

H.B. 520
As Introduced

Topic: PERS Law Enforcement division; Inter-system credit transfers

_____ moved to amend as follows:

In line 3 of the title, after "742.105," insert "742.21,
742.214," 1
2

In line 11 of the title, after "145.222," insert "145.334," 3

In line 18, after "742.105," insert "742.21, 742.214," 4

In line 24, after "145.222," insert "145.334," 5

Delete lines 27 through 517 and insert: 6

"**Sec. 145.01.** As used in this chapter: 7

(A) "Public employee" means: 8

(1) Any person holding an office, not elective, under the 9
state or any county, township, municipal corporation, park 10
district, conservancy district, sanitary district, health 11
district, metropolitan housing authority, state retirement board, 12
Ohio history connection, public library, county law library, union 13
cemetery, joint hospital, institutional commissary, state 14
university, or board, bureau, commission, council, committee, 15
authority, or administrative body as the same are, or have been, 16
created by action of the general assembly or by the legislative 17
authority of any of the units of local government named in 18
division (A)(1) of this section, or employed and paid in whole or 19

in part by the state or any of the authorities named in division 20
 (A)(1) of this section in any capacity not covered by section 21
 742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 22

(2) A person who is a member of the public employees 23
 retirement system and who continues to perform the same or similar 24
 duties under the direction of a contractor who has contracted to 25
 take over what before the date of the contract was a publicly 26
 operated function. The governmental unit with which the contract 27
 has been made shall be deemed the employer for the purposes of 28
 administering this chapter. 29

(3) Any person who is an employee of a public employer, 30
 notwithstanding that the person's compensation for that employment 31
 is derived from funds of a person or entity other than the 32
 employer. Credit for such service shall be included as total 33
 service credit, provided that the employee makes the payments 34
 required by this chapter, and the employer makes the payments 35
 required by sections 145.48 and 145.51 of the Revised Code. 36

(4) A person who elects in accordance with section 145.015 of 37
 the Revised Code to remain a contributing member of the public 38
 employees retirement system. 39

(5) A person who is an employee of the legal rights service 40
 on September 30, 2012, and continues to be employed by the 41
 nonprofit entity established under Section 319.20 of Am. Sub. H.B. 42
 153 of the 129th general assembly. The nonprofit entity is the 43
 employer for the purpose of this chapter. 44

In all cases of doubt, the public employees retirement board 45
 shall determine under section 145.036, 145.037, or 145.038 of the 46
 Revised Code whether any person is a public employee, and its 47
 decision is final. 48

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

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

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

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

(F) "Contributor" means any person who has an account in the

employees' savings fund created by section 145.23 of the Revised Code. When used in the sections listed in division (B) of section 145.82 of the Revised Code, "contributor" includes any person participating in a PERS defined contribution plan.

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

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in

the public employees retirement system, shall make a payment of 109
 the contributions they would have paid had they been members of 110
 this system for the eighteen months of employment preceding the 111
 date membership was established. When that payment has been made 112
 by all such employee members, a corresponding payment shall be 113
 paid into the employers' accumulation fund by that municipal 114
 corporation as the employer of the employees. 115

~~(3) Where a member also is a member of the state teachers 116
 retirement system or the school employees retirement system, or 117
 both, except in cases of retirement on a combined basis pursuant 118
 to section 145.37 of the Revised Code or as provided in section 119
 145.383 of the Revised Code, service credit for any period shall 120
 be credited on the basis of the ratio that contributions to the 121
 public employees retirement system bear to total contributions in 122
 all state retirement systems. 123~~

~~(4)~~ Not more than one year of credit may be given for any 124
 period of twelve months. 125

~~(5)~~(4) "Ohio service credit" means credit for service that 126
 was rendered to the state or any of its political subdivisions or 127
 any employer. 128

(I) "Regular interest" means interest at any rates for the 129
 respective funds and accounts as the public employees retirement 130
 board may determine from time to time. 131

(J) "Accumulated contributions" means the sum of all amounts 132
 credited to a contributor's individual account in the employees' 133
 savings fund together with any interest credited to the 134
 contributor's account under section 145.471 or 145.472 of the 135
 Revised Code. 136

(K)(1) "Final average salary" means the greater of the 137

following: 138

(a) The sum of the member's earnable salaries for the 139
appropriate number of calendar years of contributing service, 140
determined under section 145.017 of the Revised Code, in which the 141
member's earnable salary was highest, divided by the same number 142
of calendar years or, if the member has fewer than the appropriate 143
number of calendar years of contributing service, the total of the 144
member's earnable salary for all years of contributing service 145
divided by the number of calendar years of the member's 146
contributing service; 147

(b) The sum of a member's earnable salaries for the 148
appropriate number of consecutive months, determined under section 149
145.017 of the Revised Code, that were the member's last months of 150
service, up to and including the last month, divided by the 151
appropriate number of years or, if the time between the first and 152
final months of service is less than the appropriate number of 153
consecutive months, the total of the member's earnable salary for 154
all months of contributing service divided by the number of years 155
between the first and final months of contributing service, 156
including any fraction of a year, except that the member's final 157
average salary shall not exceed the member's highest earnable 158
salary for any twelve consecutive months. 159

(2) If contributions were made in only one calendar year, 160
"final average salary" means the member's total earnable salary. 161

