived by a spouse or designated beneficiary, if the public employees retirement system receives notice that a deceased member described in division (A) or (B) of this section has one or more qualified children, all persons who are qualified survivors under division 1516
1517
1518
1519
1520

(B) of this section shall receive monthly benefits as provided in 1521
 division (B) of this section. 1522

If, after determining the monthly benefits to be paid under 1523
 division (B) of this section, the system receives notice that 1524
 there is a qualified survivor who was not considered when the 1525
 determination was made, the system shall, notwithstanding section 1526
 145.561 of the Revised Code, recalculate the monthly benefits with 1527
 that qualified survivor included, even if the benefits to 1528
 qualified survivors already receiving benefits are reduced as a 1529
 result. The benefits shall be calculated as if the qualified 1530
 survivor who is the subject of the notice became eligible on the 1531
 date the notice was received and shall be paid to qualified 1532
 survivors effective on the first day of the first month following 1533
 the system's receipt of the notice. 1534

If the retirement system did not receive notice that a 1535
 deceased member has one or more qualified children prior to making 1536
 payment under section 145.43 of the Revised Code to a beneficiary 1537
 as determined by the retirement system, the payment is a full 1538
 discharge and release of the system from any future claims under 1539
 this section or section 145.43 of the Revised Code. 1540

(2) If benefits under division (C)(1) of this section to all 1541
 persons, or to all persons other than a surviving spouse or other 1542
 sole beneficiary, terminate, there are no children under the age 1543
 of twenty-two years, and the surviving spouse or beneficiary 1544
 qualifies for benefits under division (A) of this section, the 1545
 surviving spouse or beneficiary may elect to receive benefits 1546
 under division (A) of this section. The benefits shall be 1547
 effective on the first day of the month immediately following the 1548
 termination. 1549

(D) The final average salary used in the calculation of a 1550

benefit payable pursuant to division (A) or (B) of this section to 1551
 a survivor or beneficiary of a disability benefit recipient shall 1552
 be adjusted for each year between the disability benefit's 1553
 effective date and the recipient's date of death by the lesser of 1554
 three per cent or the actual average percentage increase in the 1555
 consumer price index prepared by the United States bureau of labor 1556
 statistics (U.S. city average for urban wage earners and clerical 1557
 workers: "all items 1982-84=100"). 1558

(E) If the survivor benefits due and paid under this section 1559
 are in a total amount less than the member's accumulated account 1560
 that was transferred from the public employees' savings fund to 1561
 the survivors' benefit fund, then the difference between the total 1562
 amount of the benefits paid shall be paid to the beneficiary under 1563
 section 145.43 of the Revised Code. 1564

Sec. 145.571. (A) As used in this section, "alternate payee," 1565
 "benefit," "lump sum payment," "participant," and "public 1566
 retirement program" have the same meanings as in section 3105.80 1567
 of the Revised Code. 1568

(B) On receipt of an order issued under section 3105.171 or 1569
 3105.65 of the Revised Code, the public employees retirement 1570
 system shall determine whether the order meets the requirements of 1571
 sections 3105.80 to 3105.90 of the Revised Code. The system shall 1572
 retain in the participant's record an order the system determines 1573
 meets the requirements. Not later than sixty days after receipt, 1574
 the system shall return to the court that issued the order any 1575
 order the system determines does not meet the requirements. 1576

(C) The system shall comply with an order retained under 1577
 division (B) of this section at the following times as 1578
 appropriate: 1579

(1) If the participant has applied for or is receiving a 1580

benefit or has applied for but not yet received a lump sum	1581
payment, as soon as practicable;	1582
(2) If the participant has not applied for a benefit or lump	1583
sum payment, on application by the participant for a benefit or	1584
lump sum payment.	1585
(D) If the system transfers a participant's service credit or	1586
contributions made by or on behalf of a participant to a public	1587
retirement program that is not named in the order, the system	1588
shall do both of the following:	1589
(1) Notify the court that issued the order by sending the	1590
court a copy of the order and the name and address of the public	1591
retirement program to which the transfer was made;	1592
(2) Send a copy of the order to the public retirement program	1593
to which the transfer was made.	1594
(E) If it receives a participant's service credit or	1595
contributions and a copy of an order as provided in division (D)	1596
of this section, the system shall administer the order as if it	1597
were the public retirement program named in the order.	1598
(F) If a participant's benefit or lump sum payment is or will	1599
be subject to more than one order described in section 3105.81 of	1600
the Revised Code or to an order described in section 3105.81 of	1601
the Revised Code and a withholding order under section 3111.23 or	1602
3113.21 <u>3121.03</u> of the Revised Code, the system shall, after	1603
determining that the amounts that are or will be withheld will	1604
cause the benefit or lump sum payment to fall below the limits	1605
described in section 3105.85 of the Revised Code, do all of the	1606
following:	1607
(1) Establish, in accordance with division (G) of this	1608
section and subject to the limits described in section 3105.85 of	1609

the Revised Code, the priority in which the orders are or will be
paid by the system;

(2) Reduce the amount paid to an alternate payee based on the
priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate
payee of any action taken under this division.

(G) A withholding or deduction notice issued under section
~~3111.23 or 3113.21~~ 3121.03 of the Revised Code or an order
described in section 3115.501 of the Revised Code has priority
over all other orders and shall be complied with in accordance
with child support enforcement laws. All other orders are entitled
to priority in order of earliest retention by the system. The
system is not to retain an order that provides for the division of
property unless the order is filed in a court with jurisdiction in
this state.

(H) The system is not liable in civil damages for loss
resulting from any action or failure to act in compliance with
this section.

Sec. 145.62. Subject to rules adopted by the public employees
retirement system under section 145.09 of the Revised Code, a
contributor participating in the PERS defined benefit plan or
contributing under section 145.38 or 145.383 of the Revised Code
may deposit additional amounts in the employees' savings fund
established under section 145.23 of the Revised Code. The
additional deposits may be made either directly to the retirement
system or by payroll deduction under section 145.294 of the
Revised Code. The contributor shall receive in return either an
annuity, as provided in section 145.64 of the Revised Code, having
a reserve equal to the amount deposited or a refund under section
145.63 of the Revised Code of the amount deposited, together with

earnings on the amount deposited as the public employees 1640
retirement board determines appropriate. If the annuity under the 1641
plan of payment selected by the contributor under section 145.64 1642
of the Revised Code would be less than ~~twenty-five~~ fifty dollars 1643
per month, the contributor shall receive the refund. 1644

Sec. 742.03. (A) As used in this section and in sections 1645
742.04 and 742.05 of the Revised Code: 1646

(1) "Police officer" means a member of the fund who is or has 1647
been an employee of a police department and is not a police 1648
retirant. 1649

(2) "Firefighter" means a member of the fund who is or has 1650
been an employee of a fire department and is not a firefighter 1651
retirant. 1652

(3) "Firefighter retirant" means a member of the fund who is 1653
receiving an age and service or disability benefit as a result of 1654
service in a fire department or a surviving spouse of a deceased 1655
member who is receiving a benefit as a result of the deceased 1656
member's service in a fire department. "Firefighter retirant" does 1657
not include a member of the fund who is participating in the 1658
deferred retirement option plan established under section 742.43 1659
of the Revised Code. 1660

(4) "Police retirant" means a member of the fund who is 1661
receiving an age and service or disability benefit as a result of 1662
service in a police department or a surviving spouse of a deceased 1663
member who is receiving a benefit as a result of the deceased 1664
member's service in a police department. "Police retirant" does 1665
not include a member of the fund who is participating in the 1666
deferred retirement option plan established under section 742.43 1667
of the Revised Code. 1668

(B) The administration, control, and management of the Ohio 1669

police and fire pension fund, created under section 742.02 of the Revised Code, is vested in a board of trustees of the Ohio police and fire pension fund, which shall consist of the following members:

(1) One member, known as the treasurer of state's investment designee, who shall be appointed by the treasurer of state for a term of four years and have the following qualifications:

(a) The member is a resident of this state.

(b) Within the three years immediately preceding the appointment, the member has not been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature, including management, analysis, supervision, or investment of assets.

(c) The member has direct experience in the management, analysis, supervision, or investment of assets.

(d) The member is not currently employed by the state or a political subdivision of the state.

(2) Two members, known as the investment expert members, who shall be appointed for four-year terms. One investment expert member shall be appointed by the governor, and one investment expert member shall be jointly appointed by the speaker of the house of representatives and the president of the senate. Each investment expert member shall have the following qualifications:

(a) Each member shall be a resident of this state.

(b) Within the three years immediately preceding the

appointment, each member shall not have been employed by the 1699
public employees retirement system, police and fire pension fund, 1700
state teachers retirement system, school employees retirement 1701
system, or state highway patrol retirement system or by any 1702
person, partnership, or corporation that has provided to one of 1703
those retirement systems services of a financial or investment 1704
nature, including the management, analysis, supervision, or 1705
investment of assets. 1706

(c) Each member shall have direct experience in the 1707
management, analysis, supervision, or investment of assets. 1708

~~Any investment expert member appointed to fill a vacancy 1709
occurring prior to the expiration of the term for which the 1710
member's predecessor was appointed shall hold office until the end 1711
of such term. The member shall continue in office subsequent to 1712
the expiration date of the member's term until the member's 1713
successor takes office, or until a period of sixty days has 1714
elapsed, whichever occurs first. 1715~~

(3) Four members known as employee members. 1716

Two employee members shall be police officers elected by 1717
police officers. Two employee members shall be firefighters 1718
elected by firefighters. Employee members of the board shall be 1719
elected for terms of four years as provided by section 742.04 of 1720
the Revised Code. 1721

(4) One member known as the firefighter retirant member, who 1722
shall be a resident of this state elected by the firefighter 1723
retirants. The firefighter retirant member shall be elected for a 1724
term of four years as provided by section 742.04 of the Revised 1725
Code. 1726

(5) One member known as the police retirant member, who shall 1727

be a resident of this state elected by the police retirants. The 1728
 police retirant member shall be elected for a term of four years 1729
 as provided by section 742.04 of the Revised Code. 1730

(C) No employee member of the board who retires while a 1731
 member of the board shall be eligible to become a retirant member 1732
 for three years after the date of the member's retirement. 1733

(D) Any ~~investment expert~~ member appointed under this 1734
section, including a member appointed to fill a vacancy occurring 1735
 prior to the expiration of the term for which the member's 1736
 predecessor was appointed, holds office until the end of ~~such the~~ 1737
term for which the member is appointed. The member continues in 1738
 office subsequent to the expiration date of the member's term 1739
 until the member's successor takes office, ~~or until a period of~~ 1740
~~sixty days has elapsed, whichever occurs first.~~ 1741

Sec. 742.05. (A) ~~Any vacancy occurring in the term of a~~ 1742
~~member of the board of trustees of the Ohio police and fire~~ 1743
~~pension fund who is the fiscal officer of a municipal corporation~~ 1744
~~shall be filled by appointment by the governor for the unexpired~~ 1745
~~term of such member.~~ 1746

~~(B)~~ Except as provided in division ~~(C)~~(B) of this section, if 1747
 a vacancy occurs in the term of an employee or retirant member of 1748
 the board, all the remaining members of the board shall elect a 1749
 successor employee or retirant member. On certification of the 1750
 election results in accordance with rules adopted under section 1751
 742.045 of the Revised Code, the successor member shall hold 1752
 office until the first day of the new term that follows the next 1753
 board election that occurs not less than ninety days after the 1754
 successor member's election, or until the end of the term for 1755
 which the successor member was elected, whichever is sooner; 1756
 except that, the successor employee member representing 1757

firefighters who was elected to the board under this section on 1758
 March 6, 2014, shall hold office until June 1, 2020, 1759
 notwithstanding sections 742.03 and 742.04 of the Revised Code. 1760

Elections under this section to fill a vacancy on the board 1761
 shall be conducted in accordance with rules adopted under section 1762
 742.045 of the Revised Code. 1763

~~If a member of the board who is the fiscal officer of a 1764
 municipal corporation ceases to be a fiscal officer of a municipal 1765
 corporation, a vacancy shall exist. 1766~~

If an employee member of the board ceases to be a member of 1767
 the fund, a vacancy shall exist. 1768

If as a result of changed circumstances a retirant member no 1769
 longer qualifies for membership on the board as a retirant member, 1770
 a vacancy shall exist. 1771

Any elected or appointed member of the board who fails to 1772
 attend three consecutive meetings of the board, without valid 1773
 excuse, shall be considered as having resigned from the board and 1774
 the board shall declare the member's office vacated and as of the 1775
 date of the adoption of a proper resolution a vacancy shall exist. 1776

~~(C)(B)~~ A successor member need not be elected under division 1777
~~(B)(A)~~ of this section to fill a vacancy if on the day the vacancy 1778
 occurs less than ninety days remain in the vacated term. 1779

Sec. 3307.05. The state teachers retirement board shall 1780
 consist of the following members: 1781

(A) The superintendent of public instruction or a designee of 1782
 the superintendent who has the following qualifications: 1783

(1) The designee is a resident of this state. 1784

(2) Within the three years immediately preceding the 1785

appointment, the designee has not been employed by the public 1786
 employees retirement system, police and fire pension fund, state 1787
 teachers retirement system, school employees retirement system, or 1788
 state highway patrol retirement system or by any person, 1789
 partnership, or corporation that has provided to one of those 1790
 retirement systems services of a financial or investment nature, 1791
 including the management, analysis, supervision, or investment of 1792
 assets. 1793

(3) The designee has direct experience in the management, 1794
 analysis, supervision, or investment of assets. 1795

(B) One member, known as the treasurer of state's investment 1796
 designee, who shall be appointed by the treasurer of state for a 1797
 term of four years and have the following qualifications: 1798

~~(a)~~(1) The member is a resident of this state. 1799

~~(b)~~(2) Within the three years immediately preceding the 1800
 appointment, the member has not been employed by the public 1801
 employees retirement system, police and fire pension fund, state 1802
 teachers retirement system, school employees retirement system, or 1803
 state highway patrol retirement system or by any person, 1804
 partnership, or corporation that has provided to one of those 1805
 retirement systems services of a financial or investment nature, 1806
 including management, analysis, supervision, or investment of 1807
 assets. 1808

~~(c)~~(3) The member has direct experience in the management, 1809
 analysis, supervision, or investment of assets. 1810

~~(d)~~(4) The member is not currently employed by the state or a 1811
 political subdivision of the state. 1812

(C) Two members, known as the investment expert members, who 1813
 shall be appointed for four-year terms. One investment expert 1814

member shall be appointed by the governor, and one investment expert member shall be jointly appointed by the speaker of the house of representatives and the president of the senate. Each investment expert member shall have the following qualifications:

~~(a)~~(1) Each member shall be a resident of this state.

~~(b)~~(2) Within the three years immediately preceding the appointment, each member shall not have been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature, including the management, analysis, supervision, or investment of assets.

~~(c)~~(3) Each member shall have direct experience in the management, analysis, supervision, or investment of assets.

Any investment expert member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office until the end of such term. The member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) Five members, known as contributing members, who shall be members of the state teachers retirement system;

(E) Two former members of the system, known as retired teacher members, who shall be superannuates who are not otherwise employed in positions requiring them to make contributions to the system.

Sec. 3307.14. The state teachers retirement board shall be 1844
the trustee of certain funds hereby created as follows: 1845

(A) The "teachers' savings fund" is the fund in which shall 1846
be accumulated the contributions deducted from the compensation of 1847
teachers participating in the STRS defined benefit plan, as 1848
provided by section 3307.26 of the Revised Code, together with the 1849
interest credited thereon. Such accumulated contributions refunded 1850
upon withdrawal, or payable to an estate or beneficiary as 1851
provided in this chapter, shall be paid from this fund. Any 1852
accumulated contributions forfeited by the failure of a 1853
contributor, an estate, or a beneficiary to claim the same shall 1854
be transferred from this fund to the guarantee fund. The 1855
accumulated contributions of a member or of a teacher who 1856
qualifies for a benefit under section 3307.35 of the Revised Code 1857
shall be transferred at the member's or teacher's retirement from 1858
the teachers' savings fund to the annuity and pension reserve 1859
fund. The accumulated contributions of a member who dies prior to 1860
superannuation retirement that are forfeited by the qualified 1861
beneficiary in exchange for monthly survivor benefits, as provided 1862
by section 3307.66 of the Revised Code, shall be transferred to 1863
the survivors' benefit fund. The accumulated contributions of a 1864
superannuate or other system retirant as defined in section 1865
3307.35 of the Revised Code shall be transferred to the survivors' 1866
benefit fund for payment of a lump-sum benefit to a beneficiary as 1867
provided in that section. As used in this division, "accumulated 1868
contributions" has the same meaning as in section 3307.50 of the 1869
Revised Code. 1870

(B) The "employers' trust fund" is the fund to which the 1871
employer contribution made on behalf of a teacher participating in 1872
the STRS defined benefit plan shall be credited and in which shall 1873
be accumulated the reserves held in trust for the payment of all 1874

pensions or other benefits provided by sections 3307.35, 3307.58, 1875
 3307.59, 3307.60, 3307.63, 3307.631, 3307.66, and 3307.6912, ~~and~~ 1876
~~3307.98~~ of the Revised Code, to teachers retiring or receiving 1877
 disability benefits in the future or to their qualified 1878
 beneficiaries, and from which the reserves for such pensions and 1879
 other benefits shall be transferred to the annuity and pension 1880
 reserve fund and to the survivors' benefit fund. The balances as 1881
 of August 31, 1957, in the employers accumulation fund shall be 1882
 transferred to this fund. As of September 1, 1957, an additional 1883
 amount shall be transferred from the employers' trust fund to the 1884
 annuity and pension reserve fund in the amount required to 1885
 complete the funding of the prior service, as defined in section 1886
 3307.50 of the Revised Code, and military service pensions then 1887
 payable. 1888

(C) The "annuity and pension reserve fund" is the fund from 1889
 which shall be paid all annuities, pensions, and disability 1890
 benefits under the STRS defined benefit plan and annuities payable 1891
 under section 3307.352 of the Revised Code for which reserves have 1892
 been transferred from the teachers' savings fund and the 1893
 employers' trust fund. 1894

(D) The "survivors' benefit fund" is the fund from which 1895
 shall be paid the survivors' benefits provided by section 3307.66 1896
 of the Revised Code and the lump sum payment to beneficiaries as 1897
 provided in section 3307.35 of the Revised Code, and to which 1898
 shall be transferred from the employers' trust fund the amount 1899
 required to fund all liabilities as of the end of each year. 1900

(E) The "guarantee fund" is the fund from which interest is 1901
 transferred and credited on the amounts in the funds described in 1902
 divisions (A), (B), (C), and (D) of this section, and is a 1903
 contingent fund from which the special requirements of said funds 1904

may be paid by transfer from this fund. All income derived from
the investment of funds by the state teachers retirement board as
trustee under section 3307.15 of the Revised Code, together with
all gifts and bequests, or the income therefrom, shall be paid
into this fund.

