

amount being paid to the alternate payee bears to the amount paid to the benefit recipient.

If payment of a portion of a benefit is made to one or more beneficiaries under "a multiple-life plan F" under ~~division (B)(3)(e)~~ of section 145.46 of the Revised Code, each increase under this section granted while the plan of payment is in effect shall be divided among the designated beneficiaries in accordance with the portion each beneficiary has been allocated.

(C) The board shall make all rules necessary to carry out this section.

Sec. 145.33. (A)~~(1)~~ Except as provided in ~~division (B) or (C)~~ of this section, ~~a member with at least five years of total service credit who has attained age sixty, or who has thirty years of total Ohio service credit, may apply for age and service retirement, which shall consist of:~~

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

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

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

~~(4) A basic annual pension equal to one hundred eighty dollars if the member has ten or more years of total service credit as of October 1, 1956, except that the basic annual pension shall not exceed the sum of the annual benefits provided by divisions (A)(1), (2), and (3) of this section.~~

~~(5) When 145.332 of the Revised Code, when a member retires on age and service retirement, the member's total annual single lifetime allowance, including the allowances provided in divisions (A)(1), (2), (3), and (4) of this section, shall be not less than a base an amount adjusted in accordance with division (A)~~(5)~~~~(2)~~ or (B) of this section and determined by multiplying the member's total service credit by ~~the greater of~~ the following:~~

~~(a) Eighty-six dollars;~~

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

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

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

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount
58		25	75
59		26	80
60		27	85
61		28	88
62		28	90
63		29	91
64		29	94
65		30 or more	95
			97
			100

~~Members shall vest~~ (b) For a member eligible to retire under division (B) 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 for each year the member retires before whichever of the following occurs first: attaining age sixty-six, attaining age fifty-two with thirty-one years of total service credit, or earning thirty-two years of total service credit.

(c) For a member eligible to retire under division (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 for each year the member retires before whichever of the following occurs first: attaining age sixty-seven, or attaining age fifty-five with thirty-two years of total service credit.

(d) The actuary may use an actuarially based average percentage reduction for purposes of division (A)(2)(b) or (c) 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
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66	102
67	104
68	106
69	108
70 or more	110

~~(6)(B)~~ The total annual single lifetime allowance that a member shall receive under ~~division (A)(5) of~~ this section shall not exceed the lesser of ~~one~~ the following:

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

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

(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.

~~(B)(1) For the purposes of divisions (B) to (G) of this section, "total service credit as a PERS law enforcement officer" and "total service credit as a PERS public safety officer" include credit for military service to the extent permitted by division (E)(2) of this section and credit for service as a police officer or state highway patrol trooper to the extent permitted by divisions (E)(3) and (4) of this section.~~

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

~~(a) The member has attained age forty eight and has at least twenty five years of total service credit as a PERS law enforcement officer;~~

~~(b) The member 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;~~

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

~~(i) A PERS law enforcement officer;~~

~~(ii) A PERS public safety officer.~~

~~(3) A benefit paid under division (B)(2) 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 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 twenty five years.~~

~~(4) A member with at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer who voluntarily resigns or is discharged for any reason except death, dishonesty,~~

~~cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one half per cent of the member's final average salary multiplied by the number of years of the member's total service credit. The allowance shall commence on the first day of the calendar month following the month in which the application is filed with the public employees retirement board on or after the attainment by the applicant of age fifty two.~~

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

<del>Attained Age</del>	<del>Reduced Benefit</del>
<del>48</del>	<del>75% of the benefit payable under division (B)(3) of this section</del>
<del>49</del>	<del>80% of the benefit payable under division (B)(3) of this section</del>
<del>50</del>	<del>86% of the benefit payable under division (B)(3) of this section</del>
<del>51</del>	<del>93% of the benefit payable under division (B)(3) of this section</del>

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

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

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

~~(D) A benefit paid under division (B) or (C) of this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986,"~~

~~100 Stat. 2085, 26 U.S.C.A. 415, as amended.~~

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

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

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

~~(c) If the member qualifies for an allowance under division (B)(2)(b) or (e), (B)(4), or (C) of this section, to have the member's service credit as a PERS law enforcement officer or PERS public safety officer used in calculating a benefit under the appropriate division and the member's credit for all service other than PERS law enforcement service or service as a PERS public safety officer under this chapter used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service or PERS public safety officer service and an equal amount of the employer's contributions.~~

~~(2) Notwithstanding sections 145.01 and 145.30 of the Revised Code, no more than four years of military service credit granted under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a PERS law enforcement officer or PERS public safety officer or the total service credit of that person.~~

~~(3) Only credit for the member's service as a PERS law enforcement officer, PERS public safety officer, or service credit obtained as a 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) or (C) of this section for the following:~~

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

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

~~(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;~~

~~(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;~~

~~(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;~~

~~(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;~~

~~(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;~~

~~(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;~~

~~(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;~~

~~(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;~~

~~(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;~~

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

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

~~(4) 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)(2)(b) or (c)(ii) or (4) or division (C) of this section for any person who originally is employed as~~

~~a Hamilton county municipal court bailiff on or after November 6, 1996.~~

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

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

Sec. 145.331. (A) A recipient of a disability allowance under section 145.361 of the Revised Code who is subject to division (C)(3) of that section may make application for age and service retirement under this section. Retirement shall be effective on the first day of the first month following the last day for which the disability allowance is paid.

(B) The annual allowance payable under this section shall consist of the sum of the amounts determined under divisions (B)(1) and (2) of this section:

(1) The greater of the following:

(a) An allowance calculated as provided in section 145.33 or ~~145.34~~ 145.332 of the Revised Code, excluding any period during which the applicant received a disability benefit under section 145.361 of the Revised Code;

(b) An allowance calculated by multiplying the applicant's total service credit, including service credit for the last continuous period during which the applicant received a disability benefit under section 145.361 of the Revised Code, by two and two-tenths per cent of the applicant's final average salary, except that the allowance shall not exceed forty-five per cent of the applicant's final average salary.

(2) An amount equal to the additional allowance the recipient would receive under section 145.323 of the Revised Code, plus any other additional amount the recipient would receive under this chapter, had the recipient retired under section 145.33 or ~~145.34~~ 145.332 of the Revised Code effective on the effective date of the recipient's most recent continuous period of receipt of a disability benefit under section 145.361 of the Revised Code.

(C) The allowance calculated under division (B) of this section, exclusive of any amount added under division (B)(2) of this section based on section 145.323 of the Revised Code, shall be the base for all future additional allowances under section 145.323 of the Revised Code.

The anniversary date for future additional allowances under section 145.323 of the Revised Code shall be the effective date of the recipient's most recent continuous period of receipt of a disability benefit under section 145.361 of the Revised Code.