

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 two per cent of his final average salary for each of the twenty-first to twenty-fifth years, 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-five years; provided that in no case shall his pension exceed seventy-two per cent of his final average salary.

(2) A member with fifteen or more years of total service credit, who voluntarily resigns or who is discharged from the state highway patrol for any reason except his retirement under sections 5505.01 to 5505.24 of the Revised Code, death, 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. The 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 pension provided for in this division.

(3) A surviving spouse of a deceased member or retiree shall receive a pension of four hundred twenty-five dollars per month, or fifty per cent of the computed monthly pension the member was receiving, whichever is greater, during the spouse's life, or until the spouse remarries, if the spouse was married to the deceased member or retiree while he was in the active service of the patrol. Benefits terminated under this division due to a first remarriage shall resume if the remarriage ceases

within two years due to divorce, annulment, dissolution, or death.

(4) A pension of one hundred dollars per month shall be paid by the system to or for the benefit of each child of a deceased member or retiree until the child attains the age of eighteen years or marries, whichever event occurs first, or until the child attains twenty-three years of age if he is a student in and attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of the institution, as determined by the retirement board. If any surviving child, regardless of his age at the time of the member's or retiree's death, because of physical or mental disability, was totally dependent upon the deceased member or retiree for support at the time of his death, a pension of one hundred dollars per month shall be paid by the system to or for the benefit of the child during his natural life or until he recovers from the disability.

(5) The benefits payable under division (A)(4) of this section shall be appropriately adjusted upon any changes in the number of eligible children.

(6) In the event a surviving spouse, child, or children of a deceased member or retiree has been granted benefits prior to the effective date of this amendment, such benefits shall be adjusted to comply thereafter with the benefit provision of this section, except that the adjusted benefits under division (A)(3) of this section shall not exceed four hundred twenty-five dollars per month.

(7) 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 one hundred fifty-four 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 one hundred fifty-four dollars. Such pension shall be paid during the life of the surviving parents, or until dependency ceases, or until remarriage, whichever event occurs first.

(8) The board shall adopt, and may amend or rescind, the necessary rules 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 reemployed by the state highway patrol within thirty days following termination of such other employment;

(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 had retired as of September 4, 1978, and has made the payment required to obtain additional service credit to replace service credit lost as a result of a leave of absence requested by the governor to accept employment with another~~

~~agency of the state is entitled to the increased benefit resulting from the additional service credit.~~

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

SECTION 3. Section 5505.17 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S. B. 133 and Am. S. B. 185 of the 114th General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Effective
Sept. 8, 1982