Any deficit occurring in any other fund that will not be
covered by payments to that fund, as otherwise provided in this
chapter, shall be paid by transfers of amounts from the guarantee
fund to such fund or funds. Should the amount in the guarantee
fund be insufficient at any time to meet the amounts payable
therefrom, the amount of such deficiency, with regular interest,
shall be paid by an additional employer rate of contribution as
determined by the actuary and shall be approved by the board, and
the amount of such additional employer contribution shall be
credited to the guarantee fund.

The board may accept gifts and bequests. Any funds that may
come into the possession of the board in this manner or that may
be transferred from the teachers' savings fund by reason of lack
of a claimant, or any surplus in any fund created in divisions (A)
to (F) of this section, or any other funds whose disposition is
not otherwise provided for, shall be credited to the guarantee
fund.

(F) The expense fund is the fund from which shall be paid the
expenses for the administration and management of the state
teachers retirement system as provided by this chapter.

(G) The "defined contribution fund" is the fund in which
shall be accumulated the contributions deducted from the
compensation of teachers participating in an STRS defined
contribution plan, as provided in section 3307.26 of the Revised
Code, together with any earnings and employer contributions

credited thereon. 1935

(H) The "health care fund" is the fund in which shall be 1936
accumulated any amounts allocated by the board for health care 1937
coverage described in section 3307.39 of the Revised Code, 1938
together with any earnings credited thereon. The fund shall be 1939
established under 26 U.S.C. 401(h) as a separate account. It is 1940
the fund from which shall be paid health care coverage made 1941
available under section 3307.39 of the Revised Code, except that 1942
payments from the fund shall be limited as provided by 26 U.S.C. 1943
401(h). 1944

Sec. 3307.20. (A) As used in this section: 1945

(1) "Personal history record" means information maintained by 1946
the state teachers retirement board on an individual who is a 1947
member, former member, contributor, former contributor, retirant, 1948
or beneficiary that includes the address, electronic mail address, 1949
telephone number, social security number, record of contributions, 1950
correspondence with the state teachers retirement system, or other 1951
information the board determines to be confidential. 1952

(2) "Retirant" has the same meaning as in section 3307.50 of 1953
the Revised Code and includes any former member receiving a 1954
benefit under an STRS defined contribution plan. 1955

(3) "Law enforcement agency" has the same meaning as in 1956
section 149.435 of the Revised Code. 1957

(B) The records of the board shall be open to public 1958
inspection, except for the following, which shall be excluded, 1959
except with the written authorization of the individual concerned: 1960

(1) The individual's personal records provided for in former 1961
section 3307.23 of the Revised Code; 1962

(2) The individual's personal history record; 1963

(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual. 1964
1965

(C)(1) All medical reports and recommendations received by the board from a member, member's physician, board-assigned physician, or other entity providing medical reports and recommendations to the board under sections 3307.48, 3307.62, and 3307.66 of the Revised Code are privileged, except as follows: 1966
1967
1968
1969
1970

(a) Copies of medical reports or recommendations shall be made available by the board to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent, or, when necessary for the proper administration of the fund, to the board assigned physician. 1971
1972
1973
1974
1975
1976

(b) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 1977
1978
1979

(2) No medical report or recommendation received by the board under section 3307.48, 3307.62, or 3307.66 of the Revised Code shall be released to the individual concerned or considered a medical record generated and maintained by a health care provider in the process of establishing a therapeutic relationship. 1980
1981
1982
1983
1984

(D) Any person who is a member or contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one request of a person in any one year. 1985
1986
1987
1988

(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information: 1989
1990
1991

(1) If a member, former member, retirant, contributor, or 1992

former contributor is subject to an order issued under section 1993
 2907.15 of the Revised Code or an order issued under division (A) 1994
 or (B) of section 2929.192 of the Revised Code or is convicted of 1995
 or pleads guilty to a violation of section 2921.41 of the Revised 1996
 Code, on written request of a prosecutor as defined in section 1997
 2935.01 of the Revised Code, the board shall furnish to the 1998
 prosecutor the information requested from the individual's 1999
 personal history record. 2000

(2) Pursuant to a court or administrative order issued under 2001
 section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 2002
 Revised Code, the board shall furnish to a court or child support 2003
 enforcement agency the information required under that section. 2004

(3) At the written request of any person, the board shall 2005
 provide to the person a complete list of the names and addresses 2006
 of members, retirants, contributors, ~~or~~ and beneficiaries. The 2007
 costs of compiling, copying, and mailing the list shall be paid by 2008
 such person. 2009

(4) Within fourteen days after receiving from the director of 2010
 job and family services a list of the names and social security 2011
 numbers of recipients of public assistance pursuant to section 2012
 5101.181 of the Revised Code, the board shall inform the auditor 2013
 of state of the name, current or most recent employer address, and 2014
 social security number of each member whose name and social 2015
 security number are the same as that of a person whose name or 2016
 social security number was submitted by the director. The board 2017
 and its employees shall, except for purposes of furnishing the 2018
 auditor of state with information required by this section, 2019
 preserve the confidentiality of recipients of public assistance in 2020
 compliance with section 5101.181 of the Revised Code. 2021

(5) The system shall comply with orders issued under section 2022

3105.87 of the Revised Code. 2023

On the written request of an alternate payee, as defined in 2024
section 3105.80 of the Revised Code, the system shall furnish to 2025
the alternate payee information on the amount and status of any 2026
amounts payable to the alternate payee under an order issued under 2027
section 3105.171 or 3105.65 of the Revised Code. 2028

(6) At the request of any person, the board shall make 2029
available to the person copies of all documents, including 2030
resumes, in the board's possession regarding filling a vacancy of 2031
a contributing member or retired teacher member of the board. The 2032
person who made the request shall pay the cost of compiling, 2033
copying, and mailing the documents. The information described in 2034
this division is a public record. 2035

(7) The system shall provide the notice required by section 2036
3307.373 of the Revised Code to the prosecutor assigned to the 2037
case. 2038

(8) The system may provide information requested by the 2039
United States social security administration, United States 2040
centers for medicare and medicaid services, Ohio public employees 2041
deferred compensation program, Ohio police and fire pension fund, 2042
school employees retirement system, public employees retirement 2043
system, state highway patrol retirement system, Cincinnati 2044
retirement system, a law enforcement agency, or a third party that 2045
the state teachers retirement system has contracted with for the 2046
purpose of administering any part of the system. 2047

(F) A statement that contains information obtained from the 2048
system's records that is signed by an officer of the retirement 2049
system and to which the system's official seal is affixed, or 2050
copies of the system's records to which the signature and seal are 2051
attached, shall be received as true copies of the system's records 2052

in any court or before any officer of this state. 2053

Sec. 3307.231. To the extent to which it is used in 2054
determining the liability of any fund created by section 3307.14 2055
of the Revised Code, the state teachers retirement board shall 2056
verify the ~~statement~~ information provided ~~for in~~ under section 2057
~~3307.23~~ 3307.213 of the Revised Code by the best evidence it is 2058
able to obtain. If official records are not available as to the 2059
length of service of a teacher, compensation, or other information 2060
required, the board may use its discretion as to the evidence to 2061
be accepted. 2062

Sec. 3307.25. (A) An individual who becomes a member of the 2063
state teachers retirement system on or after the date on which the 2064
state teachers retirement board establishes an STRS defined 2065
contribution plan shall make an election under this section. Not 2066
later than one hundred eighty days after the date on which 2067
employment begins, the individual shall elect to participate 2068
either in the STRS defined benefit plan or one of the STRS defined 2069
contribution plans. If a form evidencing an election under this 2070
section is not on file with the system at the end of the 2071
one-hundred-eighty-day period, the individual is deemed to have 2072
elected to participate in the STRS defined benefit plan. 2073

(B) An election under this section shall be made in writing 2074
on a form provided by the system and ~~filed with~~ submitted to the 2075
system. 2076

(C) An election under this section shall take effect on the 2077
date employment began and, except as provided in division (E) of 2078
this section, is irrevocable at the end of the election period 2079
described in division (A) of this section. 2080

(D) An individual is ineligible to make an election under 2081
this section if one of the following applies: 2082

(1) At the time employment begins, the individual is already 2083
 a member or contributor participating in the STRS defined benefit 2084
 plan, a former member who has previously made an election under 2085
 division (E) of this section or section 3307.251 of the Revised 2086
 Code, a superannuate of the system, or an other system retirant, 2087
 as defined in section 3307.35 of the Revised Code; 2088

(2) An election to participate in an alternative retirement 2089
 plan under section 3305.05 or 3305.051 of the Revised Code is in 2090
 effect for employment covered by the system. 2091

(E) A member who elected under division (A) of this section 2092
 to participate in an STRS defined contribution plan may make an 2093
 election to cease participation in the plan elected and 2094
 participate in the STRS defined benefit plan or in another STRS 2095
 defined contribution plan. The election must be made, on a form 2096
 provided by the system, not later than the first day of June 2097
 preceding the first day of July following the fourth anniversary 2098
 of the commencement of the member's participation in the original 2099
 plan. 2100

An election made under this division takes effect on the 2101
 first day of July following the election. 2102

(F)(1) When a member elects under division (E) of this 2103
 section to change from an STRS defined contribution plan to the 2104
 STRS defined benefit plan the system shall do all of the 2105
 following: 2106

(a) Transfer from the member's account in the defined 2107
 contribution fund to an account in the teachers' savings fund the 2108
 sum of the following: 2109

(i) An amount equal to the contributions made pursuant to 2110
 section 3307.26 of the Revised Code; 2111

(ii) Any supplemental contributions made by the member;	2112
(iii) Any earnings from supplemental contributions.	2113
(b) Transfer from the defined contribution fund to the	2114
employers' trust fund the sum of the following:	2115
(i) An amount equal to the contributions made pursuant to	2116
section 3307.28 of the Revised Code;	2117
(ii) Any amount remaining in the member's account in the	2118
defined contribution fund after the transfers described in	2119
divisions (F)(1)(a) and (b)(i) of this section are made.	2120
(c) Grant service credit in accordance with rules adopted	2121
under section 3307.53 of the Revised Code.	2122
(2) If the amount in the member's account in the defined	2123
contribution fund is less than the amount the member would have	2124
had in an account in the teachers' savings fund had the member	2125
elected to participate in the STRS defined benefit plan, the	2126
system shall transfer from the guarantee fund established under	2127
section 3307.14 of the Revised Code to the teachers' savings fund	2128
the amount necessary to make the transfer required by division	2129
(F)(1)(a)(i) of this section.	2130
(3) Except for service credit granted under division	2131
(F)(1)(c) of this section, a member who begins participation in	2132
the STRS defined benefit plan pursuant to division (E) of this	2133
section shall have the same rights and privileges under the plan	2134
as a member who never had made an election to participate in an	2135
STRS defined contribution plan.	2136
Sec. 3307.251. As used in this section, "accumulated	2137
contributions" and "total service credit" have the same meanings	2138
as in section 3307.50 of the Revised Code.	2139

(A) A member of the state teachers retirement system who, as 2140
of the thirtieth day of June immediately preceding the date on 2141
which the system establishes an STRS defined contribution plan, 2142
has less than five years of total service credit is eligible to 2143
make an election under this section. 2144

Not later than one hundred eighty days after the day the 2145
state teachers retirement board first establishes an STRS defined 2146
contribution plan, an eligible member may elect to participate in 2147
such a plan. If an election is not made, a member to whom this 2148
section applies is deemed to have elected to continue 2149
participating in the STRS defined benefit plan. 2150

(B) An election under this section shall be made in writing 2151
on a form provided by the system and ~~filed with~~ submitted to the 2152
system. 2153

(C) On receipt of an election under this section, the system 2154
shall do both of the following: 2155

(1) Credit to the account of the member in the defined 2156
contribution fund the accumulated contributions standing to the 2157
member's credit in the teachers' savings fund, plus interest at a 2158
rate determined by the board; 2159

(2) Cancel all service credit and eligibility for any 2160
payment, benefit, or right under the STRS defined benefit plan. 2161

(D) An election under this section shall be irrevocable at 2162
the end of the election period described in division (A) of this 2163
section. 2164

Sec. 3307.26. (A) Each teacher shall contribute a certain per 2165
cent of the teacher's earned compensation, except that the per 2166
cent shall be not greater than fourteen per cent of the teacher's 2167
compensation. The per cent shall be as follows: 2168

(1) For compensation earned not later than June 30, 2013, ten per cent;	2169 2170
(2) For compensation earned on or after July 1, 2013, but not later than June 30, 2014, eleven per cent;	2171 2172
(3) For compensation earned on or after July 1, 2014, but not later than June 30, 2015, twelve per cent;	2173 2174
(4) For compensation earned on or after July 1, 2015, but not later than June 30, 2016, thirteen per cent;	2175 2176
(5) For compensation earned on or after July 1, 2016, fourteen per cent;	2177 2178
(6) For compensation earned on or after July 1, 2017, the state teachers retirement board may reduce the rate to less than fourteen per cent if the board's actuary determines in its annual actuarial valuation required by section 3307.51 of the Revised Code or in other evaluations conducted under that section that a reduction in the rate does not materially impair the fiscal integrity of the retirement system.	2179 2180 2181 2182 2183 2184 2185
(B) For teachers participating in the STRS defined benefit plan, contributions shall be deposited in the teachers' savings fund. For teachers participating in an STRS defined contribution plan, contributions shall be deposited in the defined contribution fund. Contributions made pursuant to this section shall not exceed the limits established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.	2186 2187 2188 2189 2190 2191 2192
(C) The contribution for all teachers shall be deducted by the employer on each payroll in an amount equal to the applicable per cent of the teachers' paid compensation for such payroll period or other period as the board may approve. All contributions on paid compensation for teachers participating in an STRS defined	2193 2194 2195 2196 2197

~~contribution plan shall be remitted at intervals required by the~~ 2198
~~state teachers retirement system under section 3307.86 of the~~ 2199
~~Revised Code. All contributions on earned compensation for~~ 2200
~~teachers participating in the STRS defined benefit plan shall be~~ 2201
~~remitted to the state teachers retirement system by the thirtieth~~ 2202
~~day of June of each year. Each school district shall encumber~~ 2203
~~sufficient moneys by the thirtieth day of June of each year to~~ 2204
~~account for the difference, if any, that may exist between~~ 2205
~~contributions that would be withheld based upon compensation~~ 2206
~~earned by a teacher during the year ending the thirtieth day of~~ 2207
~~June and the contributions withheld based upon compensation paid~~ 2208
~~to the teacher for the year. Deductions from payroll for~~ 2209
~~contributions under this section, on an annual basis, shall not~~ 2210
~~exceed eight per cent or other percentage established by the board~~ 2211
~~authorized by this section.~~ 2212

(D) At retirement under the STRS defined benefit plan, or 2213
 upon a member's death prior to retirement under that plan, if 2214
 contributions have been made after September 1, 1959, in excess of 2215
 the contributions normally required to provide the retirement or 2216
 survivor benefit, the excess contributions may be refunded to the 2217
 member, to the member's beneficiary, or to the member's estate in 2218
 a lump sum, or may be used to provide additional income. 2219

(E) The board may determine with regard to any member 2220
 participating in the STRS defined benefit plan whether the limits 2221
 established by division (D) of section 3307.58 of the Revised Code 2222
 have resulted in exclusion from use in the calculation of benefits 2223
 under section 3307.58, 3307.59, or 3307.60 of the Revised Code of 2224
 any compensation on which contributions have been made under this 2225
 section. The board may adopt rules in accordance with section 2226
 111.15 of the Revised Code providing for the disposition of 2227
 contributions attributable to such compensation and may dispose of 2228

the contributions in accordance with those rules. Any disposition 2229
of contributions made by the board in accordance with the rules 2230
shall be final. 2231

(F) The deductions under this section shall be made even 2232
though the minimum compensation provided by law for any teacher 2233
shall be reduced thereby. Every teacher shall be deemed to consent 2234
to the deductions made. Payment less the deductions shall be a 2235
complete discharge and acquittance of all claims and demands for 2236
the services rendered by the person during the period covered by 2237
the payment. 2238

(G) Additional deposits may be made to a member's account in 2239
the teachers' savings fund or defined contribution fund, subject 2240
to rules of the board. At retirement, the amount deposited with 2241
interest may be used to provide additional annuity income. The 2242
additional deposits may be refunded to the member before 2243
retirement, and shall be refunded if the member withdraws the 2244
member's refundable account. The deposits may be refunded to the 2245
beneficiary or estate if the member dies before retirement. 2246

Sec. 3307.28. Each employer shall pay ~~annually~~ to the state 2247
teachers retirement system an amount ~~certified by the secretary~~ 2248
which shall be a certain per cent of the earnable compensation of 2249
all members, and which shall be known as the "employer 2250
contribution." Each employer shall remit the employer contribution 2251
at intervals required by the state teachers retirement system. For 2252
members participating in the STRS defined benefit plan, the 2253
employer contribution shall be deposited into the employers' trust 2254
fund. For members participating in an STRS defined contribution 2255
plan, the employer contribution shall be deposited into the 2256
defined contribution fund in accordance with the plan selected by 2257
the member, less the amount transferred under section 3307.84 of 2258

the Revised Code. 2259

The rate per cent of the contribution shall be ~~fixed~~ 2260
determined by the actuary on the basis of the actuary's evaluation 2261
of the liabilities of the system, not to exceed fourteen per cent, 2262
and shall be approved by the state teachers retirement board. The 2263
board may raise the rate per cent of the contribution to fourteen 2264
per cent of the earnable compensation of all members. In making 2265
such evaluation, the actuary shall use, as the actuarial 2266
assumptions, such interest rates and mortality and other tables as 2267
are adopted by the board. The actuary shall compute the percentage 2268
of such earnable compensation, to be known as the "employer rate," 2269
required annually to fund the liability for all benefits under the 2270
STRS defined benefit plan, after deducting therefrom the benefits 2271
provided by the member's accumulated contributions, as defined in 2272
section 3307.50 of the Revised Code, deposits, and other 2273
appropriations, and to fund any deficiencies in the funds 2274
described in divisions (A) to (F) of section 3307.14 of the 2275
Revised Code. 2276

Sec. 3307.351. (A) As used in this section: 2277

(1) In addition to the meaning in section 3307.01 of the 2278
Revised Code, when appropriate "compensation" has the same meaning 2279
as in section 3309.01 of the Revised Code. 2280

(2) "Earnable salary" has the same meaning as in section 2281
145.01 of the Revised Code. 2282

(3) "STRS position" means a position for which a member of 2283
the state teachers retirement system is making contributions to 2284
the system. 2285

(4) "Other state retirement system" means the public 2286
employees retirement system or the school employees retirement 2287
system. 2288

(5) "State retirement system" means the public employees retirement system, state teachers retirement system, or the school employees retirement system.