(L) "Annuity" means payments for life derived from 162
contributions made by a contributor and paid from the annuity and 163
pension reserve fund as provided in this chapter. All annuities 164
shall be paid in twelve equal monthly installments. 165

(M) "Annuity reserve" means the present value, computed upon 166
the basis of the mortality and other tables adopted by the board, 167

of all payments to be made on account of any annuity, or benefit	168
in lieu of any annuity, granted to a retirant as provided in this	169
chapter.	170
(N)(1) "Disability retirement" means retirement as provided	171
in section 145.36 of the Revised Code.	172
(2) "Disability allowance" means an allowance paid on account	173
of disability under section 145.361 of the Revised Code.	174
(3) "Disability benefit" means a benefit paid as disability	175
retirement under section 145.36 of the Revised Code, as a	176
disability allowance under section 145.361 of the Revised Code, or	177
as a disability benefit under section 145.37 of the Revised Code.	178
(4) "Disability benefit recipient" means a member who is	179
receiving a disability benefit.	180
(O) "Age and service retirement" means retirement as provided	181
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46	182
and former section 145.34 of the Revised Code.	183
(P) "Pensions" means annual payments for life derived from	184
contributions made by the employer that at the time of retirement	185
are credited into the annuity and pension reserve fund from the	186
employers' accumulation fund and paid from the annuity and pension	187
reserve fund as provided in this chapter. All pensions shall be	188
paid in twelve equal monthly installments.	189
(Q) "Retirement allowance" means the pension plus that	190
portion of the benefit derived from contributions made by the	191
member.	192
(R)(1) Except as otherwise provided in division (R) of this	193
section, "earnable salary" means all salary, wages, and other	194
earnings paid to a contributor by reason of employment in a	195
position covered by the retirement system. The salary, wages, and	196

other earnings shall be determined prior to determination of the	197
amount required to be contributed to the employees' savings fund	198
under section 145.47 of the Revised Code and without regard to	199
whether any of the salary, wages, or other earnings are treated as	200
deferred income for federal income tax purposes. "Earnable salary"	201
includes the following:	202
(a) Payments made by the employer in lieu of salary, wages,	203
or other earnings for sick leave, personal leave, or vacation used	204
by the contributor;	205
(b) Payments made by the employer for the conversion of sick	206
leave, personal leave, and vacation leave accrued, but not used if	207
the payment is made during the year in which the leave is accrued,	208
except that payments made pursuant to section 124.383 or 124.386	209
of the Revised Code are not earnable salary;	210
(c) Allowances paid by the employer for maintenance,	211
consisting of housing, laundry, and meals, as certified to the	212
retirement board by the employer or the head of the department	213
that employs the contributor;	214
(d) Fees and commissions paid under section 507.09 of the	215
Revised Code;	216
(e) Payments that are made under a disability leave program	217
sponsored by the employer and for which the employer is required	218
by section 145.296 of the Revised Code to make periodic employer	219
and employee contributions;	220
(f) Amounts included pursuant to former division (K)(3) and	221
former division (Y) of this section and section 145.2916 of the	222
Revised Code.	223
(2) "Earnable salary" does not include any of the following:	224
(a) Fees and commissions, other than those paid under section	225

507.09 of the Revised Code, paid as sole compensation for personal	226
services and fees and commissions for special services over and	227
above services for which the contributor receives a salary;	228
(b) Amounts paid by the employer to provide life insurance,	229
sickness, accident, endowment, health, medical, hospital, dental,	230
or surgical coverage, or other insurance for the contributor or	231
the contributor's family, or amounts paid by the employer to the	232
contributor in lieu of providing the insurance;	233
(c) Incidental benefits, including lodging, food, laundry,	234
parking, or services furnished by the employer, or use of the	235
employer's property or equipment, or amounts paid by the employer	236
to the contributor in lieu of providing the incidental benefits;	237
(d) Reimbursement for job-related expenses authorized by the	238
employer, including moving and travel expenses and expenses	239
related to professional development;	240
(e) Payments for accrued but unused sick leave, personal	241
leave, or vacation that are made at any time other than in the	242
year in which the sick leave, personal leave, or vacation was	243
accrued;	244
(f) Payments made to or on behalf of a contributor that are	245
in excess of the annual compensation that may be taken into	246
account by the retirement system under division (a)(17) of section	247
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	248
U.S.C.A. 401(a)(17), as amended;	249
(g) Payments made under division (B), (C), or (E) of section	250
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill	251
No. 3 of the 119th general assembly, Section 3 of Amended	252
Substitute Senate Bill No. 164 of the 124th general assembly, or	253
Amended Substitute House Bill No. 405 of the 124th general	254

assembly;	255
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	256 257 258 259 260
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	261 262
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	263 264 265
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	266 267
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	268 269 270
(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.	271 272 273 274 275
(T) "Contributing service" means both of the following:	276
(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.	277 278 279 280 281
(2) Service credit received by election of the member under	282

section 145.814 of the Revised Code.	283
(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.	284 285 286
(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, and 145.46 and former section 145.34 of the Revised Code.	287 288 289 290
(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.	291 292
(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.	293 294 295 296
(Y) "Five years of service credit," for the exclusive purpose of satisfying the service credit requirements and of determining eligibility under section 145.33 or 145.332 of the Revised Code, means employment covered under this chapter or under a former retirement plan operated, recognized, or endorsed by the employer prior to coverage under this chapter or under a combination of the coverage.	297 298 299 300 301 302 303
(Z) "Deputy sheriff" means any person who is commissioned and employed as a full-time peace officer by the sheriff of any county, and has been so employed since on or before December 31, 1965; any person who is or has been commissioned and employed as a peace officer by the sheriff of any county since January 1, 1966, and who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code; or any person	304 305 306 307 308 309 310 311

deputized by the sheriff of any county and employed pursuant to 312
 section 2301.12 of the Revised Code as a criminal bailiff or court 313
 constable who has received a certificate attesting to the person's 314
 satisfactory completion of the peace officer training school as 315
 required by section 109.77 of the Revised Code. 316

