H.B. 520
As Introduced

Topic: Spousal consent for refund of contributions

_____ moved to amend as follows:

In line 7 of the title, after "3309.30," insert "3309.42,"	1
In line 22, after "3309.30," insert "3309.42,"	2
Between lines 4661 and 4662, insert:	3

"**Sec. 3309.42.** (A)(1) Subject to section 3309.67 of the   4
Revised Code and except as provided in division (B) of this   5
section, a member who elects to become exempt from contribution to   6
the school employees retirement system pursuant to section 3309.23   7
of the Revised Code, or ceases to be an employee for any cause   8
other than death, retirement, receipt of a disability benefit, or   9
current employment in a position in which the member has elected   10
to participate in an alternative retirement plan pursuant to   11
section 3305.05 or 3305.051 of the Revised Code, shall be paid the   12
accumulated contributions standing to the credit of the member's   13
individual account in the employees' savings fund upon application   14
and subject to such rules as are established by the school   15
employees retirement board and provided three months have elapsed   16
since employment, other than employment exempt from contribution   17
under division (C) of section 3309.23 of the Revised Code, ceased.   18

(2) A member described in division (A)(1) of this section who   19

is married at the time of application for payment and ~~would be~~ is   20

eligible for age and service retirement under section 3309.34,   21

3309.36, or ~~3309.40~~ 3309.381 of the Revised Code or would be   22

eligible for age and service retirement under any of those   23

sections but for a forfeiture ordered under division (A) or (B) of   24

section 2929.192 of the Revised Code shall submit with the   25

application a written statement by the member's spouse attesting   26

that the spouse consents to the payment of the member's   27

accumulated contributions. Consent shall be valid only if it is   28

signed and witnessed by an employee of the school employees   29

retirement system or a notary public. The board may waive the   30

requirement of consent if the spouse is incapacitated or cannot be   31

located, or for any other reason specified by the board. Consent   32

or waiver is effective only with regard to the spouse who is the   33

subject of the consent or waiver.   34

(B) This division applies to any member who is employed in a   35

position in which the member has elected under section 3305.05 or   36

3305.051 of the Revised Code to participate in an alternative   37

retirement plan and due to the election ceases to be an employee   38

for purposes of that position.   39

Subject to section 3309.67 of the Revised Code, the school   40

employees retirement system shall do the following: 41

(1) On receipt of an election under section 3305.05 or   42

3305.051 of the Revised Code, pay, in accordance with section   43

3305.052 of the Revised Code, the amount described in that section   44

to the appropriate provider;   45

(2) If a member has accumulated contributions, in addition to   46

those subject to division (B)(1) of this section, standing to the   47

credit of the member's individual account and is not otherwise in   48

a position in which the member is considered an employee for the   49

purposes of that position, pay, to the provider the member   50

selected pursuant to section 3305.05 or 3305.051 of the Revised   51

Code, the accumulated contributions standing to the credit of the   52

member's individual account in the employees' saving fund. The   53

payment shall be made on the member's application.   54

    (C) Payment of a member's accumulated contributions under   55

this section cancels the member's total service credit in the   56

school employees retirement system. A member whose accumulated   57

contributions are paid to a provider pursuant to division (B) of   58

this section is forever barred from claiming or purchasing service   59

credit under the school employees retirement system for the period   60

of employment attributable to those contributions."   61

    In line 6059, after "3309.30," insert "3309.42,"   62

The motion was _____ agreed to.