(B)(1) Subject to division (E) of this section, a member of the state teachers retirement system who holds two or more STRS positions may retire under section 3307.57, 3307.58, or 3307.60 of the Revised Code or under an STRS defined contribution plan from the position for which the annual compensation at the time of retirement is highest and continue to contribute to the retirement system for the other STRS position or positions.

(2) Subject to division (E) of this section, a member of the state teachers retirement system who also holds one or more other positions covered by the other state retirement systems may retire under section 3307.57, 3307.58, or 3307.60 of the Revised Code or under an STRS defined contribution plan from the STRS position and continue contributing to the other state retirement systems if the annual compensation for the STRS position at the time of retirement is greater than annual compensation or earnable salary for the position, or any of the positions, covered by the other state retirement systems.

(3) Subject to division (E) of this section, a member of the state teachers retirement system who holds two or more STRS positions and at least one other position covered by one of the other state retirement systems may retire under section 3307.57, 3307.58, or 3307.60 of the Revised Code or under an STRS defined contribution plan from one of the STRS positions and continue contributing to the state teachers retirement system and the other state retirement system if the annual compensation for the STRS position from which the member is retiring is, at the time of retirement, greater than the annual compensation or earnable

salary for any of the positions for which the member is continuing 2319
to make contributions. 2320

(4) Subject to division (E) of this section, a member of the 2321
state teachers retirement system who also holds one or more other 2322
positions covered by the other state retirement systems may retire 2323
under section 145.37, 3307.57, ~~3307.58~~, or ~~3307.60~~ 3309.35 of the 2324
Revised Code or under ~~an STRS defined contribution~~ a plan 2325
established under section 145.81 or 3309.81 of the Revised Code 2326
from one of the other state retirement system positions and 2327
continue contributing to the state teachers retirement system if 2328
the annual compensation for the other state retirement system 2329
position from which the member is retiring is, at the time of 2330
retirement, greater than the annual compensation for any of the 2331
positions for which the member is continuing to make 2332
contributions. 2333

(5) A member of the state teachers retirement system who has 2334
retired as provided in division (B)(2) or (3) of section 145.383 2335
or division (B)(2) or (3) of section 3309.343 of the Revised Code 2336
may continue to contribute to the state teachers retirement system 2337
for an STRS position if the member held the position at the time 2338
of retirement from the other state retirement system. 2339

(6) A member who contributes to the state teachers retirement 2340
system in accordance with division (B)(1), (3), (4), or (5) of 2341
this section shall contribute in accordance with section 3307.26 2342
of the Revised Code. The member's employer shall contribute as 2343
provided in section 3307.28 of the Revised Code. Neither the 2344
member nor the member's survivors are eligible for any benefits 2345
based on those contributions other than those provided under 2346
section 145.384, 3307.352, or 3309.344 of the Revised Code. 2347

(C)(1) In determining retirement eligibility and the annual 2348

retirement allowance of a member who retires as provided in 2349
division (B)(1), (2), (3), or (4) of this section, the following 2350
shall be used to the date of retirement: 2351

(a) The member's earnable salary and compensation for all 2352
positions covered by a state retirement system; 2353

(b) Total service credit in any state retirement system, 2354
except that the credit shall not exceed one year of credit for any 2355
period of twelve months; 2356

(c) The member's accumulated contributions. 2357

(2) A member who retires as provided in division (B)(1), (2), 2358
(3), or (4) of this section is a retirant for all purposes of this 2359
chapter, except that the member is not subject to divisions (F) 2360
and (G) of section 3307.35 of the Revised Code for a position or 2361
positions for which contributions continue under those divisions 2362
or division (B)(5) of this section. 2363

(D) A retired member receiving a benefit under section 2364
3307.352 of the Revised Code based on employment subject to this 2365
section is not a member of the state teachers retirement system 2366
and does not have any rights, privileges, or obligations of 2367
membership. The retired member is a superannuate for purposes of 2368
section 3307.35 of the Revised Code. 2369

(E) Effective July 1, 2014, a member may continue to 2370
contribute to the retirement system for another STRS position or 2371
other state retirement system position under division (B)(1), (2), 2372
(3), or (4) of this section only for those positions the member 2373
continuously held for at least twelve consecutive months 2374
immediately prior to retirement under section 3307.57, 3307.58, or 2375
3307.60 of the Revised Code or an STRS defined contribution plan. 2376

(F) The state teachers retirement board may adopt rules to 2377

carry out this section. 2378

Sec. 3307.352. For purposes of this section, "superannuate" 2379
includes a member who retired under section 3307.351 of the 2380
Revised Code. 2381

(A) Except as provided in division (B)(3) of this section, a 2382
superannuate or other system retirant who has made contributions 2383
under section 3307.35 or 3307.351 of the Revised Code may ~~file~~ 2384
submit an application ~~with~~ to the state teachers retirement system 2385
for a benefit consisting of a single life annuity. The annuity 2386
shall have a reserve equal to the amount of the superannuate's or 2387
retirant's accumulated contributions, as defined in section 2388
3307.50 of the Revised Code, for the period of employment, other 2389
than the contributions excluded pursuant to division (F) of 2390
section 3307.35 of the Revised Code, and an amount determined by 2391
the state teachers retirement board from the employers' trust 2392
created by section 3307.14 of the Revised Code, plus interest 2393
credited to the date of retirement at a rate of interest 2394
determined by the board. The superannuate or other system retirant 2395
shall elect either to receive the benefit as a monthly annuity for 2396
life or a lump sum payment discounted to the present value using a 2397
rate of interest determined by the board, except that if the 2398
monthly annuity would be less than twenty-five dollars per month 2399
the superannuate or retirant shall receive a lump sum payment. 2400

A benefit payable under this division shall commence on the 2401
first day of the month immediately following the latest of the 2402
following: 2403

(1) The last day for which compensation for employment 2404
subject to this section was paid; 2405

(2) Attainment by the superannuate or other system retirant 2406
of age sixty-five; 2407

(3) If the superannuate or other system retirant was 2408
 previously employed under section 3307.35 or 3307.351 of the 2409
 Revised Code and previously received or is receiving a benefit 2410
 under this division, completion of a period of twelve months since 2411
 the effective date of the last benefit under this division. 2412

(B)(1) A superannuate or other system retirant under age 2413
 sixty-five who has made contributions under section 3307.35 or 2414
 3307.351 of the Revised Code may ~~file~~ submit an application ~~with~~ 2415
to the state teachers retirement system for a return of those 2416
 contributions if both of the following conditions are met: 2417

(a) The superannuate or retirant has terminated, for any 2418
 reason other than death, the employment for which the 2419
 contributions were made. 2420

(b) If the superannuate or retirant received a return of 2421
 contributions under this division for a previous period of 2422
 employment under section 3307.35 or 3307.351 of the Revised Code, 2423
 twelve months have passed since the date the retirement system 2424
 returned the contributions. 2425

(2) A return of contributions under this division shall 2426
 consist of the sum of the following: 2427

(a) The contributions the superannuate or other system 2428
 retirant made under section 3307.35 or 3307.351 of the Revised 2429
 Code other than the contributions excluded under division (F) of 2430
 section 3307.35 of the Revised Code; 2431

(b) Interest at a rate determined by the state teachers 2432
 retirement board credited through the later of the month the 2433
 superannuate or retirant terminated the employment for which the 2434
 contributions are made or the date required by division (B)(1)(b) 2435
 of this section. 2436

(3) Payment of a return of contributions under this division 2437
 shall be made on a date determined by the state teachers 2438
 retirement board but shall be not earlier than the later of the 2439
 first day of the first month following termination of employment 2440
 or the date required by division (B)(1)(b) of this section. The 2441
 payment cancels the ~~superannuate~~ superannuate's or retirant's 2442
 right to a benefit under division (A) of this section for the 2443
 service for which the contributions were made. 2444

(C)(1) If a superannuate or other system retirant who made 2445
 contributions under section 3307.35 or 3307.351 of the Revised 2446
 Code dies before receiving a benefit under division (A) of this 2447
 section or a return of contributions under division (B) of this 2448
 section, a lump sum payment shall be paid to the beneficiary 2449
 designated under division (D)(1) of section 3307.562 of the 2450
 Revised Code. The lump sum shall be calculated in accordance with 2451
 division (A) of this section, except that the interest shall be 2452
 credited as follows: 2453

(a) If the superannuate or retirant was under age sixty-five 2454
 at the time of death, the interest shall be credited through the 2455
 month of death. 2456

(b) If the superannuate or retirant was age sixty-five or 2457
 older at the time of death, the interest shall be credited through 2458
 the later of the month in which the superannuate or retirant 2459
 terminated the employment for which the contributions are made or 2460
 the month the superannuate or retirant attained age sixty-five. 2461

(2) If at the time of death a superannuate or other system 2462
 retirant receiving a monthly annuity under division (A) of this 2463
 section has received less than the superannuate or retirant would 2464
 have received as a lump sum payment, the difference between the 2465
 amount received and the amount that would have been received as a 2466

lump sum payment shall be paid to the superannuate's or retirant's 2467
 beneficiary designated under division (D)(1) of section 3307.562 2468
 of the Revised Code. 2469

(D) No amount received under this section shall be included 2470
 in determining an additional benefit under section 3307.67 of the 2471
 Revised Code or any other post-retirement benefit increase. 2472

Sec. 3307.39. (A) The state teachers retirement board may 2473
 enter into an agreement with insurance companies, health insuring 2474
 corporations, or government agencies authorized to do business in 2475
 the state for issuance of a policy or contract of health, medical, 2476
 hospital, or surgical coverage, or any combination thereof, for 2477
 those individuals receiving, under the STRS defined benefit plan, 2478
 service retirement or a disability or survivor benefit who 2479
 subscribe to the plan. Notwithstanding any other provision of this 2480
 chapter, the policy or contract may also include coverage for any 2481
 eligible individual's spouse and dependent children ~~and for any of~~ 2482
~~the individual's sponsored dependents~~ as the board considers 2483
 appropriate. If all or any portion of the policy or contract 2484
 premium is to be paid by any individual receiving service 2485
 retirement or a disability or survivor benefit, the individual 2486
 shall, by written authorization, instruct the board to deduct the 2487
 premium agreed to be paid by the individual to the companies, 2488
 corporations, or agencies. 2489

The board may contract for coverage on the basis of part or 2490
 all of the cost of the coverage to be paid from appropriate funds 2491
 of the state teachers retirement system. The cost paid from the 2492
 funds of the system shall be included in the employer's 2493
 contribution rate provided by section 3307.28 of the Revised Code. 2494

The board may enter into an agreement under this division for 2495
 coverage of recipients of benefits under an STRS defined 2496

contribution plan if the plan selected includes health, medical, 2497
 hospital, or surgical coverage, or any combination thereof. The 2498
 board may contract for coverage on the basis that the cost of the 2499
 coverage will be paid by the recipient or by the plan to which the 2500
 recipient contributed under this chapter. The board may offer to 2501
 recipients plans that provide for different levels of coverage or 2502
 for prepayment of the cost of coverage. 2503

The board may provide for self-insurance of risk or level of 2504
 risk as set forth in the contract with the companies, 2505
 corporations, or agencies, and may provide through the 2506
 self-insurance method specific coverage as authorized by the rules 2507
 of the board. 2508

(B) The board may make a monthly payment to each recipient of 2509
 service retirement, or a disability or survivor benefit under the 2510
 STRS defined benefit plan who is enrolled in coverage under part B 2511
 of the medicare program established under Title XVIII of "The 2512
 Social Security Amendments of 1965," 79 Stat. 301 (1965), 42 2513
 U.S.C.A. 1395j, as amended, and may make a monthly payment to a 2514
 recipient of benefits under an STRS defined contribution plan who 2515
 is eligible for that insurance coverage if the monthly payments 2516
 are funded through the plan selected by the recipient. The payment 2517
 shall be the greater of the following: 2518

(1) Twenty-nine dollars and ninety cents; 2519

(2) An amount determined by the board, which shall not exceed 2520
 ninety per cent of the basic premium for the coverage, except that 2521
 the amount shall not exceed the amount paid by the recipient. 2522

At the request of the board, the recipient shall certify the 2523
 amount paid by the recipient for coverage described in this 2524
 division. 2525

The board shall make all payments under this division 2526
beginning the month following receipt of satisfactory evidence of 2527
the payment for the coverage. 2528

(C) The board shall establish by rule requirements for the 2529
coordination of any coverage or payment provided under this 2530
section with any similar coverage or payment made available to the 2531
same individual by the public employees retirement system, Ohio 2532
police and fire pension fund, school employees retirement system, 2533
or state highway patrol retirement system. 2534

(D) The board shall make all other necessary rules pursuant 2535
to the purpose and intent of this section. 2536

Sec. 3307.44. (A) Any person who is receiving an allowance, 2537
as defined in section 3307.50 of the Revised Code, benefit, or 2538
increase under this chapter may, at any time, waive the person's 2539
rights thereto, or to a portion thereof, by ~~filing~~ submitting a 2540
written notice of waiver ~~with~~ to the state teachers retirement 2541
board. Except as provided in division (B) of this section, such 2542
waiver shall remain in effect until the first day of the month 2543
following the person's death or the ~~filing~~ board's receipt of the 2544
person's written cancellation of such waiver with the board. Any 2545
amount so waived shall forever be forfeited. 2546

(B) If a beneficiary waives in writing all claim to any 2547
benefits under this chapter prior to receipt of the first benefit, 2548
the waiver shall put into effect the succession of beneficiaries 2549
as provided in division (C) of section 3307.562 of the Revised 2550
Code and shall be irrevocable. 2551

Sec. 3307.48. (A) As used in this section, "disability 2552
benefit recipient" means a recipient of a disability benefit under 2553
any of the following: 2554

(1) Section 3307.63 of the Revised Code; 2555

(2) Section 3307.631 of the Revised Code; 2556

(3) The STRS combined plan. 2557

(B) A disability benefit recipient, notwithstanding section 2558
 3319.13 of the Revised Code, shall retain membership in the state 2559
 teachers retirement system and shall be considered on leave of 2560
 absence during the first five years following the effective date 2561
 of a disability benefit. 2562

(C) The state teachers retirement board ~~shall~~ may require any 2563
 disability benefit recipient to submit to an annual medical 2564
 examination by a physician selected by the board, ~~except that the~~ 2565
~~board may forgo the medical examination if the board's physician~~ 2566
~~determines that the recipient's disability is ongoing or may~~ 2567
 require additional examinations if the board's physician 2568
 determines that additional information should be obtained. If a 2569
 disability benefit recipient fails to submit to a medical 2570
 examination, the recipient's disability benefit shall be suspended 2571
 until the examination has occurred. If the failure continues for 2572
 one year or the disability benefit is terminated for any reason 2573
 during the one-year period, all the recipient's rights under and 2574
 to the disability benefit shall be terminated as of the effective 2575
 date of the ~~original~~ suspension. 2576

After the examination, the examiner shall report ~~and certify~~ 2577
 to the board whether the disability benefit recipient is no longer 2578
~~physically and mentally~~ incapable of resuming the service from 2579
 which the recipient was found disabled. If the examiner determines 2580
that the disability benefit recipient is no longer incapable of 2581
resuming the service from which the recipient was found disabled, 2582
the retirement board shall appoint a medical review board composed 2583
of at least three disinterested physicians to evaluate the 2584

examiner's report. The medical review board shall report its 2585
finding to the retirement board. If the retirement board concurs 2586
in a ~~report~~ finding by the ~~examining physician~~ medical review 2587
board that the disability benefit recipient is no longer 2588
incapable, the board shall order termination of payment of a 2589
disability benefit as follows: 2590

(1) Immediately upon employment as a teacher; 2591

(2) If the leave of absence has not expired and the recipient 2592
is not employed as a teacher, the later of the last day of the 2593
third month following the board's termination or the following 2594
thirty-first day of August; 2595

(3) If the leave of absence has expired and the recipient is 2596
not employed as a teacher, the last day of the third month 2597
following the board's termination. 2598

The board shall provide notice to the recipient of the 2599
board's order. At the request of the recipient, a hearing on the 2600
order shall be conducted in accordance with procedures established 2601
by the board. If the leave of absence has not expired, the board 2602
shall so certify to the disability benefit recipient's last 2603
employer before being found disabled that the recipient is no 2604
longer ~~physically and mentally~~ incapable of resuming service that 2605
is the same or similar to that from which the recipient was found 2606
disabled. If the recipient was under contract at the time the 2607
recipient was found disabled, the employer by the first day of the 2608
next succeeding year shall restore the recipient to the 2609
recipient's previous position and salary or to a position and 2610
salary similar thereto, unless the recipient was dismissed or 2611
resigned in lieu of dismissal for dishonesty, misfeasance, 2612
malfeasance, or conviction of a felony. 2613

(D) An individual receiving a disability benefit from the 2614

system shall be ineligible to perform any teaching service, as
 defined by the board. A disability benefit shall immediately
 terminate if the disability benefit recipient performs any
 teaching service in this state or elsewhere. The board shall
 notify the recipient that the benefit is terminated. The recipient
 may submit, not later than thirty days after the date the notice
 is sent, to the board information specifying that the disability
 recipient did not perform teaching services while receiving
 disability benefits along with any supporting evidence available
 to the recipient. The board shall review the information and any
 accompanying evidence to determine whether the individual
 performed teaching services. The board may designate an individual
 to review the information and submit a recommendation to the
 board. The board shall determine whether the benefit was correctly
 terminated. If not, the benefit shall be reinstated and any missed
 payments paid to the recipient. The board's decision is final.

