

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "5505.17" 1
In line _____ of the title, after "_____" insert "to make changes 2
to survivor benefit amounts and eligibility under the State Highway Patrol 3
Retirement System" 4
After line _____, insert: 5
"Section 1. That section 5505.17 of the Revised Code be 6
amended to read as follows: 7
Sec. 5505.17. (A) (1) Upon retirement as provided in 8
section 5505.16 of the Revised Code, a state highway patrol 9
retirement system retirant shall receive a life pension, without 10
guaranty or refund, equal to the greater of one thousand fifty 11
dollars or the sum of two and one-half per cent of the 12
retirant's final average salary multiplied by the first twenty 13
years of total service credit, plus two and one-quarter per cent 14
of the retirant's final average salary multiplied by the number 15
of years, and fraction of a year, of total service credit in 16
excess of twenty years but not in excess of twenty-five years, 17
plus two per cent of the retirant's final average salary 18
multiplied by the number of years, and fraction of a year, in 19
excess of twenty-five years; provided that in no case shall the 20
pension exceed the lesser of seventy-nine and one-quarter per 21
cent of the retirant's final average salary or the limit 22

established by section 415 of the "Internal Revenue Code of 23
1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. 24

(2) A member with fifteen or more years of total service 25
credit, who voluntarily resigns or who is discharged from the 26
state highway patrol for any reason except retirement under this 27
chapter, death, dishonesty, cowardice, intemperate habits, or 28
conviction of a felony, shall receive a pension equal to one and 29
one-half per cent of the member's final average salary 30
multiplied by the number of years, and fraction of a year, of 31
total service credit, except that the pension shall not exceed 32
the limit established by section 415 of the "Internal Revenue 33
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended. The 34
pension shall commence at the end of the calendar month in which 35
the application is filed with the retirement board on or after 36
the attainment of age fifty-five years by the applicant. A 37
member or former member who withdraws any part or all of the 38
accumulated contributions from the employees' savings fund shall 39
thereupon forfeit all rights to a pension provided for in this 40
division. 41

(3) (a) A surviving spouse of a deceased member who died 42
~~before the effective date of this amendment~~ May 11, 2018, shall 43
receive a monthly pension, determined as follows, during the 44
spouse's life: 45

(i) If at the time of death the member was not eligible to 46
be granted a pension payable under division (A) (1) of this 47
section or to elect to receive a reduced pension payable under 48
section 5505.16 of the Revised Code, nine hundred dollars; 49

(ii) If at the time of death the member was eligible to be 50
granted a pension payable under division (A) (1) of this section 51
or to elect to receive a reduced pension payable under section 52

5505.16 of the Revised Code, the greater of nine hundred dollars 53
or fifty per cent of the computed monthly pension the member 54
would have received had the member been granted a pension under 55
division (A) (1) of this section or elected to receive a reduced 56
pension under section 5505.16 of the Revised Code. 57

(b) The surviving spouse of a retirant who retired before- 58
~~the effective date of this amendment~~ May 11, 2018, shall receive 59
a monthly pension, during the spouse's life if the marriage 60
occurred before the effective date of this amendment. The 61
pension shall be determined as follows, ~~during the spouse's~~ 62
~~life:~~ 63

(i) If the retirant had been granted retirement under 64
section 5505.16 of the Revised Code, but at the time of death 65
had not attained the age of eligibility for a pension, nine 66
hundred dollars; 67

(ii) If the retirant had been granted retirement under 68
section 5505.16 of the Revised Code and had attained the age of 69
eligibility for a pension, but at the time of death had not 70
elected to begin receiving the pension, the greater of nine 71
hundred dollars or fifty per cent of the computed monthly 72
pension the retirant was eligible to receive under section 73
5505.16 of the Revised Code; 74

(iii) If the retirant had been granted retirement and was 75
receiving a pension under division (A) (1) of this section or 76
section 5505.16 or 5505.18 of the Revised Code, or, regardless 77
of whether or not the retirant had actually received any 78
payment, was eligible to receive a pension under division (A) (1) 79
of this section or section 5505.16 or 5505.18 of the Revised 80
Code and had elected to begin receiving it, the greater of nine 81
hundred dollars or fifty per cent of the computed monthly 82

pension awarded the retirant. 83

(c) The surviving spouse of a deceased member who dies on 84
or after ~~the effective date of this amendment~~ May 11, 2018, or a 85
retirant who retires on or after ~~the effective date of this~~ 86
~~amendment~~ May 11, 2018, shall receive a monthly pension during 87
the spouse's life if the spouse was married to the member or 88
retirant while the member or retirant was in the active service 89
of the state highway patrol. The pension shall be determined as 90
follows: 91

