

Sec. 145.323. All persons receiving an allowance, pension, or benefit under this chapter may become eligible to receive an additional allowance in accordance with this section.

(A) Beginning April 1, 1971, and each year thereafter, the board of the public employees retirement system shall determine the average percentage change in the consumer price index prepared by the United States bureau of labor statistics (U.S. City Average for Urban Wage Earners and Clerical Workers: "All Items 1982-84 = 100" ) for the twelve-calendar-month period prior to the first day of January over the next preceding twelve-calendar-month period, as reported by the bureau.

Any percentage above the percentage authorized for the first increased payment shall be accumulated and combined with the percentage of change in the succeeding years. Whenever the balance of this accumulation is equal to or in excess of three per cent, the increased allowance provided in this section shall be paid. When the balance of the accumulation is less than three per cent, no additional increase shall be paid.

(A) Upon a determination by the board in any year that the accumulation of changes CHANGE in the consumer price index is equal to or in excess of AN INCREASE OR THAT THE CHANGE PLUS THE ACCUMULATION DESCRIBED IN DIVISION (B) OF THIS SECTION IS AN INCREASE, THE BOARD SHALL INCREASE EACH ALLOWANCE, PENSION, OR BENEFIT PAYABLE UNDER THIS CHAPTER BY A PERCENTAGE EQUAL TO THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX OR TO THAT INCREASE PLUS THE ACCUMULATION, EXCEPT THAT THE INCREASE SHALL NOT EXCEED three per cent the board shall increase all allowances and benefits payable under this section by three per cent, except that AND no allowance, PENSION, or benefit shall 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 first increase is payable to all persons becoming eligible after June 30, 1971, upon such persons receiving an allowance for twelve months. The increased amount is payable for the ensuing twelve-month period or until the next increase is granted under this section, whichever is later. Subsequent increases shall be determined from the date of the first increase paid to the former member in the case of an allowance being paid a beneficiary under an option, or from the date of the first increase to the survivor first receiving an allowance or benefit in the case of an allowance or benefit being paid to the subsequent survivors of the former member.

(B) The date of the first increase under this section becomes the anniversary date for any future increases.

The allowance or benefit used in the first calculation of an increase under this section shall remain as the base for all future increases, unless a new base is established.

(B) ANY PERCENTAGE OF CHANGE IN THE CONSUMER PRICE INDEX IN ANY YEAR THAT IS IN EXCESS OF THREE PER CENT SHALL BE ACCUMULATED AND USED TO DETERMINE INCREASES UNDER THIS SECTION IN SUBSEQUENT YEARS. ANY PERCENTAGE OF CHANGE IN THE CONSUMER PRICE INDEX ACCUMULATED BY AN ELIGIBLE PERSON PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT SHALL BE USED IN DETERMINING ANY FUTURE INCREASES UNDER THIS SECTION.

(C) The board shall make all rules necessary to carry out this section.

SECTION 3. (A) If this act takes effect after July 1, 1996:

(1) Any allowance, pension, or benefit granted under Chapter 145. of the Revised Code shall be adjusted as though section 145.323 of the Revised Code, as amended by this act, had become effective on July 1, 1996;

(2) Any allowance, pension, or benefit granted under Chapter 742. of the Revised Code shall be adjusted as though sections 742.3711, 742.3716, and 742.3717 of the Revised Code, as amended by this act, had become effective on July 1, 1996;

(3) Any allowance or benefit granted under Chapter 3307. of the Revised Code shall be adjusted as though section 3307.403 of the Revised Code, as amended by this act, had become effective on July 1, 1996;

(4) Any allowance, pension, or benefit granted under Chapter 3309. of the Revised Code shall be adjusted as though section 3309.374 of the Revised Code, as amended by this act, had become effective on July 1, 1996.

(B) If this act takes effect after December 1, 1996, any benefit granted under Chapter 5505. of the Revised Code shall be adjusted as though section 5505.174 of the Revised Code, as amended by this act, had become effective on December 1, 1996.

Effective 9-27-96

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