(E) If any employer should employ or reemploy a disability
 benefit recipient prior to the termination of a disability
 benefit, the employer shall ~~file~~ submit a notice of employment
 with the board designating the date of the employment. If the
 disability benefit recipient received a disability benefit and
 performed teaching services for all or any part of the same month,
 the recipient shall repay to the annuity and pension reserve fund
 the amount of the disability benefit received by the recipient
 from the beginning of employment.

(F) Each disability benefit recipient shall ~~file with~~ submit
~~to~~ the board an annual statement of earnings, current medical
 information on the recipient's condition, and any other
 information required in rules adopted by the board. The board may
 waive the requirement that a disability benefit recipient ~~file~~
submit an annual statement of earnings or current medical

information if the board's physician certifies that the 2646
 recipient's disability is ongoing. 2647

The board shall annually examine the information submitted by 2648
 the recipient. If a disability benefit recipient fails to ~~file~~ 2649
~~submit~~ the statement or information, the disability benefit shall 2650
 be suspended until the statement and information are ~~filed~~ 2651
~~submitted~~. If the failure continues for one year or the disability 2652
 benefit is terminated for any reason during the one-year period, 2653
 the recipient's right to the disability benefit shall be 2654
 terminated as of the effective date of the ~~original~~ suspension. 2655

(G) A disability benefit may be terminated by the board at 2656
 the request of the disability benefit recipient. 2657

(H) If disability retirement under section 3307.63 of the 2658
 Revised Code is terminated for any reason, the annuity and pension 2659
 reserves at that time in the annuity and pension reserve fund 2660
 shall be transferred to the teachers' savings fund and the 2661
 employers' trust fund, respectively. If the total disability 2662
 benefit paid was less than the amount of the accumulated 2663
 contributions of the member transferred to the annuity and pension 2664
 reserve fund at the time of the member's disability retirement, 2665
 then the difference shall be transferred from the annuity and 2666
 pension reserve fund to another fund as required. In determining 2667
 the amount of a member's account following the termination of 2668
 disability retirement for any reason, the total amount paid shall 2669
 be charged against the member's refundable account. 2670

(I) If a disability allowance paid under section 3307.631 of 2671
 the Revised Code is terminated for any reason, the reserve on the 2672
 allowance at that time in the annuity and pension reserve fund 2673
 shall be transferred from that fund to the employers' trust fund. 2674

(J) A former disability benefit recipient shall receive 2675

credit for the period as a disability benefit recipient if either 2676
of the following occurs: 2677

(1) The former disability recipient again becomes a 2678
contributor, other than as an other system retirant under section 2679
3307.35 of the Revised Code, to this retirement system in the STRS 2680
defined benefit plan or to the school employees retirement system, 2681
or the public employees retirement system in the PERS defined 2682
benefit plan, and completes at least two additional years of 2683
service credit; 2684

(2) The former disability benefit recipient again becomes a 2685
contributor, other than as an other system retirant under section 2686
3307.35 of the Revised Code, to this retirement system in the STRS 2687
defined contribution plan and completes at least two additional 2688
years of service credit. 2689

Credit may be received for more than one period of leave as a 2690
disability benefit recipient, except that for credit received on 2691
or after July 1, 2013, the total number of years received shall 2692
not exceed the lesser of the years of contributing service 2693
following the termination of disability benefits or five years of 2694
total service credit. 2695

Sec. 3307.501. (A) As used in this section, "percentage 2696
increase" means the percentage that an increase in compensation is 2697
of the compensation paid prior to the increase. 2698

(B) For the purpose of determining final average salary under 2699
this section, "compensation" has the same meaning as in section 2700
3307.01 of the Revised Code, except that it does not include any 2701
amount resulting from a percentage increase paid to a member 2702
during the member's two highest years of compensation, and any 2703
partial year of compensation as determined under divisions (C)(1) 2704
and (2) of this section to which the percentage increase also 2705

applies, if the percentage increase exceeds the greater of the 2706
following: 2707

(1) The highest percentage increase in compensation paid to 2708
the member during any of the three years immediately preceding the 2709
earlier of the member's two highest years of compensation; 2710

(2) A percentage increase paid to the member as part of an 2711
increase generally applicable to members employed by the employer. 2712
An increase shall be considered generally applicable if it is paid 2713
to members employed by a school district board of education in 2714
positions requiring a license issued under section 3319.22 of the 2715
Revised Code in accordance with uniform criteria applicable to all 2716
such members or if paid to members employed by an employer other 2717
than a school district board of education in accordance with 2718
uniform criteria applicable to all such members. 2719

(C) The state teachers retirement board shall determine the 2720
final average salary of a member as follows: 2721

(1) For benefits beginning before August 1, 2015, by dividing 2722
the sum of the member's annual compensation for the three highest 2723
years of compensation for which the member made contributions plus 2724
any amount determined under division (E) of this section by three, 2725
except that if the member has a partial year of contributing 2726
service in the year the member's employment terminates and the 2727
compensation for the partial year is at a rate higher than the 2728
rate of compensation for any one of the member's highest three 2729
years of compensation, the board shall substitute the compensation 2730
for the partial year for the compensation for the same portion of 2731
the lowest of the member's three highest years of compensation; 2732

(2) For benefits beginning on or after August 1, 2015, except 2733
as provided in division (C)(3) of this section, by dividing the 2734
sum of the member's annual compensation for the five highest years 2735

of compensation for which the member made contributions plus any 2736
amount determined under division (E) of this section by five, 2737
except that if the member has a partial year of contributing 2738
service in the year the member's employment terminates and the 2739
compensation for the partial year is at a rate higher than the 2740
rate of compensation for any one of the member's highest five 2741
years of compensation, the board shall substitute the compensation 2742
for the partial year for the compensation for the same portion of 2743
the lowest of the member's five highest years of compensation; 2744

(3) For benefits beginning on or after August 1, 2015, that 2745
were preceded by a disability benefit effective before that date 2746
and with no break in benefits, by dividing the sum of the member's 2747
annual compensation for the three highest years of compensation 2748
for which the member made contributions plus any amount determined 2749
under division (E) of this section by three, except that if the 2750
member has a partial year of contributing service in the year the 2751
member's employment terminates and the compensation for the 2752
partial year is at a rate higher than the rate of compensation for 2753
any one of the member's highest three years of compensation, the 2754
board shall substitute the compensation for the partial year for 2755
the compensation for the same portion of the lowest of the 2756
member's three highest years of compensation. 2757

If a member has less than the requisite years of contributing 2758
membership, the member's final average salary shall be the 2759
member's total compensation for the period of contributing 2760
membership plus any amount determined under division (E) of this 2761
section divided by the total years, including any portion of a 2762
year, of contributing service. 2763

For the purpose of calculating benefits payable to a member 2764
qualifying for service credit under division (I) of section 2765
3307.01 of the Revised Code, the board shall calculate the 2766

member's final average salary by dividing the member's total 2767
 compensation as a teacher covered under this chapter plus any 2768
 amount determined under division (E) of this section by the total 2769
 number of years, including any portion of a year, of contributing 2770
 membership during that period. If contributions were made for less 2771
 than twelve months, the member's final average salary is the total 2772
 amount of compensation paid to the member during all periods of 2773
 contributions under this chapter. 2774

(D) Contributions made by a member on amounts that, pursuant 2775
 to division (B) of this section, are not compensation or are not 2776
 included, pursuant to division (E) of this section, for the 2777
 purpose of determining final average salary shall be treated as 2778
 additional deposits to the member's account under section 3307.26 2779
 of the Revised Code and used to provide additional annuity income. 2780

(E) The state teachers retirement board shall adopt rules 2781
 establishing criteria and procedures for administering this 2782
 division. 2783

The board shall notify each applicant for retirement of any 2784
 amount excluded from the applicant's compensation in accordance 2785
 with division (B) of this section and of the procedures 2786
 established by the board for requesting a hearing on this 2787
 exclusion. 2788

Any applicant for retirement who has had any amount excluded 2789
 from the applicant's compensation in accordance with division (B) 2790
 of this section may request a hearing on this exclusion. Upon 2791
 receiving such a request, the board shall determine in accordance 2792
 with its criteria and procedures whether, for good cause as 2793
 determined by the board, all or any portion of any amount excluded 2794
 from the applicant's compensation in accordance with division (B) 2795
 of this section, up to a maximum of seventy-five hundred dollars, 2796

is to be included in the determination of final average salary 2797
 under division (C) of this section. Any determination of the board 2798
 under this division shall be final. 2799

Sec. 3307.56. (A)(1) Subject to section 3307.37 of the 2800
 Revised Code and except as provided in division (B)(2) of this 2801
 section, a member participating in the STRS defined benefit plan 2802
 who ceases to be a teacher for any cause other than death, 2803
 retirement, receipt of a disability benefit, or current employment 2804
 in a position in which the member has elected to participate in an 2805
 alternative retirement plan under section 3305.05 or 3305.051 of 2806
 the Revised Code, upon application, shall be paid the accumulated 2807
 contributions standing to the credit of the member's individual 2808
 account in the teachers' savings fund plus an amount calculated in 2809
 accordance with section 3307.563 of the Revised Code. If the 2810
 member or the member's legal representative cannot be found within 2811
 ten years after the member ceased making contributions pursuant to 2812
 section 3307.26 of the Revised Code, the accumulated contributions 2813
 may be transferred to the guarantee fund and thereafter paid to 2814
 the member, to the member's beneficiaries, or to the member's 2815
 estate, upon proper application. 2816

(2) A member described in division (A)(1) of this section who 2817
 is married at the time of application for payment and is eligible 2818
 for age and service retirement under section 3307.58 or 3307.59 of 2819
 the Revised Code or would be eligible for age and service 2820
 retirement under either of those sections but for a forfeiture 2821
 ordered under division (A) or (B) of section 2929.192 of the 2822
 Revised Code shall submit with the application a written statement 2823
 by the member's spouse attesting that the spouse consents to the 2824
 payment of the member's accumulated contributions. Consent shall 2825
 be valid only if it is signed and witnessed by a notary public. If 2826
 the statement is not submitted under this division, the 2827

application shall be considered an application for service 2828
 retirement and shall be subject to division ~~(G)~~(I)(1) of section 2829
 3307.60 of the Revised Code. 2830

The state teachers retirement board may waive the requirement 2831
 of consent if the spouse is incapacitated or cannot be located, or 2832
 for any other reason specified by the board. Consent or waiver is 2833
 effective only with regard to the spouse who is the subject of the 2834
 consent or waiver. 2835

(B) This division applies to any member who is employed in a 2836
 position in which the member has elected under section 3305.05 or 2837
 3305.051 of the Revised Code to participate in an alternative 2838
 retirement plan and due to the election ceases to be a teacher for 2839
 the purposes of that position. 2840

Subject to section 3307.37 of the Revised Code, the state 2841
 teachers retirement system shall do the following: 2842

(1) On receipt of a certified copy of an election under 2843
 section 3305.05 or 3305.051 of the Revised Code, pay, in 2844
 accordance with section 3305.052 of the Revised Code, the amount 2845
 described in that section to the appropriate provider; 2846

(2) If a member has accumulated contributions, in addition to 2847
 those subject to division (B)(1) of this section, standing to the 2848
 credit of a member's individual account and is not otherwise in a 2849
 position in which the member is considered a teacher for the 2850
 purposes of that position, pay, to the provider the member 2851
 selected pursuant to section 3305.05 or 3305.051 of the Revised 2852
 Code, the accumulated contributions standing to the credit of the 2853
 member's individual account in the teachers' saving fund plus an 2854
 amount calculated in accordance with section 3307.563 of the 2855
 Revised Code. The payment shall be made on the member's 2856
 application. 2857

(C) Payment of a member's accumulated contributions under 2858
 division (B) of this section cancels the member's total service 2859
 credit in the state teachers retirement system. A member whose 2860
 accumulated contributions are paid to a provider pursuant to 2861
 division (B) of this section is forever barred from claiming or 2862
 purchasing service credit under the state teachers retirement 2863
 system for the period of employment attributable to those 2864
 contributions. 2865

Sec. 3307.562. (A) As used in this section and section 2866
 3307.66 of the Revised Code: 2867

(1) "Child" means a biological or legally adopted child of a 2868
 deceased member. If a court hearing for an interlocutory decree 2869
 for adoption was held prior to the member's death, "child" 2870
 includes the child who was the subject of the hearing if a final 2871
 decree of adoption adjudging the member's spouse as the adoptive 2872
 parent is made subsequent to the member's death. 2873

(2) "Parent" is a parent or legally adoptive parent of a 2874
 deceased member. 2875

(3) "Dependent" means a beneficiary who receives at least 2876
 one-half of the beneficiary's support from a member during the 2877
 twelve months prior to the member's death. 2878

(4) "Surviving spouse" means an individual who establishes a 2879
 valid marriage to a member at the time of the member's death by 2880
 marriage certificate or pursuant to division (E) of this section. 2881

(5) "Survivor" means a spouse, child, or dependent parent. 2882

(B) Except as provided in division (B) of section 3307.563 or 2883
 division (G)(1) of section 3307.66 of the Revised Code, should a 2884
 member who is participating in the STRS defined benefit plan die 2885
 before service retirement, the member's accumulated contributions, 2886

plus an amount calculated in accordance with section 3307.563 of the Revised Code, and any amounts owed and unpaid to a disability benefit recipient shall be paid to such beneficiaries as the member has nominated by written designation signed by the member and received by the state teachers retirement board prior to death. A member may designate two or more persons as beneficiaries to be paid the amount determined under this division. On and after July 1, 2013, and subject to rules adopted by the board, a member who designates two or more persons as beneficiaries shall specify the percentage of the amount that each beneficiary is to be paid. If the member has not specified the percentages, the amount shall be divided equally among the designated beneficiaries. If a designated beneficiary is deceased, the amount allocated to the deceased beneficiary shall be allocated to the remaining beneficiaries based on each remaining beneficiary's initial percentage. The nomination of beneficiary shall be on a form provided by the retirement board. The last nomination of any beneficiary revokes all previous nominations. The member's marriage, divorce, marriage dissolution, legal separation, or withdrawal of account, or the birth of the member's child, or the member's adoption of a child, shall constitute an automatic revocation of the member's previous designation. If a deceased member was also a member of the public employees retirement system or the school employees retirement system, the beneficiary last established among the systems shall be the sole beneficiary in all the systems.

Any beneficiary ineligible for monthly survivor benefits as provided by section 3307.66 of the Revised Code may waive in writing all claim to any benefits and such waiver shall thereby put in effect the succession of beneficiaries under division (C) of this section, provided the beneficiary thereunder is

immediately eligible and agrees in writing to accept survivor 2918
 benefits as provided by section 3307.66 of the Revised Code. If 2919
 the accumulated contributions of a deceased member are not claimed 2920
 by a beneficiary, or by the estate of the deceased member, within 2921
 ten years, they shall be transferred to the guarantee fund and 2922
 thereafter paid to such beneficiary or to the member's estate upon 2923
 application to the board. The board shall formulate and adopt 2924
 rules governing all designations of beneficiaries. 2925

(C) Except as provided in division (G)(1) of section 3307.66 2926
 of the Revised Code, if a member dies before service retirement 2927
 and is not survived by a designated beneficiary, any beneficiaries 2928
 shall qualify, in the following order of precedence, with all 2929
 attendant rights and privileges: 2930

(1) Surviving spouse; 2931

(2) Children, share and share alike; 2932

(3) A dependent parent, if that parent elects to take 2933
 survivor benefits under division (C)(2) of section 3307.66 of the 2934
 Revised Code; 2935

(4) Parents, share and share alike; 2936

(5) Estate. 2937

If any survivor dies before payment is made under this 2938
 section or is not located prior to the ninety-first day after the 2939
 board receives notification of the member's death, the survivor 2940
 next in order of precedence shall qualify as a beneficiary, 2941
 provided that benefits under division (C)(2) of section 3307.66 of 2942
 the Revised Code are elected. In the event that the beneficiary 2943
 originally determined is subsequently located, the beneficiary may 2944
 qualify for benefits under division (C)(2) of section 3307.66 of 2945
 the Revised Code upon meeting the conditions of eligibility set 2946

forth in division (B) of that section, but in no case earlier than 2947
 the first day of the month following application by such 2948
 beneficiary. Any payment made to a beneficiary as determined by 2949
 the board shall be a full discharge and release to the board from 2950
 any future claims. 2951

(D)(1) Any amount due any person, as an annuitant, receiving 2952
 a monthly benefit, and unpaid to the annuitant at death, shall be 2953
 paid to the beneficiary named by written designation signed by the 2954
 annuitant and received by the state teachers retirement board 2955
 prior to death. If no such designation has been ~~filed~~ submitted, 2956
 or if the beneficiary designated is deceased or is not located 2957
 prior to the ninety-first day after the board receives 2958
 notification of the annuitant's death, such amount shall be paid, 2959
 in the following order of precedence to the annuitant's: 2960

(a) Surviving spouse; 2961

(b) Children, share and share alike; 2962

(c) Parents, share and share alike; 2963

(d) Estate. 2964

(2) If there is no beneficiary under division (D)(1) of this 2965
 section, an amount not exceeding the cost of the annuitant's 2966
 burial expenses may be paid to the person responsible for the 2967
 burial expenses. 2968

For purposes of this division an "annuitant" is the last 2969
 person who received a monthly benefit pursuant to the plan of 2970
 payment selected by the former member. Such payment shall be a 2971
 full discharge and release to the board from any future claim for 2972
 such payment. 2973

(E) If the validity of marriage cannot be established to the 2974
 satisfaction of the board for the purpose of disbursing any amount 2975

due under this section or section 3307.66 of the Revised Code, the
board may accept a decision rendered by a court having
jurisdiction in the state in which the member was domiciled at the
time of death that the relationship constituted a valid marriage
at the time of death, or the "spouse" would have the same status
as a widow or widower for purposes of sharing the distribution of
the member's intestate personal property.