(i) During the period beginning ~~on the effective date of~~ 92
~~this amendment~~ May 11, 2018, and ending December 31, 2018, nine 93
hundred dollars; 94

(ii) During the period beginning January 1, 2019, and 95
continuing the following twelve months, and the period beginning 96
the first day of January of each year thereafter and continuing 97
the following twelve months, an amount equal to the monthly 98
amount payable during the prior twelve-month period plus an 99
amount determined by multiplying nine hundred dollars by the 100
amount the board determines annually under division (B) (1) (b) of 101
section 5505.174 of the Revised Code. 102

(d) In addition to the pension determined under division 103
(A) (3) (c) of this section, the surviving spouse of a deceased 104
member who dies on or after ~~the effective date of this amendment~~ 105
May 11, 2018, shall receive a monthly pension during the 106
spouse's life if the spouse was married to the member while the 107
member was in the active service of the state highway patrol 108
and, at the time of death, the member was eligible to be granted 109
a pension payable under division (A) (1) of this section or to 110
elect to receive a reduced pension payable under section 5505.16 111
of the Revised Code. The pension shall be an amount equal to the 112

amount the surviving spouse would have been entitled to receive 113
had the member retired effective the day following the date of 114
death having selected an option 2 plan under division (A) (2) (b) 115
of section 5505.162 of the Revised Code providing for one-half 116
of the member's lesser pension to be paid to the surviving 117
spouse. 118

(e) If a monthly pension to a surviving spouse was 119
terminated due to a remarriage, the surviving spouse is eligible 120
to receive a monthly pension under division (A) (3) of this 121
section effective the first day of the first month following 122
June 5, 1996. The pension shall be computed under division (A) 123
(3) of this section as of June 5, 1996. The pension payable to a 124
person who is the surviving spouse of more than one state 125
highway patrol retirement system member or retirant shall be 126
computed on the basis of the service of the member or retirant 127
to whom the surviving spouse was most recently married. 128

(4) ~~A pension of one hundred fifty dollars per month shall~~ 129
~~be paid by the~~ The system shall pay a monthly pension to or for 130
the benefit of each child of a deceased member or retirant until 131
the child attains the age of ~~eighteen~~ nineteen years or ~~marries,~~ 132
~~whichever event occurs first, or until the child attains twenty-~~ 133
~~three years of age if the child is a student in and attending an~~ 134
~~institution of learning or training pursuant to a program~~ 135
~~designed to complete in each school year the equivalent of at~~ 136
~~least two-thirds of the full-time curriculum requirements of the~~ 137
~~institution, as determined by the retirement board. If any~~ 138
~~surviving,~~ if the child, regardless of age at the time of the 139
member's or retirant's death, because of physical or mental 140
disability, was totally dependent upon the deceased member or 141
retirant for support at the time of death, ~~a pension of one~~ 142
~~hundred fifty dollars per month shall be paid by the system to~~ 143

~~or for the benefit of the child~~ during the child's natural life 144
or until the child recovers from the disability. The pension 145
shall be determined as follows: 146

(a) During the period beginning on the effective date of 147
this amendment and ending on the last day of December after the 148
effective date of this amendment, two hundred twenty-five 149
dollars; 150

(b) During the period beginning on the first day of 151
January after the effective date of this amendment and 152
continuing the following twelve months, and the period beginning 153
the first day of January of each year thereafter and continuing 154
the following twelve months, an amount equal to the monthly 155
amount payable during the prior twelve-month period plus five 156
dollars. 157

(5) (a) If a retirant died prior to June 6, 1988, and the 158
surviving spouse was not married to the retirant while the 159
retirant was in the active service of the patrol, the surviving 160
spouse shall receive a pension of the greater of four hundred 161
twenty-five dollars per month or fifty per cent of the computed 162
monthly pension the retirant was receiving. 163