(AA) "Township constable or police officer in a township 317
 police department or district" means any person who is 318
 commissioned and employed as a full-time peace officer pursuant to 319
 Chapter 505. or 509. of the Revised Code, who has received a 320
 certificate attesting to the person's satisfactory completion of 321
 the peace officer training school as required by section 109.77 of 322
 the Revised Code. 323

(BB) "Drug agent" means any person who is either of the 324
 following: 325

(1) Employed full time as a narcotics agent by a county 326
 narcotics agency created pursuant to section 307.15 of the Revised 327
 Code and has received a certificate attesting to the satisfactory 328
 completion of the peace officer training school as required by 329
 section 109.77 of the Revised Code; 330

(2) Employed full time as an undercover drug agent as defined 331
 in section 109.79 of the Revised Code and is in compliance with 332
 section 109.77 of the Revised Code. 333

(CC) "Department of public safety enforcement agent" means a 334
 full-time employee of the department of public safety who is 335
 designated under section 5502.14 of the Revised Code as an 336
 enforcement agent and who is in compliance with section 109.77 of 337
 the Revised Code. 338

(DD) "Natural resources law enforcement staff officer" means 339
 a full-time employee of the department of natural resources who is 340

designated a natural resources law enforcement staff officer under 341
 section 1501.013 of the Revised Code and is in compliance with 342
 section 109.77 of the Revised Code. 343

(EE) "Forest-fire investigator" means a full-time employee of 344
 the department of natural resources who is appointed a forest-fire 345
 investigator under section 1503.09 of the Revised Code and is in 346
 compliance with section 109.77 of the Revised Code. 347

(FF) "Natural resources officer" means a full-time employee 348
 of the department of natural resources who is appointed as a 349
 natural resources officer under section 1501.24 of the Revised 350
 Code and is in compliance with section 109.77 of the Revised Code. 351

(GG) "Wildlife officer" means a full-time employee of the 352
 department of natural resources who is designated a wildlife 353
 officer under section 1531.13 of the Revised Code and is in 354
 compliance with section 109.77 of the Revised Code. 355

(HH) "Park district police officer" means a full-time 356
 employee of a park district who is designated pursuant to section 357
 511.232 or 1545.13 of the Revised Code and is in compliance with 358
 section 109.77 of the Revised Code. 359

(II) "Conservancy district officer" means a full-time 360
 employee of a conservancy district who is designated pursuant to 361
 section 6101.75 of the Revised Code and is in compliance with 362
 section 109.77 of the Revised Code. 363

(JJ) "Municipal police officer" means a member of the 364
 organized police department of a municipal corporation who is 365
 employed full time, is in compliance with section 109.77 of the 366
 Revised Code, and is not a member of the Ohio police and fire 367
 pension fund. 368

(KK) "Veterans' home police officer" means any person who is 369

employed at a veterans' home as a police officer pursuant to	370
section 5907.02 of the Revised Code and is in compliance with	371
section 109.77 of the Revised Code.	372
(LL) "Special police officer for a mental health institution"	373
means any person who is designated as such pursuant to section	374
5119.08 of the Revised Code and is in compliance with section	375
109.77 of the Revised Code.	376
(MM) "Special police officer for an institution for persons	377
with intellectual disabilities" means any person who is designated	378
as such pursuant to section 5123.13 of the Revised Code and is in	379
compliance with section 109.77 of the Revised Code.	380
(NN) "State university law enforcement officer" means any	381
person who is employed full time as a state university law	382
enforcement officer pursuant to section 3345.04 of the Revised	383
Code and who is in compliance with section 109.77 of the Revised	384
Code.	385
(OO) "House sergeant at arms" means any person appointed by	386
the speaker of the house of representatives under division (B)(1)	387
of section 101.311 of the Revised Code who has arrest authority	388
under division (E)(1) of that section.	389
(PP) "Assistant house sergeant at arms" means any person	390
appointed by the house sergeant at arms under division (C)(1) of	391
section 101.311 of the Revised Code.	392
(QQ) "Regional transit authority police officer" means a	393
person who is employed full time as a regional transit authority	394
police officer under division (Y) of section 306.35 of the Revised	395
Code and is in compliance with section 109.77 of the Revised Code.	396
(RR) "State highway patrol police officer" means a special	397
police officer employed full time and designated by the	398

superintendent of the state highway patrol pursuant to section 399
 5503.09 of the Revised Code or a person serving full time as a 400
 special police officer pursuant to that section on a permanent 401
 basis on October 21, 1997, who is in compliance with section 402
 109.77 of the Revised Code. 403