(F) As used in this division, "recipient" means an individual
who is receiving or may be eligible to receive an allowance or
benefit under this chapter based on the individual's service to an
employer.

If the death of a member, a recipient, or any individual who
would be eligible to receive an allowance or benefit under this
chapter by virtue of the death of a member or recipient is caused
by one of the following beneficiaries, no amount due under this
chapter to the beneficiary shall be paid to the beneficiary in the
absence of a court order to the contrary ~~filed with~~ submitted to
the board:

(1) A beneficiary who is convicted of, pleads guilty to, or
is found not guilty by reason of insanity of a violation of or
complicity in the violation of either of the following:

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

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

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

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

Sec. 3307.58. (A) As used in this section, "qualifying service credit" means all of the following:

(1) Credit earned under section 3307.53 or for which contributions were made under section 145.47 or 3309.47 of the Revised Code;

(2) Credit restored under section 145.31, 3307.71, or 3309.26 of the Revised Code;

(3) Credit purchased under section 145.302, 3307.752, or 3309.022, or division (D) of section 5505.16 of the Revised Code, or obtained under section 742.521 of the Revised Code;

(4) Credit obtained under section 3307.761, 3307.763, or 3307.765 of the Revised Code other than military service credit as defined in section 3307.761 of the Revised Code, except that "qualifying service credit" includes credit obtained under section 3307.761, 3307.763, or 3307.765 of the Revised Code that was initially purchased under division (D) of section 5505.16 of the Revised Code or obtained under section 742.521 of the Revised Code.

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

(1) Except as provided in division (B)(3) of this section, a

member is eligible to retire under this division if any of the	3034
following is the case:	3035
(a) The member has five or more years of qualifying service	3036
credit and has attained age sixty-five;	3037
(b) The member is applying for service retirement following	3038
termination of a disability benefit received under section 3307.63	3039
or 3307.631 of the Revised Code and has five or more years of	3040
total service credit <u>and has attained age sixty-five</u> ;	3041
(c) The member meets one of the following requirements:	3042
(i) Before August 1, 2015, has thirty or more years of	3043
service credit at any age;	3044
(ii) On or after August 1, 2015, but before August 1, 2017,	3045
has thirty-one or more years of service credit at any age;	3046
(iii) On or after August 1, 2017, but before August 1, 2019,	3047
has thirty-two or more years of service credit at any age;	3048
(iv) On or after August 1, 2019, but before August 1, 2021,	3049
has thirty-three or more years of service credit at any age;	3050
(v) On or after August 1, 2021, but before August 1, 2023,	3051
has thirty-four or more years of service credit at any age;	3052
(vi) On or after August 1, 2023, but before August 1, 2026,	3053
has thirty-five or more years of service credit at any age;	3054
(vii) On or after August 1, 2026, has thirty-five or more	3055
years of service credit and has attained age sixty.	3056
(2) Except as provided in division (B)(3) of this section, a	3057
member is eligible to retire under this division if any of the	3058
following is the case:	3059
(a) The member has five or more years of qualifying service	3060

credit and has attained age sixty;	3061
(b) The member is applying for service retirement following termination of a disability benefit received under section 3307.63 or 3307.631 of the Revised Code and has five or more years of total service credit <u>and has attained age sixty</u> ;	3062 3063 3064 3065
(c) The member meets one of the following requirements:	3066
(i) Before August 1, 2015, has twenty-five or more years of service credit and has attained age fifty-five;	3067 3068
(ii) On or after August 1, 2015, but before August 1, 2017, has twenty-six or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;	3069 3070 3071 3072
(iii) On or after August 1, 2017, but before August 1, 2019, has twenty-seven or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;	3073 3074 3075 3076
(iv) On or after after August 1, 2019, but before August 1, 2021, has twenty-eight or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;	3077 3078 3079 3080
(v) On or after August 1, 2021, but before August 1, 2023, has twenty-nine or more years of service credit and has attained age fifty-five or has thirty or more years of service credit at any age;	3081 3082 3083 3084
(vi) On or after August 1, 2023, has thirty or more years of service credit at any age.	3085 3086
(3) The board may adjust the retirement eligibility requirements of this section if the board's actuary, in its annual	3087 3088

actuarial valuation required by section 3307.51 of the Revised Code or in other evaluations conducted under that section, determines that an adjustment does not materially impair the fiscal integrity of the retirement system or is necessary to preserve the fiscal integrity of the system.

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

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

(2) The attainment of minimum age and service credit eligibility for benefits provided under this section;

(3) The termination of a disability benefit received under section 3307.63 or 3307.631 of the Revised Code and attainment of minimum age and service credit eligibility for benefits provided under this section.

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

(a) Eighty-six dollars;

(b) The sum of the following amounts:

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

(A)(2) or (B) of former section 3307.513 of the Revised Code, 3118
former section 3307.514 of the Revised Code, section 3307.72 of 3119
the Revised Code earned after July 1, 1978, or any combination of 3120
service credit under those sections; 3121

(ii) For each year or fraction of a year of Ohio service 3122
credit in excess of thirty years, two and two-tenths per cent of 3123
the member's final average salary or, subject to the limitation 3124
described in division (D)(1)(c) of this section, if the member has 3125
more than thirty years service credit under section 3307.48, 3126
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3127
3307.765, 3307.77, or 3307.771 of the Revised Code, division 3128
(A)(2) or (B) of former section 3307.513 of the Revised Code, 3129
former section 3307.514 of the Revised Code, section 3307.72 of 3130
the Revised Code earned after July 1, 1978, or any combination of 3131
service credit under those sections, the per cent of final average 3132
salary shown in the following schedule for each corresponding year 3133
or fraction of a year of service credit under those sections that 3134
is in excess of thirty years: 3135

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%	3136
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3137
32.01 - 33.00	2.7	37.01 - 38.00	3.2	3138
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3139
34.01 - 35.00	2.9			3140

For purposes of this schedule, years of service credit shall be 3145
rounded to the nearest one-hundredth of a year. 3146

(c) For purposes of division (D)(1) of this section, a 3147

percentage of final average salary in excess of two and two-tenths 3148
per cent shall be applied to service credit under section 3307.57 3149
of the Revised Code only if the service credit was established 3150
under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3151
3309.021, 3309.022, or 3309.47 of the Revised Code or restored 3152
under section 145.31 or 3309.26 of the Revised Code. 3153

(2)(a) Except as provided in division (E) of this section, 3154
the annual single lifetime benefit of a member whose retirement 3155
effective date is on or after August 1, 2013, but before August 1, 3156
2015, shall be the amount determined by the member's Ohio service 3157
credit multiplied by the sum of the following amounts: 3158

(i) For each of the first thirty years of Ohio service 3159
credit, two and two-tenths per cent of the member's final average 3160
salary or, subject to the limitation described in division 3161
(D)(2)(b) of this section, two and five-tenths per cent of the 3162
member's final average salary if the member has thirty-five or 3163
more years of service credit under section 3307.48, 3307.53, 3164
3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3165
3307.765, 3307.77, or 3307.771 of the Revised Code, division 3166
(A)(2) or (B) of former section 3307.513 of the Revised Code, 3167
former section 3307.514 of the Revised Code, section 3307.72 of 3168
the Revised Code earned after July 1, 1978, or any combination of 3169
service credit under those sections; 3170

(ii) For each year or fraction of a year of Ohio service 3171
credit in excess of thirty years, two and two-tenths per cent of 3172
the member's final average salary or, subject to the limitation 3173
described in division (D)(2)(b) of this section, if the member has 3174
more than thirty years service credit under section 3307.48, 3175
3307.53, 3307.57, 3307.75, 3307.751, 3307.752, 3307.761, 3307.763, 3176
3307.765, 3307.77, or 3307.771 of the Revised Code, division 3177

(A)(2) or (B) of former section 3307.513 of the Revised Code, 3178
former section 3307.514 of the Revised Code, section 3307.72 of 3179
the Revised Code earned after July 1, 1978, or any combination of 3180
service credit under those sections, the per cent of final average 3181
salary shown in the following schedule for each corresponding year 3182
or fraction of a year of service credit under those sections that 3183
is in excess of thirty years: 3184

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%	3185
31.01 - 32.00	2.6	36.01 - 37.00	3.1	3186
32.01 - 33.00	2.7	37.01 - 38.00	3.2	3187
33.01 - 34.00	2.8	38.01 - 39.00	3.3	3188
34.01 - 35.00	2.9			3189

For purposes of this schedule, years of service credit shall be 3194
rounded to the nearest one-hundredth of a year. 3195

(b) For purposes of division (D)(2)(a)(ii) of this section, a 3196
percentage of final average salary in excess of two and two-tenths 3197
per cent shall be applied to service credit under section 3307.57 3198
of the Revised Code only if the service credit was established 3199
under section 145.30, 145.301, 145.302, 145.47, 145.483, 3309.02, 3200
3309.021, 3309.022, or 3309.47 of the Revised Code or restored 3201
under section 145.31 or 3309.26 of the Revised Code. 3202

(3) Except as provided in division (E) of this section, the 3203
annual single lifetime benefit of a member whose retirement 3204
effective date is on or after August 1, 2015, shall be the amount 3205
determined by the member's service credit multiplied by two and 3206
two-tenths per cent of the member's final average salary. 3207

(E)(1) The annual single lifetime benefit of a member 3208
described in division (B)(2) of this section whose service 3209
retirement is effective before August 1, 2015, shall be adjusted 3210
by the greater per cent shown in the following schedule opposite 3211
the member's attained age or Ohio service credit. 3212

Attained Age	or	Years of Ohio Service Credit	Per Cent of Base Amount	
				3213
				3214
				3215
58		25	75%	3216
59		26	80	3217
60		27	85	3218
61			88	3219
		28	90	3220
62			91	3221
63			94	3222
		29	95	3223
64			97	3224
65		30 or more	100	3225

(2) The annual single lifetime benefit of a member described 3226
in division (B)(2) of this section whose service retirement is 3227
effective on or after August 1, 2015, shall be reduced by a 3228
percentage determined by the board's actuary for each year the 3229
member retires before attaining the applicable age and service 3230
credit specified in division (B)(1) of this section. The board's 3231
actuary may use an actuarially based average percentage reduction 3232
for this purpose. 3233

(F) Notwithstanding any other provision of this section, on 3234
application, a member who, as of July 1, 2015, has five or more 3235
years of Ohio service credit and has attained age sixty, has 3236
twenty-five or more years of Ohio service credit and has attained 3237
age fifty-five, or has thirty or more years of Ohio service credit 3238

shall be granted service retirement according to former section 3239
 3307.58 of the Revised Code as in effect immediately prior to 3240
 January 7, 2013. The member's benefit shall be the greater of the 3241
 amount the member would have been eligible for had the member 3242
 retired effective July 1, 2015, or the amount determined under 3243
 division (D)(3) of this section. 3244

(G) The annual single lifetime benefit determined under 3245
 division (D) or (E) of this section shall not exceed the lesser of 3246
 one hundred per cent of the final average salary or the limit 3247
 established by section 415 of the "Internal Revenue Code of 1986," 3248
 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 3249

(H) The annual single lifetime benefit of a member whose 3250
 retirement effective date is before August 1, 2013, shall be the 3251
 greater of the amounts determined under division (D)(1) or (E)(1) 3252
 of this section as appropriate or under this division. The benefit 3253
 shall not exceed the lesser of the sum of the following amounts or 3254
 the limit established by section 415 of the "Internal Revenue Code 3255
 of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended: 3256

(1) An annuity with a reserve equal to the member's 3257
 accumulated contributions; 3258

(2) A pension equal to the amount in division (H)(1) of this 3259
 section; 3260

(3) An additional pension of forty dollars annually 3261
 multiplied by the number of years of prior and military service 3262
 credit, except years of credit purchased under section 3307.751 or 3263
 3307.752 of the Revised Code. 3264

(I) If a member's disability benefit was terminated under 3265
 section 3307.48 of the Revised Code and the member's retirement 3266
 under this section is effective on the first day of the month 3267

following the last day for which the disability benefit was paid, 3268
 the member's annual single lifetime benefit determined under 3269
 division (D) or (E) of this section shall be increased by a 3270
 percentage equal to the total of any percentage increases the 3271
 member received under section 3307.67 of the Revised Code, plus 3272
 any additional amount the member received under this chapter while 3273
 receiving the disability benefit. The increase shall be based on 3274
 the plan of payment selected by the member under section 3307.60 3275
 of the Revised Code. However, the benefit used to calculate any 3276
 future increases under section 3307.67 of the Revised Code shall 3277
 be based on the plan of payment selected by the member, plus any 3278
 additional amount added to the benefit determined under this 3279
 division that established a new base benefit to the member. 3280

(J) Benefits determined under this section shall be paid as 3281
 provided in section 3307.60 of the Revised Code. 3282

Sec. 3307.60. (A) Upon application for retirement as provided 3283
 in section 3307.58 or 3307.59 of the Revised Code, the retirant 3284
 may elect a plan of payment under this division or, on and after 3285
 the date specified in division (B) of this section, a plan of 3286
 payment under that division. Under this division, the retirant may 3287
 elect to receive a single lifetime benefit, or may elect to 3288
 receive the actuarial equivalent of the retirant's benefit in a 3289
 lesser amount, payable for life, and continuing after death to a 3290
 beneficiary under one of the following optional plans: 3291

(1) Option 1. The retirant's lesser benefit shall be paid for 3292
 life to the sole beneficiary named at retirement. 3293

(2) Option 2. Some other portion of the retirant's benefit 3294
 shall be paid for life to the sole beneficiary named at 3295
 retirement. The beneficiary's monthly amount shall not exceed the 3296
 monthly amount payable to the retirant during the retirant's 3297

lifetime. 3298

(3) Option 3. The retirant's lesser benefit established as 3299
 provided under option 1 or option 2 shall be paid for life to the 3300
 sole beneficiary named at retirement, except that in the event of 3301
 the death of the sole beneficiary or termination of a marital 3302
 relationship between the retirant and the sole beneficiary the 3303
 retirant may elect to return to a single lifetime benefit 3304
 equivalent as determined by the state teachers retirement board, 3305
 if, in the case of termination of a marital relationship, the 3306
 election is made with the written consent of the beneficiary or 3307
 pursuant to an order of the court with jurisdiction over 3308
 termination of the marital relationship. 3309

(4) Option 4. The retirant's lesser benefit or a portion of 3310
 the retirant's lesser benefit shall be paid for life to two, 3311
 three, or four surviving beneficiaries named at retirement. The 3312
 portion of the allowance that continues after the member's death 3313
 shall be allocated among the beneficiaries at the time of the 3314
 member's retirement. If the retirant elects this plan as required 3315
 by a court order issued under section 3105.171 or 3105.65 of the 3316
 Revised Code or the laws of another state regarding the division 3317
 of marital property and compliance with the court order requires 3318
 the allocation of a portion less than ten per cent to any person, 3319
 the retirant shall allocate a portion less than ten per cent to 3320
 that beneficiary in accordance with that order. In all other 3321
 circumstances, no portion allocated under this plan of payment 3322
 shall be less than ten per cent. The total of the portions 3323
 allocated shall not exceed one hundred per cent of the retirant's 3324
 lesser allowance. In the event of the death of a beneficiary or 3325
 termination of a marital relationship between the retirant and a 3326
 beneficiary, the retirant may elect to cancel the portion of the 3327
 plan of payment providing continuing lifetime benefits to that 3328

beneficiary except that, in the case of termination of a marital 3329
 relationship, the election may be made only with the written 3330
 consent of the beneficiary or pursuant to an order of the court 3331
 with jurisdiction over termination of the marital relationship. 3332
 The retirant shall receive the actuarial equivalent of the 3333
 remainder of the retirant's single lifetime benefit based on the 3334
 number of remaining beneficiaries, with no change in the amount 3335
 payable to any remaining beneficiary. 3336

(5) Option 5. Upon the retirant's death before the expiration 3337
 of a certain period from the retirement date and elected by the 3338
 retirant, and approved by the board, the retirant's benefit shall 3339
 be continued for the remainder of such period to the beneficiary. 3340
 Monthly benefits shall not be paid to joint beneficiaries, but 3341
 they may receive the present value of any remaining payments in a 3342
 lump sum settlement. If all beneficiaries die before the 3343
 expiration of the certain period, the present value of all 3344
 payments yet remaining in such period shall be paid to the estate 3345
 of the beneficiary last receiving. 3346

(6) Option 6. A plan of payment established by the state 3347
 teachers retirement board combining any of the features of options 3348
 1, 2, and 5. 3349

