

Sec. ~~3307.39~~ 3307.59. (A) A recipient of a disability allowance under section ~~3307.431~~ 3307.631 of the Revised Code who is subject to division (C)(3) of that section may make application for 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 ~~3307.38~~ 3307.58 of the Revised Code, excluding any period during which the applicant received a disability benefit under section ~~3307.431~~ 3307.631 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 ~~he~~ THE APPLICANT received a disability benefit under section ~~3307.431~~ 3307.631 of the Revised Code, by two and ~~one-tenth~~ TWO-TENTHS per cent of ~~his~~ THE APPLICANT'S final average salary, except that the allowance shall be determined without application of division (B) of section ~~3307.013~~ 3307.501 of the Revised Code and 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 ~~3307.403~~ 3307.67 of the Revised Code, plus any other additional amount ~~he~~ THE RECIPIENT would receive under this chapter, had ~~he~~ THE RECIPIENT retired under section ~~3307.38~~ 3307.58 of the Revised Code effective on the effective date of ~~his~~ THE RECIPIENT'S most recent continuous period of receipt of a disability benefit under section ~~3307.431~~ 3307.631 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 ~~3307.403~~ 3307.67 of the Revised Code, shall be the base for all future additional allowances under section ~~3307.403~~ 3307.67 of the Revised Code.

The anniversary date for future additional allowances under section ~~3307.403~~ 3307.67 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 ~~3307.431~~ 3307.631 of the Revised Code.

(D) The retirement allowance determined under this section shall be paid as provided in section ~~3307.38~~ 3307.58 of the Revised Code.

SECTION 6. The State Teachers Retirement Board shall recalculate under section 3307.58, 3307.59, or 3307.631 of the Revised Code, as amended by this act, a benefit that is payable under those sections or section 3307.60 of the Revised Code and became effective on or after July 1, 1999, but before the effective date of this act. If the recalculated benefit is greater than the recipient's benefit prior to the recalculation, the board shall do both of the following:

(A) Pay the recalculated benefit;

(B) Make a one-time payment to the recipient equal to the difference between the benefits paid to the recipient between July 1, 1999, and the date of the payment and the increased benefits that would have been paid to the recipient had the amendments to sections 3307.58, 3307.59, and 3307.631 of the Revised Code gone into effect on July 1, 1999.