(SS) "Municipal public safety director" means a person who 404
 serves full time as the public safety director of a municipal 405
 corporation with the duty of directing the activities of the 406
 municipal corporation's police department and fire department. 407

(TT) "Bureau of criminal identification and investigation 408
 investigator" means a person who is in compliance with section 409
 109.77 of the Revised Code and to whom either of the following 410
 applies: 411

(1) The person, on or after the effective date of this 412
 amendment, commences full-time employment as an investigator, as 413
 defined in section 109.541 of the Revised Code, of the bureau of 414
 criminal identification and investigation commissioned by the 415
 superintendent of the bureau as a special agent for the purpose of 416
 assisting law enforcement officers or providing emergency 417
 assistance to peace officers pursuant to authority granted under 418
 that section. 419

(2) The person has made the election described in section 420
 145.334 of the Revised Code. 421

(UU) "Gaming agent" means a person who is in compliance with 422
 section 109.77 of the Revised Code and to whom either of the 423
 following applies: 424

(1) The person, on or after the effective date of this 425
 amendment, commences full-time employment as a gaming agent with 426
 the Ohio casino control commission pursuant to section 3772.03 of 427

<u>the Revised Code.</u>	428
<u>(2) The person has made the election described in section 145.334 of the Revised Code.</u>	429 430
<u>(VV) "Department of taxation investigator" means a person to whom all of the following apply:</u>	431 432
<u>(1) The person has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.</u>	433 434 435 436
<u>(2) The person is in compliance with section 109.77 of the Revised Code.</u>	437 438
<u>(3) Either of the following applies:</u>	439
<u>(a) The person, on or after the effective date of this amendment, commences full-time employment with the department of taxation.</u>	440 441 442
<u>(b) The person has made the election described in section 145.334 of the Revised Code.</u>	443 444
<u>(WW) "Special police officer for a port authority" means a person who is in compliance with section 109.77 of the Revised Code and to whom either of the following applies:</u>	445 446 447
<u>(1) The person, on or after the effective date of this amendment, commences full-time employment as a special police officer with a port authority under section 4582.04 or 4582.28 of the Revised Code.</u>	448 449 450 451
<u>(2) The person has made the election described in section 145.334 of the Revised Code.</u>	452 453
<u>(XX) "Special police officer for a municipal airport" means a person who is in compliance with section 109.77 of the Revised</u>	454 455

Code and to whom both of the following apply: 456

(1) The person's employment is as a special police officer 457
with a municipal corporation at a municipal airport or other 458
municipal air navigation facility that meets both of the following 459
requirements: 460

(a) The airport or navigation facility has scheduled 461
operations, as defined in 14 C.F.R. 110.2, as amended. 462

(b) The airport or navigation facility is required to be 463
under a security program and is governed by aviation security 464
rules of the transportation security administration of the United 465
States department of transportation as provided in 49 C.F.R. parts 466
1542 and 1544, as amended. 467

(2) The person commences employment on or after the effective 468
date of this amendment or makes the election described in section 469
145.334 of the Revised Code. 470

(YY) Notwithstanding section 2901.01 of the Revised Code, 471
 "PERS law enforcement officer" means a sheriff or any of the 472
 following whose primary duties are to preserve the peace, protect 473
 life and property, and enforce the laws of this state: a deputy 474
 sheriff, township constable or police officer in a township police 475
 department or district, drug agent, department of public safety 476
 enforcement agent, natural resources law enforcement staff 477
 officer, wildlife officer, forest-fire investigator, natural 478
 resources officer, park district police officer, conservancy 479
 district officer, veterans' home police officer, special police 480
 officer for a mental health institution, special police officer 481
 for an institution for persons with developmental disabilities, 482
 state university law enforcement officer, municipal police 483
 officer, house sergeant at arms, assistant house sergeant at arms, 484
 regional transit authority police officer, ~~or~~ state highway patrol 485

police officer, bureau of criminal identification and 486
investigation investigator, gaming agent, department of taxation 487
investigator, special police officer for a port authority, or 488
special police officer for a municipal airport. "PERS 489

"PERS law enforcement officer" also includes a person serving 490
as a municipal public safety director at any time during the 491
period from September 29, 2005, to March 24, 2009, if the duties 492
of that service were to preserve the peace, protect life and 493
property, and enforce the laws of this state. 494

~~(UU)~~(ZZ) "Hamilton county municipal court bailiff" means a 495
person appointed by the clerk of courts of the Hamilton county 496
municipal court under division (A)(3) of section 1901.32 of the 497
Revised Code who is employed full time as a bailiff or deputy 498
bailiff, who has received a certificate attesting to the person's 499
satisfactory completion of the peace officer basic training 500
described in division (D)(1) of section 109.77 of the Revised 501
Code. 502

~~(VV)~~(AAA) "PERS public safety officer" means a Hamilton 503
county municipal court bailiff, or any of the following whose 504
primary duties are other than to preserve the peace, protect life 505
and property, and enforce the laws of this state: a deputy 506
sheriff, township constable or police officer in a township police 507
department or district, drug agent, department of public safety 508
enforcement agent, natural resources law enforcement staff 509
officer, wildlife officer, forest-fire investigator, natural 510
resources officer, park district police officer, conservancy 511
district officer, veterans' home police officer, special police 512
officer for a mental health institution, special police officer 513
for an institution for persons with developmental disabilities, 514
state university law enforcement officer, municipal police 515
officer, house sergeant at arms, assistant house sergeant at arms, 516

regional transit authority police officer, or state highway patrol 517
 police officer. ~~"PERS~~ 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