(b) If the pension payable to a person receiving a pension 164
under division (A) (5) (a) of this section on June 30, 2000, is 165
less than nine hundred dollars per month, the pension shall be 166
increased to nine hundred dollars per month. 167

(6) If a deceased member or retirant leaves no spouse or 168
surviving children, but leaves two parents depending solely upon 169
the deceased member or retirant for support, each parent shall 170
be paid a monthly pension of one hundred fifty-four dollars. If 171
in such case there is only one parent dependent solely upon the 172

deceased member or retirant for support, such parent shall be 173
paid a monthly pension of one hundred fifty-four dollars. Such 174
pension shall be paid during the life of the surviving parents, 175
or until dependency ceases, or until remarriage, whichever event 176
occurs first. 177

(7) Any amount remaining as accumulated contributions at 178
the time of death of a retirant who leaves no surviving spouse 179
or dependent children or parents shall be paid to the 180
beneficiary or beneficiaries the retirant has nominated by 181
written designation duly executed and filed with the board. A 182
retirant may designate an individual or a trust as a 183
beneficiary. If there is no designated beneficiary surviving the 184
retirant, the retirant's accumulated contributions shall be paid 185
according to the state law of descent and distribution; provided 186
that, if the retirant's accumulated contributions are not 187
claimed by an eligible person or by the estate of the retirant 188
within seven years, they shall be transferred to the income fund 189
of the system and after that shall be paid from that fund to 190
such person or estate upon application to the board. 191

(8) The increase provided for by division (A) (5) of this 192
section shall be included in the calculation of the additional 193
benefit paid under section 5505.174 of the Revised Code. 194

(B) The board shall adopt, and may amend or rescind, the 195
necessary rules for the administration of this section and all 196
decisions of the board shall be final. Any payment of a pension 197
or benefit under this section is subject to the provisions of 198
section 5505.26 of the Revised Code. 199

(C) A member's total service credit may include periods 200
during which the member's employment with the state highway 201
patrol is interrupted by a leave of absence, when requested by 202

the governor, to accept employment with another agency of the 203
state, provided that: 204

(1) The member is reemployed by the state highway patrol 205
within thirty days following termination of such other 206
employment; 207

(2) The member pays into the retirement system, to the 208
credit of the employees' savings fund, an amount equal to the 209
total contributions the member would have paid had the state 210
highway patrol employment not been so interrupted. Such 211
repayment shall begin within ninety days after the member's 212
return to duty with the state highway patrol and be completed 213
within a period equal to that of the leave of absence. 214

(D) Service credits granted under division (C) of this 215
section shall not include any duplications of credits for which 216
a pension is payable by the public employees retirement system. 217

Section 2. That existing section 5505.17 of the Revised 218
Code is hereby repealed." 219

After line _____, insert: 220

"Section 3. Section 5505.17 of the Revised Code is 221
presented in this act as a composite of the section as amended 222
by both H.B. 49 and H.B. 362 of the 132nd General Assembly. The 223
General Assembly, applying the principle stated in division (B) 224
of section 1.52 of the Revised Code that amendments are to be 225
harmonized if reasonably capable of simultaneous operation, 226
finds that the composite is the resulting version of the section 227
in effect prior to the effective date of the section as 228
presented in this act." 229

The motion was _____ agreed to.

<u>SYNOPSIS</u>	230
SHPRS survivor benefit eligibility and amounts	231
R.C. 5505.17	232
Provides survivor benefits until age 19 to a qualified	233
child of a deceased State Highway Patrol Retirement System	234
(SHPRS) member or retirant, rather than until the earlier of age	235
18 or marriage or, if attending an institution of learning or	236
training, age 23 (the bill maintains current law providing	237
benefits until a child's death or recovery if the child has a	238
disability).	239
Increases, from \$150 to \$225 per month, the amount of the	240
survivor benefit paid to a qualified child.	241
Requires the SHPRS Board to annually increase the amount	242
of the survivor benefit payable to a qualified child by \$5 per	243
month.	244
Requires the surviving spouse of a retirant who retired	245
before May 11, 2018, to have been married to the retirant before	246
the amendment's effective date to qualify for survivor benefits.	247