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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 THE LESSER OF seventy-two per cent of his 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.

(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 this chapter, 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, EXCEPT THAT THE PENSION SHALL NOT EXCEED THE LIMIT ESTABLISHED BY SECTION 415 OF THE "INTERNAL REVENUE CODE OF 1986," 100 STAT. 2085, 26 U.S.C.A. 415, AS AMENDED. 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) A surviving spouse of a deceased member shall receive a monthly pension, determined as follows, during the spouse's life, or until the spouse remarries:

(i) If at the time of his death the member was not eligible to be granted a pension payable under this section or to elect to receive a reduced pension payable under section 5505.16 of the Revised Code, six hundred dollars;

(ii) If at the time of his death the member was eligible to be granted a pension payable under this section or to elect to receive a reduced pension payable under section 5505.16 of the Revised Code, the greater of six hundred dollars or fifty per cent of the computed monthly pension the member would have received had he been granted a pension under this section or elected to receive a reduced pension under section 5505.16 of the Revised Code.

(b) The surviving spouse of a retirant shall receive a monthly pension, determined as follows, during the spouse's life or until remarriage:

(i) If the retirant had applied for a pension payable under section 5505.16 of the Revised Code, but at the time of his death had not attained the age of eligibility for the pension, six hundred dollars;

(ii) If the retirant had applied for a pension payable under section 5505.16 of the Revised Code and had attained the age of eligibility for the pension, but at the time of his death had not elected to begin receiving the pension, the greater of six hundred dollars or fifty per cent of the computed monthly pension the retirant was eligible to receive under section 5505.16 of the Revised Code;

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(iii) If the retirant was receiving a pension under this section or section 5505.16 or 5505.18 of the Revised Code, or, regardless of whether or not he had actually received any payment, if the retirant was eligible to receive a pension under this section or section 5505.16 or 5505.18 of the Revised Code and had elected to begin receiving it, the greater of six hundred dollars or fifty per cent of the computed monthly pension awarded the retirant.

(c) 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 retirant 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 retirant's death, because of physical or mental disability, was totally dependent upon the deceased member or retirant 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)(a) If a retirant died prior to June 6, 1988, and his surviving spouse was not married to the deceased retirant while he was in the active service of the patrol, the surviving spouse shall receive a pension of the greater of four hundred twenty-five dollars per month or fifty per cent of the computed monthly pension the retirant was receiving.

(b) If the pension payable to a person receiving a pension under division (A)(5)(a) of this section on ~~the effective date of this amendment~~ NOVEMBER 2, 1989, is less than six hundred dollars per month, the pension shall be increased to six hundred dollars per month.

(6)(a) If a surviving spouse, child, or children of a deceased member or retirant has been granted benefits prior to November 18, 1981, 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.

(b) If the pension payable to the surviving spouse of a deceased member or retirant under division (A)(3) of this section is less than six hundred dollars per month, the pension shall be increased to six hundred dollars per month.

(7) If a deceased member or retirant 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.

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(8) The increases provided for by divisions (A)(5)(b) and (A)(6)(b) of this section shall be included in the calculation of the additional benefit paid under section 5505.174 of the Revised Code.

(B) 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. Any payment of a pension or benefit under this section is subject to the provisions of section 5505.26 of the Revised Code.

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