~~(WW)~~(BBB) "Fiduciary" means a person who does any of the 524
 following: 525

(1) Exercises any discretionary authority or control with 526
 respect to the management of the system or with respect to the 527
 management or disposition of its assets; 528

(2) Renders investment advice for a fee, direct or indirect, 529
 with respect to money or property of the system; 530

(3) Has any discretionary authority or responsibility in the 531
 administration of the system. 532

~~(XX)~~(CCC) "Actuary" means an individual who satisfies all of 533
 the following requirements: 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 537
 actuarial services to public retirement plans. 538

~~(YY)~~(DDD) "PERS defined benefit plan" means the plan 539
 described in sections 145.201 to 145.79 of the Revised Code. 540

~~(ZZ)~~(EEE) "PERS defined contribution plans" means the plan or 541
 plans established under section 145.81 of the Revised Code." 542

Between lines 797 and 798, insert: 543

"Sec. 145.334. A member who, on the effective date of this section, meets the definition of bureau of criminal identification and investigation investigator, gaming agent, department of taxation investigator, special police officer for a port authority, or special police officer for a municipal airport in section 145.01 of the Revised Code but for the election described in division (TT), (UU), (VV), (WW), or (XX) of that section may make the election by giving notice to the public employees retirement system on a form provided by the public employees retirement board. To be valid, the notice must be received by the retirement system not later than ninety days after the effective date of this section. The election, once made, causes the member to be considered a PERS law enforcement officer and is irrevocable.

Service credit earned by a member of the public employees retirement system before the first day of the first month following the retirement system's receipt of the notice of election shall not be considered service credit as a PERS law enforcement officer."

Between lines 1600 and 1601, insert:

"Sec. 742.21. (A) As used in this section and sections 742.211 to 742.214 of the Revised Code:

(1) "Full-time service" has the meaning established by rule of the board of trustees of the Ohio police and fire pension fund.

(2) "Military service credit" means credit for service in the armed forces of the United States purchased or obtained from the fund, the Cincinnati retirement system, or a non-uniform retirement system.

(3) "Non-uniform retirement system" or "non-uniform system" 572
 means the public employees retirement system, school employees 573
 retirement system, or state teachers retirement system. 574

(4) "PERS law enforcement officer" and "PERS public safety 575
officer" have the same meanings as in section 145.01 of the 576
Revised Code. 577

(B) Unless section 742.212 of the Revised Code applies and 578
 except as provided in divisions (G) and (I) of this section, in 579
 computing the pension and benefits payable under section 742.37 or 580
 742.39 of the Revised Code, the Ohio police and fire pension fund 581
 shall give a member of the fund who is in the active service of a 582
 police or fire department, is not receiving a pension or benefit 583
 payment from the fund, and is not a participant in the deferred 584
 retirement option plan established under section 742.43 of the 585
 Revised Code full credit for service credit earned for full-time 586
 service as a member of the Cincinnati retirement system or 587
 purchased or obtained as military service credit if, for each year 588
 of service credit, the fund receives the sum of the following: 589

(1) An amount, which shall be paid by the member, equal to 590
 the amount withdrawn by the member from the retirement system that 591
 is attributable to the year of service credit, with interest at a 592
 rate established by the board on that amount from the date of 593
 withdrawal to the date of payment; 594

(2) Interest, which shall be paid either by the member or the 595
 Cincinnati retirement system, on the amount withdrawn by the 596
 member from the Cincinnati retirement system that is attributable 597
 to the year of service from the last day of the year for which the 598
 service credit was earned or in which payment was made for 599
 military service credit to the date the withdrawal was made; 600

(3) An amount, which shall be paid by either the member or 601

the Cincinnati retirement system, equal to the lesser of the
amount contributed by the employer to the Cincinnati retirement
system for the year of service or the ~~amount that would have been~~
~~contributed by the appropriate employer contribution under section~~
742.33 or 742.34 of the Revised Code for the year of service ~~had~~
~~the member been employed by the member's current employer as a~~
~~member of a police or fire department~~ at the time the credit was
earned, with interest on that amount from the last day of the year
for which the service credit was earned or in which payment was
made for military service credit to the date the payment is made;

(4) If the member became a member of the fund on or after
September 16, 1998, the amount, which shall be paid by the member,
determined pursuant to division (I) of this section.

Interest shall be determined in accordance with division (H)
of this section.

