

Am. H. B. 1010

136 O.L.

See also: 5505.17

Am. Sub. HB 268 in

136 O.L.

Sec. 5505.17. (A) (1) Upon his retirement, as provided in section 5505.16 of the Revised Code, a member of the state highway patrol retirement system shall receive a life pension, without guaranty or refund, equal to the sum of two and one-half per cent of his final average salary multiplied by the first twenty years of his total service credit plus one and one-half per cent of his final average salary multiplied by the number of years, and fraction of a year, of his total service credit in excess of twenty years; provided that in no case shall his pension exceed sixty-six per cent of his final average salary. Such pension shall be payable monthly to such member during his lifetime.

(2) A member with fifteen or more years of total service credit, who is discharged from the state highway patrol for any reason except his retirement under the provisions of sections 5505.01 to 5505.24 of the Revised Code, his death, his dishonesty, cowardice, intemperate habits, or conviction of a felony, shall receive a pension equal to one and one-half per cent of his final average salary multiplied by the number of years, and fraction of a year, of his total service credit. Such pension shall commence at the end of the calendar month in which the application is filed with the retirement board on or after the attainment of age fifty-five years by the applicant. In the event the member withdraws any part or all of his accumulated contributions from the employees' savings fund he shall thereupon forfeit all his rights to a deferred pension provided for in this division.

(3) A surviving spouse of a deceased member or retirant shall receive a pension of one hundred sixty dollars per month during the spouse's life, or until the spouse remarries, if such spouse was married to the deceased member or retirant while he was in the active service of the patrol.

(4) A surviving spouse of a deceased member or retirant having one child shall receive a pension of two hundred fifteen dollars per month until such child attains the age of eighteen years, or marries, whichever occurs first.

(5) (a) A surviving spouse of a deceased member or retirant having two children shall receive a pension of two hundred seventy dollars per month until such children attain the age of eighteen years, or marries, whichever occurs first.

(b) A surviving spouse of a deceased member or retirant having three children shall receive a pension of three hundred twenty-five dollars per month until such children attain the age of eighteen years, or marries, whichever occurs first.

Such spouse of a deceased member shall receive fifty-five dollars for each additional child who qualifies.

(6) If a member or retirant dies and leaves no spouse, each surviving child under eighteen years of age and not married, shall receive a pension of ninety dollars per month, provided that if there are more than two children, they shall receive a pension of two hundred thirty dollars per month to be divided equally among them.

(7) If the spouse of a member or retirant remarries or dies, while having the care of unmarried children under eighteen years of age, then each child shall receive a pension of ninety dollars per month, provided if there are more than two eligible children, they shall receive a pension of two hundred thirty dollars per month to be divided equally among them.

(8) As used in paragraphs DIVISIONS (A) (4), (5), (6), and (7) of division (A) of this section "child" or "children" includes a progeny of such deceased member or retirant which has been adjudged physically or mentally incompetent by a probate court in Ohio, except that such progeny shall receive such pension after age eighteen for as long as he is so adjudged by the court.

(9) The benefits payable under paragraphs DIVISION (A) (4), (5), (6), or (7) of this division SECTION shall be appropriately adjusted upon any changes in the number of eligible children.

(10) In the event a surviving spouse, child, or children of a deceased member or retirant has been granted benefits prior to January 1, 1974 such benefits shall be adjusted to comply thereafter with the benefit provision of this section.

(11) The benefits shall be paid to the surviving spouse for such time as such unmarried child or children under age eighteen years or such progeny are in the spouse's care.

(12) If a deceased member leaves no spouse or surviving children, but leaves two parents depending solely upon him for support, each parent shall be paid a monthly pension of ninety dollars. If in such case, there is only one parent dependent solely upon him for support, such parent shall be paid a monthly pension of ninety dollars. Such pension shall be paid during the life of the surviving parents, or until dependency ceases, or until remarriage, whichever event occurs first.

(B) The state highway patrol retirement board shall formulate and adopt the necessary rules and regulations for the administration of this section and all decisions of the board shall be final.

(C) A member's total service credit may include periods during which his employment with the state highway patrol is interrupted by a leave of absence, when requested by the governor, to accept employment with another agency of the state, provided that:

(1) He is re-employed by the state highway patrol within thirty days following termination of such other employment;

*Editorial statement of the Legislative Service Commission.*

Sections 145.45, 742.37, and 5505.17 of the Revised Code are amended by this act and also by Am. Sub. H. B. 268 of the 111th General Assembly. Comparison of these amendments in pursuance of section 1.62 of the Revised Code discloses that they are not irreconcilable, so that they are required by that section to be harmonized to give effect to each amendment.

*Effective Aug 27, 1976*

(2) He pays into the retirement system, to the credit of the employees' savings fund, an amount equal to the total contributions he would have paid had his state highway patrol employment not been so interrupted. Such repayment shall begin within ninety days after his return to duty with the state highway patrol and be completed within a period equal to that of his leave of absence.

(D) A member who has retired as of September 14, 1970, may obtain additional service credit, lost as a result of a leave of absence requested by the governor to accept employment with another agency of the state, under the same conditions as provided for a member in division (C) of this section. A retirant entitled to such additional service credit under this division has ninety days after September 14, 1970, to contribute to the retirement system as provided in division (C) (2) of this section. Upon making such payment the board of the highway patrol retirement system shall include the increased benefit resulting from a recalculation of service credits in all future monthly pension payments.

(E) Service credits granted under divisions (C) and (D) of this section shall not include any duplications of credits for which a pension is payable by the public employees retirement system.

(F) NO PERSON RECEIVING A BENEFIT UNDER SECTION 742.63 OF THE REVISED CODE SHALL AT THE SAME TIME RECEIVE A PENSION OR PAYMENT UNDER DIVISION (A) (3), (4), (5), (6), OR (7) OF THIS SECTION.