(B) ~~Beginning on a date selected by the state teachers~~ 3350
~~retirement board, which shall be not later than July October 1,~~ 3351
~~2004 2002,~~ a retirant may elect, in lieu of a plan of payment 3352
 under division (A) of this section, a plan consisting of both of 3353
 the following: 3354

(1) A lump sum in an amount the member designates that 3355
 constitutes a portion of the member's single lifetime benefit; 3356

(2) Either of the following: 3357

- (a) The remainder of the retirant's single lifetime benefit; 3358
- (b) The actuarial equivalent of the remainder of the 3359
retirant's benefit in a lesser amount, payable for life, and 3360
continuing after death to a beneficiary under one of the options 3361
described in divisions (A)(1) to (6) of this section. 3362
- The amount designated by the member under division (B)(1) of 3363
this section shall be not less than six times and not more than 3364
thirty-six times the monthly amount that would be payable to the 3365
member as a single lifetime benefit and shall not result in a 3366
monthly allowance that is less than fifty per cent of that amount. 3367
- (C) A retirant shall not elect a plan of payment under 3368
division (A) or (B) of this section that results in a monthly 3369
payment of the retirant's lesser benefit to a beneficiary of one 3370
hundred dollars or less a month. This division does not apply to a 3371
retirant who is subject to division (I)(1) of this section. 3372
- (D) Until the first payment is made to a former member under 3373
section 3307.58 or 3307.59 of the Revised Code, the former member 3374
may change the selection of a plan of payment. 3375
- ~~(D)~~(E)(1) If a deceased member was eligible for but had not 3376
yet been awarded a service retirement benefit under section 3377
3307.58 or 3307.59 of the Revised Code at the time of death, 3378
option 1 as provided for in division (A)(1) of this section shall 3379
be paid to the spouse or other sole dependent beneficiary. 3380
- (2) Beginning on ~~a date selected by the board, which shall be 3381
not later than July~~ October 1, ~~2004~~ 2002, the spouse or sole 3382
beneficiary may elect, in lieu of option 1, a plan of payment 3383
consisting of both of the following: 3384
- (a) A lump sum in an amount the spouse or other sole 3385
dependent beneficiary designates that constitutes a portion of the 3386

retirant's single life annuity; 3387

(b) The actuarial equivalent of the remainder of the 3388
retirant's single life annuity paid as a benefit under option 1 3389
for life to the spouse or other sole dependent beneficiary. 3390

The amount designated by the spouse or other sole dependent 3391
beneficiary under division ~~(D)~~(E)(2)(a) of this section shall be 3392
not less than six times and not more than thirty-six times the 3393
monthly amount that would be payable as the retirant's single life 3394
annuity and shall not result in a monthly allowance that is less 3395
than fifty per cent of that monthly amount. 3396

~~(E)~~(F) If the total benefit paid under this section is less 3397
than the balance in the teachers' savings fund, the difference 3398
shall be paid to the beneficiary provided under division (D)(1) of 3399
section 3307.562 of the Revised Code. 3400

~~(F)~~(G) In the case of a retirant who elected an optional plan 3401
prior to September 15, 1989: 3402

(1) The death of the spouse or other designated beneficiary 3403
following retirement shall, at the election of the retirant, 3404
cancel any optional plan selected at retirement to provide 3405
continuing lifetime benefits to the spouse or other beneficiary 3406
and return the retirant to a single lifetime benefit equivalent as 3407
determined by the board. 3408

(2) A divorce, annulment, or marriage dissolution shall, at 3409
the election of the retirant, cancel any optional plan selected at 3410
retirement to provide continuing lifetime benefits to the spouse 3411
as designated beneficiary and return the retirant to a single 3412
lifetime benefit equivalent as determined by the board if the 3413
election is made with the written consent of the beneficiary or 3414
pursuant to an order of a court of common pleas or the court of 3415

another state with jurisdiction over the termination of the 3416
marriage. 3417

~~(G)~~(H)(1) Following marriage or remarriage, both of the 3418
following apply: 3419

(a) A retirant who elected to receive a single lifetime 3420
benefit or an optional plan of payment under division (A)(3) or 3421
(4) of this section may elect a new optional plan of payment based 3422
on the actuarial equivalent of the retirant's single lifetime 3423
benefit, as determined by the board. The new plan must be a plan 3424
described in division (A)(1), (2), (3), (4), or (6) of this 3425
section under which only the retirant's new spouse is added as a 3426
beneficiary and the application for the new plan must be received 3427
by the board prior to the retirant's death. A spouse may not be 3428
added if there are four beneficiaries under division (A)(4) of 3429
this section that must be retained pursuant to a court order 3430
described under division ~~(H)~~(I)(1)(b) of this section or if the 3431
amount payable to any beneficiary pursuant to such court order 3432
would be reduced. A retirant who is receiving a retirement 3433
allowance under an optional plan that provides for continuation of 3434
benefits after death to a former spouse may elect a new optional 3435
plan of payment only with the written consent of the former spouse 3436
or pursuant to an order of the court with jurisdiction over the 3437
termination of the marriage, except that consent of the former 3438
spouse is not required if the new optional plan of payment will 3439
not affect payments to the former spouse. 3440

(b) A retirant who is receiving a benefit pursuant to a plan 3441
of payment providing for payment to a former spouse pursuant to a 3442
court order described in division ~~(H)~~(I)(1)(b) of this section may 3443
elect a new plan of payment under "option 4" with the retirant's 3444
spouse as a beneficiary based on the actuarial equivalent of the 3445

retirant's single lifetime retirement allowance as determined by 3446
the board if the new plan of payment elected does not reduce the 3447
payment to the former spouse. 3448

(2) If the marriage or remarriage occurs on or after June 6, 3449
2005, the election must be made not later than one year after the 3450
date of the marriage or remarriage. 3451

A valid election under division ~~(G)~~(H)(1) or (2) of this 3452
section shall become effective on the date of receipt by the board 3453
of an application on a form approved by the board. The election 3454
must be signed by the retirant and received by the board prior to 3455
the retirant's death. Any change in the amount of the benefit 3456
shall commence on the first day of the month following the 3457
effective date of the plan. 3458

~~(H)~~(I)(1) Except as otherwise provided in this division and 3459
division ~~(H)~~(I)(2) of this section, an application for service 3460
retirement made pursuant to section 3307.58 or 3307.59 of the 3461
Revised Code by a married person shall be considered an election 3462
of a benefit under option 3 as provided for in division (A)(3) of 3463
this section under which one-half of the lesser benefit payable 3464
during the life of the retirant will be paid after death to the 3465
retirant's spouse for life as sole beneficiary. The exceptions are 3466
as follows: 3467

(a) The retirant selects an optional plan under division (A) 3468
of this section providing for payment after death to the 3469
retirant's spouse for life as sole beneficiary of more than 3470
one-half of the lesser benefit payable during the life of the 3471
retirant. 3472

(b) A plan of payment providing for payment in a specified 3473
amount continuing after the retirant's death to a former spouse is 3474
required by a court order issued prior to the effective date of 3475

retirement under section 3105.171 or 3105.65 of the Revised Code 3476
 or the laws of another state regarding division of marital 3477
 property. 3478

(c) The retirant submits to the retirement board a written 3479
 statement signed by the spouse attesting that the spouse consents 3480
 to the retirant's election to receive a single lifetime annuity or 3481
 a payment under an optional benefit plan under which after the 3482
 death of the retirant the surviving spouse will receive less than 3483
 one-half of the lesser benefit payable during the life of the 3484
 retirant. 3485

(d) Any other reason specified by the board. 3486

(2) If a retirant is subject to division ~~(H)~~(I)(1)(b) of this 3487
 section and the board has received a copy of the order described 3488
 in that division, the board shall accept the retirant's election 3489
 of a plan of payment under this section only if the retirant 3490
 complies with both of the following: 3491

(a) The retirant elects a plan of payment that is in 3492
 accordance with the order described in division ~~(H)~~(I)(1)(b) of 3493
 this section. 3494

(b) If the retirant is married, the retirant elects "option 3495
 4" and designates the retirant's current spouse as a beneficiary 3496
 under that plan unless that spouse consents in writing to not 3497
 being designated a beneficiary under any plan of payment or the 3498
 board waives the requirement that the current spouse consent. 3499

(3) An application for retirement shall include an 3500
 explanation of all of the following: 3501

(a) That, if the member is married, unless the spouse 3502
 consents to another plan of payment or there is a court order 3503
 dividing marital property issued under section 3105.171 or 3105.65 3504

of the Revised Code or the laws of another state regarding the 3505
division of marital property that provides for payment in a 3506
specified amount, the member's retirement allowance will be paid 3507
under "option 3" as provided for in division (A)(3) of this 3508
section and consist of the actuarial equivalent of the member's 3509
retirement allowance in a lesser amount payable for life and 3510
one-half of the lesser allowance continuing after death to the 3511
surviving spouse for the life of the spouse; 3512

(b) A description of the alternative plans of payment 3513
available with the consent of the spouse; 3514

(c) That the spouse may consent to another plan of payment 3515
and the procedure for giving consent; 3516

(d) That consent is irrevocable once notice of consent is 3517
~~filed with~~ submitted to the board. 3518

Consent shall be valid only if it is signed, in writing, and 3519
witnessed by a notary public. 3520

(4) If the retirant does not select an optional plan of 3521
payment as described in division ~~(H)~~(I)(1)(a) of this section, no 3522
court has ordered a plan of payment described in division 3523
~~(H)~~(I)(1)(b) of this section, and the board does not receive the 3524
written statement provided for in division ~~(H)~~(I)(1)(c) of this 3525
section, the board shall determine and pay the retirement 3526
allowance in accordance with this division, except that the board 3527
may provide by rule for waiver by the board of the statement and 3528
payment of the benefits other than in accordance with this 3529
division or payment under section 3307.56 of the Revised Code if 3530
the retirant is unable to obtain the statement due to absence or 3531
incapacity of the spouse or other cause specified by the board. 3532

~~(I)~~(J) For the purpose of determining actuarial equivalence 3533

under this section, on the advice of an actuary employed by the 3534
 board, the board shall adopt mortality tables that may take into 3535
 consideration the membership experience of the state teachers 3536
 retirement system and may also include the membership experience 3537
 of the public employees retirement system and the school employees 3538
 retirement system. 3539

Sec. 3307.62. As used in this section, "qualifying service 3540
 credit" has the same meaning as in section 3307.58 of the Revised 3541
 Code. 3542

(A) The state teachers retirement system shall provide 3543
 disability coverage to each member participating in the STRS 3544
 defined benefit plan who meets either of the following: 3545

(1) If the member had service credit on account on June 30, 3546
 2013, has at least five years of qualifying service credit; 3547

(2) If the member did not have any service credit on account 3548
 on June 30, 2013, has at least ten years of qualifying service 3549
 credit. 3550

Not later than October 16, 1992, the state teachers 3551
 retirement board shall give each person who is a member on July 3552
 29, 1992, the opportunity to elect disability coverage either 3553
 under former section 3307.43 of the Revised Code or under former 3554
 section 3307.431 of the Revised Code. The board shall mail notice 3555
 of the election, accompanied by an explanation of the coverage 3556
 under each of the Revised Code sections and a form on which the 3557
 election is to be made, to each member at the member's last known 3558
 address. The board shall also provide the explanation and form to 3559
 any member on the member's request. 3560

Regardless of whether the member actually receives notice of 3561
 the right to make an election, a member who fails to ~~file~~ submit a 3562
 valid election under this section shall be considered to have 3563

elected disability coverage under section 3307.63 of the Revised Code. To be valid, an election must be made on the form provided by the board, signed by the member, and ~~filed with~~ submitted to the board not later than one hundred eighty days after the date the notice was mailed, or, in the case of a form provided at the request of a member, a date specified by rule of the board. Once made, an election is irrevocable, but if the member ceases to be a member of the system, the election is void. If a person who makes an election under this section also makes an election under section 145.35 or 3309.39 of the Revised Code, the election made for the system that pays a disability benefit to that person shall govern the benefit.

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

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

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

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

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

(2) The date on which the member's most recent application for a disability benefit was received by the board.

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

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

(E) If the physician or physicians determine that the member qualifies for a disability benefit, the board concurs with the determination, and the member agrees to medical treatment as specified in division (G) of this section, the member shall receive a disability benefit under section 3307.63 or 3307.631 of the Revised Code. If such physician or physicians determine that

the member does not qualify for a disability benefit, the report 3624
of the examiner or examiners shall be evaluated by a board of 3625
medical review composed of at least three physicians appointed by 3626
the retirement board. 3627

(F) The state teachers retirement board shall render an order 3628
determining whether or not the applicant shall be granted a 3629
disability benefit. Notification to the applicant shall be issued, 3630
and upon the request of an applicant who is denied a disability 3631
benefit, a hearing or appeal relative to such order shall be 3632
conducted in accordance with procedures established by the 3633
retirement board. 3634

(G) The state teachers retirement board shall adopt rules 3635
requiring each disability benefit recipient, as a condition of 3636
continuing to receive a disability benefit, to agree in writing to 3637
obtain any medical treatment recommended by the board's physician 3638
and submit medical reports regarding the treatment. If the board 3639
determines that a disability benefit recipient is not obtaining 3640
the medical treatment or the board does not receive a required 3641
medical report, the disability benefit shall be suspended until 3642
the treatment is obtained, the report is received by the board, or 3643
the board's physician certifies that the treatment is no longer 3644
helpful or advisable. Should the recipient's failure to obtain 3645
treatment or submit a medical report continue for one year, the 3646
recipient's right to the disability benefit shall be terminated as 3647
of the effective date of the original suspension. 3648

(H) If an employer ~~files~~ submits an application for a 3649
disability benefit as a result of a member having been separated 3650
from service because the member is considered to be incapacitated 3651
for the performance of duty, and the board denies the disability 3652
benefit, the board shall so certify to the employer and the 3653

employer shall restore the member to the member's previous 3654
position and salary or to a similar position and salary. 3655

(I) The recipient of a disability allowance under section 3656
3307.631 of the Revised Code whose allowance terminates under 3657
division (C)(3) of that section due to age is not eligible to do 3658
either of the following: 3659

(1) Retire on disability under section 3307.63 of the Revised 3660
Code; 3661

(2) Receive a disability allowance under section 3307.631 of 3662
the Revised Code. 3663

Sec. 3307.66. (A) As used in this section: 3664

(1) "Physically or mentally incompetent" means incapable of 3665
earning a living because of a physically or mentally disabling 3666
condition. Physical or mental incompetency may be determined by a 3667
court or by a doctor of medicine or osteopathic medicine appointed 3668
by the state teachers retirement board. 3669

(2) "Qualifying service credit" has the same meaning as in 3670
section 3307.58 of the Revised Code. 3671

(B) For the purposes of this section: 3672

(1) A qualified spouse is the surviving spouse of a deceased 3673
member of the state teachers retirement system participating in 3674
the STRS defined benefit plan who is one of the following: 3675

(a) Sixty-two years of age or older or any age if the 3676
deceased member had ten or more years of Ohio service credit; 3677

(b) Caring for a qualified child; 3678

(c) Adjudged physically or mentally incompetent at the time 3679
of the member's death and has remained continuously incompetent; 3680

(d) Any age if the deceased member was eligible for a service 3681

retirement allowance as provided in section 3307.58 of the Revised Code and the surviving spouse elects to receive a benefit under division (C)(1) of this section. 3682
3683
3684

(2) A qualified child is a person who is the child of a deceased member participating in the STRS defined benefit plan to whom both of the following apply: 3685
3686
3687

(a) Never married; 3688

(b) Meets either of the following age-related requirements: 3689

(i) Is under age twenty-two; 3690

(ii) Is any age if adjudged physically or mentally incompetent, if the person became incompetent prior to attainment of age twenty-two and has remained continuously incompetent. 3691
3692
3693

(3) A qualified parent is a dependent parent of a deceased member participating in the STRS defined benefit plan who is age sixty-five or older. 3694
3695
3696

(4) A person is a "qualified survivor" if the person qualifies as a surviving spouse, child, or dependent parent. 3697
3698

(C) Except as provided in division (G)(1) of this section, in lieu of accepting the payment of the accumulated account of a member participating in the STRS defined benefit plan who dies before service retirement, a beneficiary, as determined in section 3307.562 of the Revised Code, may elect to forfeit the accumulated account and to substitute benefits under this division. 3699
3700
3701
3702
3703
3704

(1) If a deceased member was eligible for a service retirement allowance as provided in section 3307.58 or 3307.59 of the Revised Code, a surviving spouse or an individual designated as the member's sole beneficiary pursuant to division (B) of section 3307.562 of the Revised Code who was a qualified child or 3705
3706
3707
3708
3709

dependent parent of the member or received one-half or more of 3710
 support from the member during the twelve-month period preceding 3711
 the member's death may elect to receive a monthly benefit computed 3712
 as the joint-survivor allowance designated as option 1 in section 3713
 3307.60 of the Revised Code, which the member would have received 3714
 had the member retired on the last day of the month of death and 3715
 had the member at that time selected such joint-survivor plan. 3716

(2)(a) A surviving spouse or other qualified survivor may 3717
 elect to receive monthly benefits under division (C)(2) of this 3718
 section if any of the following apply: 3719

(i) The deceased member had service credit on account on June 3720
 30, 2013, and had completed at least one and one-half years of 3721
 qualifying service credit, with at least one-quarter year of 3722
 qualifying service credit within the two and one-half years prior 3723
 to the date of death, or, if the member did not have service 3724
 credit on account on June 30, 2013, had completed at least five 3725
 years of qualifying service credit and died not later than one 3726
 year after the date contributing service terminated. 3727

(ii) The member was receiving at the time of death a 3728
 disability benefit as provided in section 3307.63 or 3307.631 of 3729
 the Revised Code. 3730

(iii) The member was receiving, within twelve months prior to 3731
 the date of death, a disability benefit as provided in section 3732
 3307.63 or 3307.631 of the Revised Code and was contributing under 3733
 this chapter or Chapter 145. or 3309. of the Revised Code at the 3734
 time of death. 3735