(C)(1) Except as provided in divisions (G) and (I) of this
section, in computing the pension and benefits payable under
section 742.37 or 742.39 of the Revised Code, the fund shall give
a member of the fund who, except as provided in division (C)(2) of
this section, is in the active service of a police or fire
department, is not receiving a pension or benefit payment from the
fund, has withdrawn the member's contributions from a non-uniform
retirement system, and is not a participant in the deferred
retirement option plan established under section 742.43 of the
Revised Code full credit for service credit earned for full-time
service as a member of the non-uniform system or purchased or
obtained as military service credit if, for each year of service,
the fund receives the sum of the following:

(a) An amount, which shall be paid by the member, equal to
the amount withdrawn by the member from the non-uniform system

that is attributable to that year of service credit, with interest 632
 at a rate established by the board on that amount from the date of 633
 withdrawal to the date of payment; 634

(b) If the member is seeking credit for service under the 635
 public employees retirement system or state teachers retirement 636
 system, an amount, which shall be paid by the member, equal to the 637
 amount of any employer contributions and interest on employee 638
 contributions the member received under section 145.40 or 3307.563 639
 of the Revised Code; 640

(c) Interest, which shall be transferred by the non-uniform 641
 system, on the amount withdrawn by the member from the non-uniform 642
 system that is attributable to the year of service from the last 643
 day of the year for which the service credit was earned or in 644
 which payment was made for military service credit to the date the 645
 withdrawal was made; 646

(d) An amount, which shall be transferred by the non-uniform 647
 system, equal to the lesser of the amount contributed by the 648
 employer to the non-uniform system for the year of service or the 649
~~amount that would have been contributed by the appropriate~~ 650
~~employer contribution under section 742.33 or 742.34 of the~~ 651
~~Revised Code~~ for the year of service ~~had the member been employed~~ 652
~~by the member's current employer as a member of a police or fire~~ 653
~~department~~ at the time the credit was earned, with interest on 654
 that amount from the last day of the year for which the service 655
 credit was earned or in which payment was made for military 656
 service credit to the date the transfer is made; 657

(e) If the member became a member of the fund on or after 658
 September 16, 1998, the amount, which shall be paid by the member, 659
 determined pursuant to division (I) of this section. 660

(2) The active service requirement specified in division 661

(C)(1) of this section does not apply to a public employees retirement system member who is obtaining or purchasing the service credit described in that division for service as a PERS law enforcement officer or PERS public safety officer.

(3) On receipt of payment from the member, the fund shall notify the non-uniform system, and on receipt of the notice, the non-uniform system shall make the transfer. Interest shall be determined in accordance with division (H) of this section.

~~(3)~~(4) The amount transferred under division (C)(1) of this section by the public employees retirement system or state teachers retirement system shall not include any amount of employer contributions and interest on employee contributions the member received under section 145.40 or 3307.563 of the Revised Code.

(D)(1) Except as provided in divisions (G) and (I) of this section, in computing the pension and benefits payable under section 742.37 or 742.39 of the Revised Code, the fund shall give a member of the fund who, except as provided in division (D)(2) of this section, is in the active service of a police or fire department, is not receiving a pension or benefit from the fund, has contributions on deposit with a non-uniform retirement system, and is not a participant in the deferred retirement option plan established under section 742.43 of the Revised Code full credit for service credit earned for full-time service as a member of the non-uniform system or service credit purchased or obtained as military service credit if both of the following occur:

~~(1)~~(a) The non-uniform system transfers to the fund, for each year of service, the sum of the following:

~~(a)~~(i) The amount, contributed by the member or, in the case of military service credit, paid by the member, that is

attributable to that service; 692

~~(b)(ii)~~ An amount equal to the lesser of the amount 693
 contributed by the employer to the non-uniform system for the year 694
 of service or the ~~amount that would have been contributed by the~~ 695
~~appropriate~~ employer contribution under section 742.33 or 742.34 696
of the Revised Code for the year of service ~~had the member been~~ 697
~~employed by the member's current employer as a member of a police~~ 698
~~or fire department~~ at the time the credit was earned; 699

~~(e)(iii)~~ Interest on the amounts specified in divisions 700
 (D)(1)(a)(i) and ~~(b)(ii)~~ of this section from the last day of the 701
 year for which the service credit in the non-uniform system was 702
 earned or in which military service credit was purchased or 703
 obtained to the date the transfer is made. 704

~~(2)(b)~~ If the member became a member of the fund on or after 705
 September 16, 1998, the member pays the amount determined pursuant 706
 to division (I) of this section. 707

(2) The active service requirement specified in division 708
(D)(1) of this section does not apply to a public employees 709
retirement system member who is obtaining the service credit 710
described in that division for service as a PERS law enforcement 711
officer or PERS public safety officer. 712

(3) On receipt of a request from the member, the appropriate 713
 non-uniform system shall make the transfer specified in division 714
 (D)(1)(a) of this section. Interest shall be determined in 715
 accordance with division (H) of this section. 716

(E) Subject to board rules, a member of the fund may choose 717
 to purchase in any one payment only part of the credit the member 718
 is eligible to purchase under division (B) or (C)(1) of this 719
 section. 720

(F) At the request of the fund, the non-uniform retirement system or Cincinnati retirement system shall certify to the fund a copy of the records of the service and contributions of a member of the fund who seeks service credit under this section.

(G) A member of the fund is ineligible to receive credit under this section for service that is used in the calculation of any retirement benefit currently being paid or payable in the future to the member under any other retirement program, service rendered concurrently with any other period for which service credit has already been granted, or for service credit that may be transferred under section 742.214 of the Revised Code.

(H) Interest charged under this section shall be calculated separately for each year of service credit. Unless otherwise specified in this section, it shall be calculated at the lesser of the actuarial assumption rate for that year of the fund or of the system in which the credit was earned. The interest shall be compounded annually.

The board may, by rule, establish procedures for the receipt of service credit under this section.

