

**As Reported by the House State Government and Elections
Committee**

**127th General Assembly
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Sub. H. B. No. 8

Representative Hagan, R.

**Cosponsors: Representatives Hite, Skindell, Lundy, Driehaus, Domenick,
Stewart, D.**

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A B I L L

To amend sections 145.27, 145.56, 145.82, 145.95, 1
742.41, 742.47, 3305.07, 3305.20, 3307.20, 2
3307.41, 3309.22, 3309.66, 3309.82, 3309.95, 3
5505.04, and 5505.22 and to enact sections 4
145.572, 742.463, 2901.43, 3305.11, 3307.372, 5
3309.672, and 5505.262 of the Revised Code to 6
provide that a member of a state retirement 7
system, on conviction of a felony committed in the 8
course of official duties, will forfeit the 9
portion of any state retirement benefit that is 10
based on employer contributions. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 145.27, 145.56, 145.82, 145.95, 12
742.41, 742.47, 3305.07, 3305.20, 3307.20, 3307.41, 3309.22, 13
3309.66, 3309.82, 3309.95, 5505.04, and 5505.22 be amended and 14
sections 145.572, 742.463, 2901.43, 3305.11, 3307.372, 3309.672, 15
and 5505.262 of the Revised Code be enacted to read as follows: 16

Sec. 145.27. (A)(1) As used in this division, "personal 17

history record" means information maintained by the public 18
employees retirement board on an individual who is a member, 19
former member, contributor, former contributor, retirant, or 20
beneficiary that includes the address, telephone number, social 21
security number, record of contributions, correspondence with the 22
public employees retirement system, or other information the board 23
determines to be confidential. 24

(2) The records of the board shall be open to public 25
inspection, except that the following shall be excluded, except 26
with the written authorization of the individual concerned: 27

(a) The individual's statement of previous service and other 28
information as provided for in section 145.16 of the Revised Code; 29

(b) The amount of a monthly allowance or benefit paid to the 30
individual; 31

(c) The individual's personal history record. 32

(B) All medical reports and recommendations required by this 33
chapter are privileged, except that copies of such medical reports 34
or recommendations shall be made available to the personal 35
physician, attorney, or authorized agent of the individual 36
concerned upon written release from the individual or the 37
individual's agent, or when necessary for the proper 38
administration of the fund, to the board assigned physician. 39

(C) Any person who is a member or contributor of the system 40
shall be furnished with a statement of the amount to the credit of 41
the individual's account upon written request. The board is not 42
required to answer more than one such request of a person in any 43
one year. The board may issue annual statements of accounts to 44
members and contributors. 45

(D) Notwithstanding the exceptions to public inspection in 46
division (A)(2) of this section, the board may furnish the 47
following information: 48

(1)(a) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record. 49 50 51 52 53 54 55 56

(b) If a sentencing court requests confirmation of an individual's membership status in the retirement system pursuant to section 2901.43 of the Revised Code, the retirement system shall furnish the sentencing court with the information requested from the individual's personal history record. 57 58 59 60 61

(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 62 63 64 65

(3) At the written request of any person, the board shall provide to the person a list of the names and addresses of members, former members, contributors, former contributors, retirants, or beneficiaries. The costs of compiling, copying, and mailing the list shall be paid by such person. 66 67 68 69 70

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member whose name and social security number are the same as that of a person whose name or social security number was submitted by the director. The board and its employees shall, except for purposes of furnishing the auditor of state with information required by this section, 71 72 73 74 75 76 77 78 79 80

preserve the confidentiality of recipients of public assistance in 81
compliance with division (A) of section 5101.181 of the Revised 82
Code. 83

(5) The system shall comply with orders issued under section 84
3105.87 of the Revised Code. 85

On the written request of an alternate payee, as defined in 86
section 3105.80 of the Revised Code, the system shall furnish to 87
the alternate payee information on the amount and status of any 88
amounts payable to the alternate payee under an order issued under 89
section 3105.171 or 3105.65 of the Revised Code. 90