(b) The surviving spouse or other qualified survivor shall 3736
 elect one of the following methods of calculating benefits elected 3737
 under division (C)(2) of this section, which shall, except as 3738
 provided in division (G)(1) of this section, remain in effect 3739

without regard to any change in the number of qualified survivors:		3740
(i) Number	Annual benefit as a	3741
of qualified	per cent of member's	3742
survivors	final average salary	3743
1	25%	3744
2	40	3745
3	50	3746
4	55	3747
5 or more	60	3748
	Annual benefit as a	3749
	per cent of member's	3750
(ii) Years of service	final average salary	3751
20	29%	3752
21	33	3753
22	37	3754
23	41	3755
24	45	3756
25	48	3757
26	51	3758
27	54	3759
28	57	3760
29 or more	60	3761
(3)(a) If at the time of death the deceased member was		3762
receiving a disability benefit under section 3307.63 or 3307.631		3763
of the Revised Code, the benefit elected under division (C)(1) or		3764
(2) of this section shall be increased by a percentage equal to		3765
the total of any percentage increases the member received under		3766
section 3307.67 of the Revised Code, plus any additional amount		3767
the member received under this chapter while receiving the		3768
disability benefit. The increase shall be based on the benefit		3769
determined under division (C)(1) or (2) of this section. The		3770

benefit used to calculate any future increases under section 3771
 3307.67 of the Revised Code shall be the benefit determined under 3772
 division (C)(1) or (2) of this section, plus any additional 3773
 amounts added to the benefit determined under this division that 3774
 established a new base benefit to the deceased member. 3775

(b) If eligibility for a benefit under division (C)(1) or (2) 3776
 of this section is not established until more than one year after 3777
 the member's death, the annual benefit shall be increased by a 3778
 percentage equal to the total of the percentage increases that 3779
 would have been made under section 3307.67 of the Revised Code, 3780
 plus any additional amount that would have been paid under this 3781
 chapter had the benefit begun in the year in which the member 3782
 died. However, the benefit used to calculate any future increases 3783
 under section 3307.67 of the Revised Code shall be the benefit 3784
 determined under division (C)(1) or (2) of this section, plus any 3785
 additional amounts added to the benefit determined under this 3786
 division that established a new base benefit to the deceased 3787
 member. 3788

(D) If a benefit is calculated pursuant to division 3789
 (C)(2)(b)(i) of this section, benefits to a surviving spouse shall 3790
 be paid in the amount determined for the first qualifying survivor 3791
 in division (C)(2)(b)(i) of this section. All other qualifying 3792
 survivors shall share equally in the benefit or remaining portion 3793
 thereof. 3794

If a benefit is calculated pursuant to division (C)(2)(b)(ii) 3795
 of this section and is payable to more than one qualified 3796
 survivor, the benefit shall be apportioned equally among the 3797
 qualified survivors, except that if there is a surviving spouse, 3798
 the portion of the benefit allocated to the surviving spouse shall 3799
 be as follows: 3800

Number of		3801
survivors	Spouse's share of total benefit	3802
2	62.5%	3803
3	50.0%	3804
4	45.45%	3805
5 or more	41.67%	3806

(E) A qualified survivor shall ~~file with~~ submit to the board 3807
an application for benefits payable under this section. Payments 3808
shall begin on whichever of the following applies: 3809

(1) If application is received not later than one year after 3810
the date of the member's death, benefits shall begin on the first 3811
day of the month following the date of death. 3812

(2) If application is received later than one year from the 3813
date of death, benefits shall begin on the first day of the month 3814
immediately following receipt of application by the board. 3815

Benefits to a qualified survivor shall terminate upon a first 3816
marriage, abandonment, or adoption. The termination of benefits is 3817
effective on the first day of the month following the day the 3818
person ceases to be a qualified survivor. Benefits to a deceased 3819
member's surviving spouse that were terminated under a former 3820
version of this section that required termination due to 3821
remarriage and were not resumed prior to September 16, 1998, shall 3822
resume on the first day of the month immediately following receipt 3823
by the board of an application on a form provided by the board. 3824

Benefits to a qualified child who is at least eighteen years 3825
of age but under twenty-two years of age that under a former 3826
version of this section never commenced or were terminated due to 3827
a lack of attendance at an institution of learning or training and 3828
not commenced or resumed before ~~the effective date of this~~ 3829
~~amendment~~ April 6, 2017, shall commence or resume on the first day 3830

of the month immediately following receipt by the board of an 3831
 application on a form provided by the board, if the application is 3832
 received on or before the fifteenth day of a month. These benefits 3833
 terminate on the child attaining twenty-two years of age. 3834

Upon the death of any subsequent spouse who was a member of 3835
 the public employees retirement system, state teachers retirement 3836
 system, or school employees retirement system, the surviving 3837
 spouse of such member may elect to continue receiving benefits 3838
 under this division, or to receive survivor's benefits, based upon 3839
 the subsequent spouse's membership in one or more of the systems, 3840
 for which such surviving spouse is eligible under this section or 3841
 section 145.45 or 3309.45 of the Revised Code. If the surviving 3842
 spouse elects to continue receiving benefits under this division, 3843
 such election shall not preclude the payment of benefits under 3844
 this division to any other qualified survivor. 3845

(F) The beneficiary of a member who is also a member of the 3846
 public employees retirement system, or the school employees 3847
 retirement system, must forfeit the member's accumulated 3848
 contributions in those systems, if the beneficiary elects to 3849
 receive a benefit under division (C) of this section. Such benefit 3850
 shall be exclusively governed by section 3307.57 of the Revised 3851
 Code. 3852

(G)(1) Regardless of whether the member is survived by a 3853
 spouse or designated beneficiary, if the state teachers retirement 3854
 system receives notice that a deceased member described in 3855
 division (C)(1) or (2) of this section has one or more qualified 3856
 children, all persons who are qualified survivors under division 3857
 (C)(2) of this section shall receive monthly benefits as provided 3858
 in division (C)(2) of this section. 3859

If, after determining the monthly benefits to be paid under 3860

division (C)(2) of this section, the system receives notice that 3861
there is a qualified survivor who was not considered when the 3862
determination was made, the system shall, notwithstanding section 3863
3307.42 of the Revised Code, recalculate the monthly benefits with 3864
that qualified survivor included, even if the benefits to 3865
qualified survivors already receiving benefits are reduced as a 3866
result. The benefits shall be calculated as if the qualified 3867
survivor who is the subject of the notice became eligible on the 3868
date the notice was received and shall be paid to qualified 3869
survivors effective on the first day of the first month following 3870
the system's receipt of the notice. 3871

If the system did not receive notice that a deceased member 3872
has one or more qualified children prior to making payment under 3873
section 3307.562 of the Revised Code to a beneficiary as 3874
determined by the system, the payment is a full discharge and 3875
release of the system from any future claims under this section or 3876
section 3307.562 of the Revised Code. 3877

(2) If benefits under division (C)(2) of this section to all 3878
persons, or to all persons other than a surviving spouse or sole 3879
beneficiary, terminate, there are no children under the age of 3880
twenty-two years, and the surviving spouse or beneficiary 3881
qualifies for benefits under division (C)(1) of this section, the 3882
surviving spouse or beneficiary may elect to receive benefits 3883
under division (C)(1) of this section. The benefit shall be 3884
calculated based on the age of the spouse or beneficiary at the 3885
time of the member's death and is effective on the first day of 3886
the month following receipt by the board of an application for 3887
benefits under division (C)(1) of this section. 3888

(H) If the benefits due and paid under division (C) of this 3889
section are in a total amount less than the member's accumulated 3890

account that was transferred from the teachers' savings fund, 3891
 school employees retirement fund, and public employees retirement 3892
 fund, to the survivors' benefit fund, then the difference between 3893
 the total amount of the benefits paid shall be paid to the 3894
 beneficiary under section 3307.562 of the Revised Code. 3895

Sec. 3307.71. (A)(1) Except as provided in this section, 3896
 section 3305.05, or section 3305.051 of the Revised Code, a member 3897
 or former member of the state teachers retirement system 3898
 participating in the STRS defined benefit plan who has at least 3899
 one and one-half years of contributing service credit in this 3900
 system, the public employees retirement system, the school 3901
 employees retirement system, the Ohio police and fire pension 3902
 fund, or the state highway patrol retirement system after the 3903
 withdrawal and cancellation of service credit in this system may 3904
 restore all or part of such service credit by repayment of the 3905
 amount withdrawn. To this amount shall be added interest at a rate 3906
 per annum, compounded annually, to be determined by the state 3907
 teachers retirement board. Interest shall be payable from the 3908
 first of the month of withdrawal through the month of repayment. 3909

(2) If the accumulated contributions were withdrawn under 3910
 section 3307.561 of the Revised Code, service credit may be 3911
 restored only if the member or former member accrued one and 3912
 one-half years of service credit after the withdrawal and 3913
 cancellation of service credit in this system. 3914

(B) A member may choose to purchase only part of such credit 3915
 in any one payment. The cost for restoring partial service shall 3916
 be calculated as the proportion that it bears to the total cost at 3917
 the time of purchase and is subject to the rules established by 3918
 the board. If a former member is eligible to buy the service 3919
 credit as a member of the Ohio police and fire pension fund, the 3920

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. 3921
3922
3923

(C) The total payment to restore canceled service credit shall be credited as follows: 3924
3925

(1) To the member's account in the teachers' savings fund, ~~the all of the following:~~ 3926
3927

(a) The portion of the payment that consists of contributions made under section 3307.26 of the Revised Code, ~~any;~~ 3928
3929

(b) Any interest on the contributions received by the member under division (A)(1), (2), or (3)(a) of section 3307.563 of the Revised Code, ~~and any;~~ 3930
3931
3932

(c) Any interest paid on the amounts described in divisions (C)(1)(a) and (b) of this section added to the payment under division (A)(1) of this section ~~;~~ 3933
3934
3935

(2) To the employers trust fund, ~~the all of the following:~~ 3936

(a) The portion of the payment that consists of any amounts received by the member under division (A)(3)(b) of section 3307.563 of the Revised Code ~~and any;~~ 3937
3938
3939

(b) Any interest paid on the amount described in division (C)(2)(a) of this section added to the payment under division (A)(1) of this section. 3940
3941
3942

Sec. 3307.74. (A) Service credit may be purchased under section 3307.70 of the Revised Code by a member participating in the STRS defined benefit plan for the following: 3943
3944
3945

(1) Teaching service in a public or private school, college, or university of this or another state, and for teaching service in any school or entity operated primarily for United States 3946
3947
3948

citizens. Teaching credit shall be limited to service rendered in 3949
schools, colleges, or universities chartered or accredited by the 3950
appropriate governmental agency. 3951

(2) Public service with another state or the United States 3952
government, provided that such credit shall be limited to service 3953
that would have been covered by the state teachers retirement 3954
system, school employees retirement system, Ohio police and fire 3955
pension fund, state highway patrol retirement system, or public 3956
employees retirement system if served in a comparable public 3957
position in this state. 3958

(3) Service for which contributions were made by the member 3959
or on the member's behalf to a municipal retirement system in this 3960
state, except that if the conditions specified in section 3307.762 3961
of the Revised Code are met, service credit for this service may 3962
be purchased only in accordance with section 3307.763 of the 3963
Revised Code. 3964

The number of years of service credit for service described 3965
in this section shall not exceed the lesser of five years or the 3966
member's total accumulated number of years of Ohio service. 3967

(B) Credit shall be purchased under this section in 3968
accordance with section 3307.70 of the Revised Code. 3969

(C) With the exception of social security, a member is 3970
ineligible to purchase credit for service described in this 3971
section that is used in the calculation of any retirement benefit 3972
that has been paid, is currently being paid, or is payable in the 3973
future to such member under any other retirement program, ~~or~~ 3974
~~service for five or more years for which contributions were made~~ 3975
~~to a defined contribution plan if the member has been paid all~~ 3976
~~contributions standing to the member's credit or is not entitled~~ 3977
~~to be paid any such contributions.~~ At the time the credit is 3978

purchased, the member shall certify on a form furnished by the board that the member does and will conform to this requirement.

(D) Credit for service described in this section may be combined pursuant to section 3307.57 of the Revised Code with credit purchased under sections 145.293 and 3309.31 of the Revised Code, except that not more than a total of five years' credit for service described in this section and sections 145.293 and 3309.31 of the Revised Code shall be used in determining retirement eligibility or calculating benefits under section 3307.57 of the Revised Code.

Sec. 3307.761. (A) As used in this section and section 3307.765 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 state teachers retirement system participating in the STRS defined benefit plan who has contributions on deposit with a uniform retirement system shall, in computing years of total service, be given full credit for service credit earned under Chapter 742. or 5505. of the Revised Code or for military service credit if a transfer to the state teachers retirement system is made under this division. At the request of the member, the uniform system shall transfer to the state teachers retirement system, for each year of service, the sum of the following:

(1) An amount equal to the member's accumulated contributions to the uniform system and any payments by the member for military

service credit; 4009

(2) An amount equal to the lesser of the employer's 4010
 contributions to the uniform system or the amount that would have 4011
 been contributed by the employer for the service had the member 4012
 been a member of the state teachers retirement system at the time 4013
 the credit was earned; 4014

(3) Interest, determined as provided in division (F) of this 4015
 section, on the amounts specified in divisions (B)(1) and (2) of 4016
 this section from the last day of the year for which the service 4017
 credit in the uniform system was earned or in which payment was 4018
 made ~~for~~ to purchase or obtain military service credit ~~was~~ 4019
~~purchased or obtained~~ to the date the transfer is made. 4020

(C) A member participating in the STRS defined benefit plan 4021
 who has at least one and one-half years of contributing service 4022
 with the state teachers retirement system, is a former member of a 4023
 uniform retirement system, and has received a refund of 4024
 contributions to that uniform system shall, in computing years of 4025
 total service, be given full credit for service credit earned 4026
 under Chapter 742. or 5505. of the Revised Code or for military 4027
 service credit if, for each year of service, the state teachers 4028
 retirement system receives the sum of the following: 4029

(1) An amount, which shall be paid by the member, equal to 4030
 the amount refunded by the uniform system to the member for that 4031
 year for accumulated contributions and payments for military 4032
 service credit, with interest at a rate established by the state 4033
 teachers retirement board on that amount from the date of the 4034
 refund to the date of the payment; 4035

(2) Interest, which shall be transferred by the uniform 4036
 system, on the amount refunded to the member that is attributable 4037
 to the year of service from the last day of the year for which the 4038

service credit was earned or in which payment was made for 4039
military service credit to the date the refund was made; 4040

(3) An amount, which shall be transferred by the uniform 4041
system, equal to the lesser of the employer's contributions to the 4042
uniform system or the amount that would have been contributed by 4043
the employer for the service had the member been a member of the 4044
state teachers retirement system at the time the credit was 4045
earned, with interest on that amount from the last day of the year 4046
for which the service credit was earned or in which payment was 4047
made for military service to the date of the transfer. 4048

On receipt of payment from the member, the state teachers 4049
retirement system shall notify the uniform system, which, on 4050
receipt of the notice, shall make the transfer required by this 4051
division. Interest shall be determined as provided in division (F) 4052
of this section. 4053

A member may choose to purchase only part of the credit the 4054
member is eligible to purchase under this division in any one 4055
payment, subject to rules of the state teachers retirement board. 4056

(D) A member is ineligible to obtain credit under this 4057
section for service that is used in the calculation of any 4058
retirement benefit currently being paid or payable in the future 4059
under any other retirement program or for service credit that may 4060
be transferred under section 3307.765 of the Revised Code. 4061

(E) If a member of the state teachers retirement system who 4062
is not a current contributor elects to obtain credit under section 4063
742.21 or 5505.40 of the Revised Code for service for which the 4064
member contributed to the system or purchased for military service 4065
credit, the system shall transfer to the uniform retirement 4066
system, as applicable, the amount specified in division (D) of 4067
section 742.21 or division (B)(2) of section 5505.40 of the 4068

Revised Code. 4069

(F) Interest charged under this section shall be calculated 4070
separately for each year of service credit. Unless otherwise 4071
specified in this section it shall be calculated at the lesser of 4072
the actuarial assumption rate for that year of the state teachers 4073
retirement system or of the uniform retirement system in which the 4074
credit was earned. The interest shall be compounded annually. 4075

(G) The state teachers retirement board shall credit to a 4076
member's account in the teachers' savings fund the amounts 4077
described in divisions (B)(1) and (C)(1) of this section, except 4078
that the interest paid by the member under division (C)(1) of this 4079
section shall be credited to the employers' trust fund. The board 4080
shall credit to the employers' trust fund the amounts described in 4081
divisions (B)(2) and (3) and (C)(2) and (3) of this section. 4082

(H) At the request of the state teachers retirement system, 4083
the Ohio police and fire pension fund or state highway patrol 4084
retirement system shall certify to the state teachers retirement 4085
system a copy of the records of the service and contributions of a 4086
state teachers retirement system member who seeks service credit 4087
under this section. 4088

Sec. 3309.01. As used in this chapter: 4089

(A) "Employer" or "public employer" means boards of 4090
education, school districts, joint vocational districts, governing 4091
authorities of community schools established under Chapter 3314. 4092
of the Revised Code, a science, technology, engineering, and 4093
mathematics school established under Chapter 3326. of the Revised 4094
Code, educational institutions, technical colleges, state, 4095
municipal, and community colleges, community college branches, 4096
universities, university branches, other educational institutions, 4097
or other agencies within the state by which an employee is 4098

employed and paid, including any organization using federal funds, 4099
 provided the federal funds are disbursed by an employer as 4100
 determined by the above. In all cases of doubt, the school 4101
 employees retirement board shall determine whether any employer is 4102
 an employer as defined in this chapter, and its decision shall be 4103
 final. 4104

(B) "Employee" means all of the following: 4105

(1) Any person employed by a public employer in a position 4106
 for which the person is not required to have a certificate or 4107
 license issued pursuant to sections 3319.22 to 3319.31 of the 4108
 Revised Code; 4109

(2) Any person who performs a service common to the normal 4110
 daily operation of an educational unit even though the person is 4111
 employed and paid by one who has contracted with an employer to 4112
 perform the service, and the contracting board or educational unit 4113
 shall be the employer for the purposes of administering the 4114
 provisions of this chapter; 4115

(3) Any person, not a faculty member, employed in any school 4116
 or college or other institution wholly controlled and managed, and 4117
 wholly or partly supported by the state or any political 4118
 subdivision thereof, the board of trustees, or other managing body 4119
 of which shall accept the requirements and obligations of this 4120
 chapter. 4121

In all cases of doubt, the school employees retirement board 4122
 shall determine whether any person is an employee, as defined in 4123
 this division, and its decision is final. 4124

(C) "Prior service" means all service rendered prior to 4125
 September 1, 1937: 4126

(1) As an employee as defined in division (B) of this 4127

section;	4128
(2) As an employee in a capacity covered by the public employees retirement system or the state teachers retirement system;	4129 4130 4131
(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.	4132 4133 4134
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 service credit in those systems.	4135 4136 4137 4138 4139
Prior service shall not be granted any member for service rendered in a capacity covered by the public employees retirement system, the state teachers retirement system, and this system in the event the service credit has, in the respective systems, been received, waived by exemption, or forfeited by withdrawal of contributions, except as provided in this chapter.	4140 4141 4142 4143 4144 4145
If a member who has been granted prior service should, subsequent to September 16, 1957, and before retirement, establish three years of contributing service in the public employees retirement system, or one year in the state teachers retirement system, then the prior service granted shall become, at retirement, the liability of the other system, if the prior service or employment was in a capacity that is covered by that system.	4146 4147 4148 4149 4150 4151 4152 4153
The provisions of this division shall not cancel any prior service granted a member by the school employees retirement board prior to August 1, 1959.	4154 4155 4156

(D) "Total service," "total service credit," or "Ohio service credit" means all contributing service of a member of the school employees retirement system, and all prior service, computed as provided in this chapter, and all service established pursuant to sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In addition, "total service" includes any period, not in excess of three years, during which a member was out of service and receiving benefits from the state insurance fund, provided the injury or incapacitation was the direct result of school employment.