(I) The amount to be paid pursuant to division (B)(4), (C)(1)(e), or (D)~~(2)~~(1)(b) of this section or division (B)(2) or (C)(2)(b) of section 742.212 of the Revised Code is the sum of the following:

(1) An amount equal to the difference between the amount the member paid as employee contributions for the service and the ~~amount the member would have paid had the member been employed by the member's current employer as a member of a police or fire department~~ appropriate employee contribution under section 742.31 of the Revised Code;

(2) An amount equal to the difference between the amount paid 750
 or transferred under division (B)(3), (C)(1)(d), or 751
 (D)(1)~~(b)~~(a)(ii) of this section or division (B)(2) or (C)(2)(b) 752
 of section 742.212 of the Revised Code and the ~~amount that would~~ 753
~~have been contributed by the appropriate employer for the service~~ 754
~~had the member been employed by the member's current employer as a~~ 755
~~member of a police or fire department~~ contribution under section 756
742.33 or 742.34 of the Revised Code; 757

(3) Interest, determined in accordance with division (H) of 758
 this section, on the amounts specified in divisions (I)(1) and (2) 759
 of this section. 760

At the request of a member, in lieu of requiring payment of 761
 all or part of the amount determined under this division the fund 762
 may grant the member an amount of service credit under division 763
 (B), (C), or (D) of this section or division (B) or (C) of section 764
 742.212 of the Revised Code that is less than the amount for which 765
 the member is eligible. The service credit granted shall be the 766
 same percentage of the service credit for which the member is 767
 eligible that the amount the fund receives under division (B), 768
 (C), or (D) of this section or division (B) or (C) of section 769
 742.212 of the Revised Code is of the total amount it would 770
 receive under those divisions if the full amount determined under 771
 this division was paid. 772

(J)(1) Except as provided in division (J)(2) of this section 773
 and notwithstanding any contrary provision of this section, the 774
 board shall, in computing a pension or benefit under section 775
 742.37 or 742.39 of the Revised Code, give a member of the fund 776
 who is not receiving a pension or disability benefit from the fund 777
 full credit for service credit purchased under this section for 778
 service that was less than full-time service if the member 779

provides evidence satisfactory to the board that, after receiving 780
written notice from the fund indicating that the member would be 781
permitted to purchase service credit for service that was less 782
than full-time, the member changed or ceased the member's 783
employment with the understanding that the credit identified in 784
the notice would be used in computing a pension or benefit. If the 785
board has canceled service credit purchased under this section for 786
service that was less than full-time service and the member meets 787
the requirements of division (J)(1) of this section, the board 788
shall restore the service credit on repayment to the fund of the 789
amount refunded to the member at the time of cancellation. 790

(2) If a member of the fund who is not receiving a pension or 791
disability benefit from the fund purchased credit under this 792
section for service that was less than full-time service and does 793
not meet the requirements of division (J)(1) of this section, the 794
board shall refund to the member any amounts paid to purchase the 795
credit, with interest at a rate determined by the board from the 796
date the member purchased the credit to the date of the refund. 797

(K) A member of the fund who has purchased service credit 798
under this section, or the member's estate, is entitled to a 799
refund of the amount or portion of the amount paid to purchase the 800
credit if the purchased credit or portion of credit does not 801
increase a pension or benefit payable under section 742.37 or 802
742.39 or calculated under section 742.442 of the Revised Code. 803
The refund cancels an equivalent amount of service credit. 804

(L) If a member or former member of the fund who is not a 805
current contributor and has not received a refund of accumulated 806
contributions elects to receive credit under section 145.295, 807
3307.761, or 3309.73 of the Revised Code for service for which the 808
member contributed to the fund or purchased as military service 809

credit, the fund shall transfer to the non-uniform retirement 810
 system the amount specified in division (B) of section 145.295 of 811
 the Revised Code, division (C) of section 3307.761 of the Revised 812
 Code, or division (B) of section 3309.73 of the Revised Code. 813

(M) The board shall adopt rules establishing a payroll 814
 deduction plan for the purchase of service credit under this 815
 section. The rules shall meet the requirements described in 816
 section 742.56 of the Revised Code. 817

Sec. 742.214. (A) As used in this section, "transferred 818
 service credit" means service credit purchased or obtained under 819
 section 145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 820
 3309.731 of the Revised Code prior to the date a member commenced 821
 the employment covered by the Ohio police and fire pension fund 822
 for which the member is currently contributing to the fund. 823

(B) A member of the Ohio police and fire pension fund who ~~is~~ 824
~~in the active service of a police or fire department,~~ has 825
 contributions on deposit with, but is no longer contributing to, a 826
 non-uniform retirement system, and is not a participant in the 827
 deferred retirement option plan established under section 742.43 828
 of the Revised Code shall, in computing years of service, be given 829
 full credit for transferred service credit if a transfer to the 830
 Ohio police and fire pension fund is made under this section. At 831
 the request of a member, the non-uniform system shall transfer to 832
 the Ohio police and fire pension fund the sum of the following: 833

(1) An amount equal to the amounts transferred to the 834
 non-uniform system under section 145.295, 145.2913, 3307.761, 835
 3307.765, 3309.73, or 3309.731 of the Revised Code; 836

(2) Interest, determined as provided in division (E) of this 837
 section, on the amount specified in division (B)(1) of this 838

section for the period from the last day of the year in which the 839
transfer under section 145.295, 145.2913, 3307.761, 3307.765, 840
3309.73, or 3309.731 of the Revised Code was made to the date a 841
transfer is made under this section. 842

(C) A member of the fund who ~~is in the active service of a~~ 843
~~police or fire department,~~ has received a refund of contributions 844
to a non-uniform retirement system, and is not a participant in 845
the deferred retirement option plan established under section 846
742.43 of the Revised Code shall, in computing years of service, 847
be given full credit for transferred service credit if, for each 848
year of service, the Ohio police and fire pension fund receives 849
the sum of the following: 850

(1) An amount, which shall be paid by the member, equal to 851
the amount refunded by the non-uniform system to the member for 852
that year for transferred service credit, with interest on that 853
amount from the date of the refund to the date a payment is made 854
under this section; 855

(2) Interest, which shall be transferred by the non-uniform 856
system, on the amount refunded to the member for the period from 857
the last day of the year in which the transfer under section 858
145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 3309.731 of the 859
Revised Code was made to the date the refund was made; 860

(3) If the non-uniform system retained any portion of the 861
amount transferred under section 145.295, 145.2913, 3307.761, 862
3307.765, 3309.73, or 3309.731 of the Revised Code, an amount, 863
which shall be transferred by the non-uniform system, equal to the 864
amount retained, with interest on that amount for the period from 865
the last day of the year in which the transfer under section 866
145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 3309.731 of the 867
Revised Code was made to the date a transfer is made under this 868

section.

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On receipt of payment from the member, the Ohio police and fire pension fund shall notify the non-uniform system, which, on receipt of the notice, shall make the transfer required by this division. Interest shall be determined as provided in division (E) of this section.

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(D) Service credit purchased or obtained under this section shall be used in computing the pension and benefits payable under section 742.37 or 742.39 of the Revised Code. A member may choose to purchase only part of the credit the member is eligible to purchase under division (C) of this section in any one payment, subject to rules adopted by the board of trustees of the Ohio police and fire pension fund. A member is ineligible to purchase or obtain service credit under this section for service to be used in the calculation of any retirement benefit currently being paid or payable to the member in the future under any other retirement program or for service credit that may be purchased or obtained under section 742.21 of the Revised Code.

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(E) Interest charged under this section shall be calculated separately for each year of service credit at the lesser of the actuarial assumption rate for that year of the Ohio police and fire pension fund or of the non-uniform retirement system to which the credit was transferred under section 145.295, 145.2913, 3307.761, 3307.765, 3309.73, or 3309.731 of the Revised Code. The interest shall be compounded annually.

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(F) Any amounts transferred or paid under divisions (B) and (C) of this section that are attributable to contributions made by the member or to amounts paid to purchase service credit shall be credited to the police officers' contribution fund or firefighters' contribution fund created under section 742.59 of

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the Revised Code, as applicable. Any remaining amounts shall be 899
 credited to one or more of the funds created under that section as 900
 determined by the board. 901

(G) At the request of the Ohio police and fire pension fund, 902
 the non-uniform retirement system shall certify to the fund a copy 903
 of the records of the service and contributions of a member of the 904
 fund who seeks service credit under this section. The non-uniform 905
 retirement system shall specify the portions of the amounts 906
 transferred that are attributable to employee contributions, 907
 employer contributions, and interest. 908

(H) If a member of the fund who is not a current contributor 909
 elects to receive service credit under section 145.2913, 3307.765, 910
 or 3309.731 of the Revised Code for transferred service credit, as 911
 defined in those sections, the fund shall transfer to the 912
 non-uniform retirement system, as applicable, the amount specified 913
 in division (B) or (C) of section 145.2913, division (B) or (C) of 914
 section 3307.765, or division (B) or (C) of section 3309.731 of 915
 the Revised Code. 916

(I) The board may adopt rules to implement this section." 917

In line 6055, after "742.105," insert "742.21, 742.214," 918

In line 6064, after "3." delete the balance of the line 919

Delete lines 6065 through 6072 and insert "If a member of the 920
 Public Employees Retirement System applies to the System not later 921
 than ninety days after the effective date of this section and the 922
 member meets all the requirements of section 145.295 of the 923
 Revised Code other than the requirement of divisions (B)(1) and 924
 (C)(1) of that section, the member may obtain service credit under 925
 that section for both of the following: 926

(A) Service for which contributions were made to the Ohio 927

Police and Fire Pension Fund as a member of a police department; 928

(B) Service purchased or obtained from the Fund for which 929
 contributions were originally made to the System as a firefighter 930
 described in section 145.013 of the Revised Code. 931

Section 4. The General Assembly, applying the principle 932
 stated in division (B) of section 1.52 of the Revised Code that 933
 amendments are to be harmonized if reasonably capable of 934
 simultaneous operation, finds that the following sections, 935
 presented in this act as composites of the sections as amended by 936
 the acts indicated, are the resulting versions of the sections in 937
 effect prior to the effective date of the sections as presented in 938
 this act: 939

Section 145.01 of the Revised Code, as amended by both Sub. 940
 H.B. 158 and Sub. S.B. 293 of the 131st General Assembly; 941

Section 3305.06 of the Revised Code, as amended by both Sub. 942
 S.B. 342 and Sub. S.B. 343 of the 129th General Assembly." 943

The motion was _____ agreed to.