(E) "Member" means any employee, except an SERS retirant or other system retirant as defined in section 3309.341 of the Revised Code, who has established membership in the school employees retirement system. "Member" includes a disability benefit recipient.

(F) "Contributor" means any person who has an account in the employees' savings fund. When used in the sections listed in division (B) of section 3309.82 of the Revised Code, "contributor" includes any person participating in a plan established under section 3309.81 of the Revised Code.

(G) "Retirant" means any former member who retired and is receiving a ~~service~~ retirement allowance under section 3309.36 or ~~commuted service retirement allowance as provided in this chapter 3309.381 or former section 3309.38 of the Revised Code.~~

(H) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a contributor or retirant, qualifies for or is receiving some right or benefit under this chapter.

(I) "Interest," as specified in division (E) of section 3309.60 of the Revised Code, means interest at the rates for the

respective funds and accounts as the school employees retirement board may determine from time to time. 4187
4188

(J) "Accumulated contributions" means the sum of all amounts credited to a contributor's account in the employees' savings fund together with any regular interest credited thereon at the rates approved by the retirement board prior to retirement. 4189
4190
4191
4192

(K) "Final average salary" means the sum of the annual compensation for the three highest years of compensation for which contributions were made by the member, divided by three. If the member has a partial year of contributing service in the year in which the member terminates employment and the partial year is at a rate of compensation that is higher than the rate of compensation for any one of the highest three years of annual earnings, the board shall substitute the compensation earned for the partial year for the compensation earned for a similar fractional portion in the lowest of the three high years of annual compensation before dividing by three. If a member has less than three years of contributing membership, the final average salary shall be the total compensation divided by the total number of years, including any fraction of a year, of contributing service. 4193
4194
4195
4196
4197
4198
4199
4200
4201
4202
4203
4204
4205
4206

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments. 4207
4208
4209
4210

(M)(1) "Pension" means annual payments for life derived from appropriations made by an employer and paid from the employers' trust fund or the annuity and pension reserve fund. All pensions shall be paid in twelve equal monthly installments. 4211
4212
4213
4214

(2) "Disability retirement" means retirement as provided in section 3309.40 of the Revised Code. 4215
4216

(N) "Retirement allowance" means the pension plus the annuity.	4217 4218
(O)(1) "Benefit" means a payment, other than a retirement allowance or the annuity paid under section 3309.344 of the Revised Code, payable from the accumulated contributions of the member or the employer, or both, under this chapter and includes a disability allowance or disability benefit.	4219 4220 4221 4222 4223
(2) "Disability allowance" means an allowance paid on account of disability under section 3309.401 of the Revised Code.	4224 4225
(3) "Disability benefit" means a benefit paid as disability retirement under section 3309.40 of the Revised Code, as a disability allowance under section 3309.401 of the Revised Code, or as a disability benefit under section 3309.35 of the Revised Code.	4226 4227 4228 4229 4230
(P) "Annuity reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant.	4231 4232 4233 4234
(Q) "Pension reserve" means the present value, computed upon the basis of mortality tables adopted by the school employees retirement board, of all payments to be made on account of any pension, or benefit in lieu of any pension, granted to a retirant or a beneficiary.	4235 4236 4237 4238 4239
(R) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following.	4240 4241
(S) "Local district pension system" means any school employees' pension fund created in any school district of the state prior to September 1, 1937.	4242 4243 4244
(T) "Employer contribution" means the amount paid by an	4245

employer as determined under section 3309.49 of the Revised Code.	4246
(U) "Fiduciary" means a person who does any of the following:	4247
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	4248 4249 4250
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	4251 4252
(3) Has any discretionary authority or responsibility in the administration of the system.	4253 4254
(V)(1) Except as otherwise provided in this division, "compensation" means all salary, wages, and other earnings paid to a contributor by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 3309.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	4255 4256 4257 4258 4259 4260 4261 4262
(2) Compensation does not include any of the following:	4263
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	4264 4265 4266 4267
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	4268 4269 4270
(c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or during which benefits are paid under this chapter;	4271 4272 4273

(d) Amounts paid by the employer to provide life insurance, 4274
sickness, accident, endowment, health, medical, hospital, dental, 4275
or surgical coverage, or other insurance for the contributor or 4276
the contributor's family, or amounts paid by the employer to the 4277
contributor in lieu of providing the insurance; 4278

(e) Incidental benefits, including lodging, food, laundry, 4279
parking, or services furnished by the employer, use of the 4280
employer's property or equipment, and reimbursement for 4281
job-related expenses authorized by the employer, including moving 4282
and travel expenses and expenses related to professional 4283
development; 4284

(f) Payments made to or on behalf of a contributor that are 4285
in excess of the annual compensation that may be taken into 4286
account by the retirement system under division (a)(17) of section 4287
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 4288
U.S.C.A. 401(a)(17), as amended. For a contributor who first 4289
establishes membership before July 1, 1996, the annual 4290
compensation that may be taken into account by the retirement 4291
system shall be determined under division (d)(3) of section 13212 4292
of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 4293
103-66, 107 Stat. 472; 4294

(g) Payments made under division (B), (C), or (E) of section 4295
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 4296
No. 3 of the 119th general assembly, Section 3 of Amended 4297
Substitute Senate Bill No. 164 of the 124th general assembly, or 4298
Amended Substitute House Bill No. 405 of the 124th general 4299
assembly; 4300

(h) Anything of value received by the contributor that is 4301
based on or attributable to retirement or an agreement to retire, 4302
except that payments made on or before January 1, 1989, that are 4303

based on or attributable to an agreement to retire shall be 4304
included in compensation if both of the following apply: 4305

(i) The payments are made in accordance with contract 4306
provisions that were in effect prior to January 1, 1986. 4307

(ii) The employer pays the retirement system an amount 4308
specified by the retirement board equal to the additional 4309
liability from the payments. 4310

(3) The retirement board shall determine by rule whether any 4311
form of earnings not enumerated in this division is to be included 4312
in compensation, and its decision shall be final. 4313

(W) "Disability benefit recipient" means a member who is 4314
receiving a disability benefit. 4315

(X) "Actuary" means an individual who satisfies all of the 4316
following requirements: 4317

(1) Is a member of the American academy of actuaries; 4318

(2) Is an associate or fellow of the society of actuaries; 4319

(3) Has a minimum of five years' experience in providing 4320
actuarial services to public retirement plans. 4321

Sec. 3309.011. "Employee" as defined in division (B) of 4322
section 3309.01 of the Revised Code, does not include any of the 4323
following: 4324

(A) Any person having a license issued pursuant to sections 4325
3319.22 to 3319.31 of the Revised Code and employed in a public 4326
school in this state in an educational position, as determined by 4327
the state board of education, under programs provided for by 4328
federal acts or regulations and financed in whole or in part from 4329
federal funds, but for which no licensure requirements for the 4330
position can be made under the provisions of such federal acts or 4331

regulations;	4332
(B) Any person who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	4333 4334
(C) Any person who elects to transfer from the school employees retirement system to the public employees retirement system under section 3309.312 of the Revised Code;	4335 4336 4337
(D) Any person whose full-time employment by the university of Akron as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code commences on or after September 16, 1998;	4338 4339 4340 4341
(E) Any person described in division (B) of section 3309.013 of the Revised Code;	4342 4343
(F) Any person described in division (D) of section 145.011 of the Revised Code;	4344 4345
<u>(G) Any person described in division (B)(1)(b) of section 3307.01 of the Revised Code.</u>	4346 4347
Sec. 3309.22. (A)(1) As used in this division, "personal history record" means information maintained in any format by the board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, electronic mail address, telephone number, social security number, record of contributions, correspondence with the system, and other information the board determines to be confidential.	4348 4349 4350 4351 4352 4353 4354 4355
(2) The records of the board shall be open to public inspection and may be made available in printed or electronic format, except for the following, which shall be excluded, except with the written authorization of the individual concerned:	4356 4357 4358 4359

(a) The individual's statement of previous service and other information as provided for in section 3309.28 of the Revised Code;	4360 4361 4362
(b) Any information identifying by name and address the amount of a monthly allowance or benefit paid to the individual;	4363 4364
(c) The individual's personal history record.	4365
(B) All medical reports and recommendations required by the system are privileged except as follows:	4366 4367
(1) Copies of medical reports or recommendations shall be made available to the following:	4368 4369
(a) The individual concerned, on written request;	4370
(b) The personal physician, attorney, or authorized agent of the individual concerned on written release received from the individual or the individual's agent;	4371 4372 4373
(c) The board assigned physician.	4374
(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.	4375 4376 4377
(C) Any person who is a contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one such request of a person in any one year.	4378 4379 4380 4381
(D) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information:	4382 4383 4384
(1) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under	4385 4386 4387

division (A) or (B) of section 2929.192 of the Revised Code or is 4388
 convicted of or pleads guilty to a violation of section 2921.41 of 4389
 the Revised Code, on written request of a prosecutor as defined in 4390
 section 2935.01 of the Revised Code, the board shall furnish to 4391
 the prosecutor the information requested from the individual's 4392
 personal history record. 4393

(2) Pursuant to a court or administrative order issued under 4394
 section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 4395
 Revised Code, the board shall furnish to a court or child support 4396
 enforcement agency the information required under that section. 4397

(3) At the written request of any person, the board shall 4398
 provide to the person a list of the names and addresses of 4399
 members, former members, retirants, contributors, former 4400
 contributors, or beneficiaries. The costs of compiling, copying, 4401
 and mailing the list shall be paid by such person. 4402

(4) Within fourteen days after receiving from the director of 4403
 job and family services a list of the names and social security 4404
 numbers of recipients of public assistance pursuant to section 4405
 5101.181 of the Revised Code, the board shall inform the auditor 4406
 of state of the name, current or most recent employer address, and 4407
 social security number of each contributor whose name and social 4408
 security number are the same as that of a person whose name or 4409
 social security number was submitted by the director. The board 4410
 and its employees shall, except for purposes of furnishing the 4411
 auditor of state with information required by this section, 4412
 preserve the confidentiality of recipients of public assistance in 4413
 compliance with section 5101.181 of the Revised Code. 4414

(5) The system shall comply with orders issued under section 4415
 3105.87 of the Revised Code. 4416

On the written request of an alternate payee, as defined in 4417

section 3105.80 of the Revised Code, the system shall furnish to
the alternate payee information on the amount and status of any
amounts payable to the alternate payee under an order issued under
section 3105.171 or 3105.65 of the Revised Code.

(6) At the request of any person, the board shall make
available to the person copies of all documents, including
resumes, in the board's possession regarding filling a vacancy of
an employee member or retirant member of the board. The person who
made the request shall pay the cost of compiling, copying, and
mailing the documents. The information described in this division
is a public record.

(7) The system shall provide the notice required by section
3309.673 of the Revised Code to the prosecutor assigned to the
case.

(8) The system may provide information requested by the
United States social security administration, United States
centers for medicare and medicaid services, Ohio public employees
deferred compensation program, Ohio police and fire pension fund,
state teachers retirement system, public employees retirement
system, state highway patrol retirement system, Cincinnati
retirement system, or a third party that the school employees
retirement board has contracted with for the purpose of
administering any part of this chapter.

(E) A statement that contains information obtained from the
system's records that is signed by an officer of the retirement
system and to which the system's official seal is affixed, or
copies of the system's records to which the signature and seal are
attached, shall be received as true copies of the system's records
in any court or before any officer of this state.

Sec. 3309.671. (A) As used in this section, "alternate

payee," "benefit," "lump sum payment," "participant," and "public 4448
retirement program" have the same meanings as in section 3105.80 4449
of the Revised Code. 4450

(B) On receipt of an order issued under section 3105.171 or 4451
3105.65 of the Revised Code, the school employees retirement 4452
system shall determine whether the order meets the requirements of 4453
sections 3105.80 to 3105.90 of the Revised Code. The system shall 4454
retain in the participant's record an order the system determines 4455
meets the requirements. Not later than sixty days after receipt, 4456
the system shall return to the court that issued the order any 4457
order the system determines does not meet the requirements. 4458

(C) The system shall comply with an order retained under 4459
division (B) of this section at the following times as 4460
appropriate: 4461

(1) If the participant has applied for or is receiving a 4462
benefit or has applied for but not yet received a lump sum 4463
payment, as soon as practicable; 4464

(2) If the participant has not applied for a benefit or lump 4465
sum payment, on application by the participant for a benefit or 4466
lump sum payment. 4467

(D) If the system transfers a participant's service credit or 4468
contributions made by or on behalf of a participant to a public 4469
retirement program that is not named in the order, the system 4470
shall do both of the following: 4471

(1) Notify the court that issued the order by sending the 4472
court a copy of the order and the name and address of the public 4473
retirement program to which the transfer was made. 4474

(2) Send a copy of the order to the public retirement program 4475
to which the transfer was made. 4476

(E) If it receives a participant's service credit or 4477
contributions and a copy of an order as provided in division (D) 4478
of this section, the system shall administer the order as if it 4479
were the public retirement program named in the order. 4480

(F) If a participant's benefit or lump sum payment is or will 4481
be subject to more than one order described in section 3105.81 of 4482
the Revised Code or to an order described in section 3105.81 of 4483
the Revised Code and a withholding order under section ~~3111.23~~ or 4484
~~3113.21~~ 3121.03 of the Revised Code, the system shall, after 4485
determining that the amounts that are or will be withheld will 4486
cause the benefit or lump sum payment to fall below the limits 4487
described in section 3105.85 of the Revised Code, do all of the 4488
following: 4489

(1) Establish, in accordance with division (G) of this 4490
section and subject to the limits described in section 3105.85 of 4491
the Revised Code, the priority in which the orders are or will be 4492
paid by the system; 4493

(2) Reduce the amount paid to an alternate payee based on the 4494
priority established under division (F)(1) of this section; 4495

(3) Notify, by regular mail, a participant and alternate 4496
payee of any action taken under this division. 4497

(G) A withholding or deduction notice issued under section 4498
~~3111.23~~ or ~~3113.21~~ 3121.03 of the Revised Code or an order 4499
described in section 3115.501 of the Revised Code has priority 4500
over all other orders and shall be complied with in accordance 4501
with child support enforcement laws. All other orders are entitled 4502
to priority in order of earliest retention by the system. The 4503
system is not to retain an order that provides for the division of 4504
property unless the order is filed in a court with jurisdiction in 4505
this state. 4506

(H) The system is not liable in civil damages for loss 4507
 resulting from any action or failure to act in compliance with 4508
 this section." 4509

In line 21, after "2." insert "That existing sections 145.01, 4510
 145.016, 145.33, 145.332, 145.362, 145.384, 145.45, 145.571, 4511
 145.62, 742.03, 742.05, 3307.05, 3307.14, 3307.20, 3307.231, 4512
 3307.25, 3307.251, 3307.26, 3307.28, 3307.351, 3307.352, 3307.39, 4513
 3307.44, 3307.48, 3307.501, 3307.56, 3307.562, 3307.58, 3307.60, 4514
 3307.62, 3307.66, 3307.71, 3307.74, 3307.761, 3309.01, 3309.011, 4515
 3309.22, and 3309.671 and sections 3307.23, 3307.241, 3307.96, 4516
 3307.97, and 3307.98 of the Revised Code are hereby repealed. 4517

Section 3." 4518

After line 37, insert: 4519

"**Section 4.** Section 145.332 of the Revised Code is presented 4520
 in this act as a composite of the section as amended by both Sub. 4521
 H.B. 158 and Sub. S.B. 293 of the 131st General Assembly. The 4522
 General Assembly, applying the principle stated in division (B) of 4523
 section 1.52 of the Revised Code that amendments are to be 4524
 harmonized if reasonably capable of simultaneous operation, finds 4525
 that the composite is the resulting version of the section in 4526
 effect prior to the effective date of the section as presented in 4527
 this act." 4528

The motion was _____ agreed to.