(6) At the request of any person, the board shall make 91
available to the person copies of all documents, including 92
resumes, in the board's possession regarding filling a vacancy of 93
an employee member or retirant member of the board. The person who 94
made the request shall pay the cost of compiling, copying, and 95
mailing the documents. The information described in this division 96
is a public record. 97

(E) A statement that contains information obtained from the 98
system's records that is signed by the executive director or an 99
officer of the system and to which the system's official seal is 100
affixed, or copies of the system's records to which the signature 101
and seal are attached, shall be received as true copies of the 102
system's records in any court or before any officer of this state. 103

Sec. 145.56. The right of an individual to a pension, an 104
annuity, or a retirement allowance itself, the right of an 105
individual to any optional benefit, any other right accrued or 106
accruing to any individual, under this chapter, or under any 107
municipal retirement system established subject to this chapter 108
under the laws of this state or any charter, the various funds 109
created by this chapter, or under such municipal retirement 110
system, and all moneys, investments, and income from moneys or 111

investments are exempt from any state tax, except the tax imposed 112
by section 5747.02 of the Revised Code and are exempt from any 113
county, municipal, or other local tax, except taxes imposed 114
pursuant to section 5748.02 or 5748.08 of the Revised Code and, 115
except as provided in sections 145.57, 145.572, 3105.171, 3105.65, 116
and 3115.32 and Chapters 3119., 3121., 3123., and 3125. of the 117
Revised Code, shall not be subject to execution, garnishment, 118
attachment, the operation of bankruptcy or insolvency laws, or 119
other process of law whatsoever, and shall be unassignable except 120
as specifically provided in this chapter and sections 3105.171, 121
3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. 122
of the Revised Code. 123

Sec. 145.572. (A) As used in this section, "accumulated 124
contributions" has the same meaning as in section 145.01 of the 125
Revised Code, but also includes employee contributions made under 126
section 145.85 of the Revised Code and any earnings on those 127
contributions. 128

(B)(1) Except as provided in division (B)(2) of this section, 129
any payment that is to be made under a pension, annuity, 130
allowance, or other type of benefit that has been granted to a 131
person under this chapter shall be subject to any forfeiture order 132
issued pursuant to section 2901.43 of the Revised Code to the 133
extent that the pension, annuity, allowance, or benefit has not 134
vested in accordance with section 145.561 of the Revised Code, the 135
plan document for a PERS defined contribution plan, or federal 136
law. 137

(2) Notwithstanding any provision of this chapter, a 138
forfeiture order does not affect any of the following: 139

(a) A person's right to payment of accumulated contributions 140
standing to the person's credit under this chapter; 141

(b) Any portion of a retirement allowance or payment of 142

accumulated contributions that is subject to withholding under 143
section 145.57 of the Revised Code for the purpose of an order 144
issued under section 2907.15 or 2921.41 of the Revised Code; 145

(c) Any portion of a retirement allowance or payment of 146
accumulated contributions that is subject to withholding under 147
section 145.571 of the Revised Code for the purpose of an order 148
issued under section 3105.171 or 3105.65 of the Revised Code; 149

(d) Eligibility of a public employees retirement system 150
member or the member's spouse or qualified dependents, as 151
appropriate, to receive hospital insurance coverage pursuant to 152
section 145.325 of the Revised Code, health care coverage pursuant 153
to section 145.58 of the Revised Code, or long-term care insurance 154
pursuant to section 145.581 of the Revised Code; 155

(e) Payment of a survivor benefit to a member's spouse, 156
beneficiaries, or qualified dependents under section 145.45, 157
145.46, or 145.92 of the Revised Code. 158

(C) The public employees retirement system shall comply with 159
a forfeiture order issued under division (B) of section 2901.43 of 160
the Revised Code at the following times as appropriate: 161

(1) If the offender has applied for, but is not yet receiving 162
a retirement allowance or disability benefit, as soon as 163
practicable; 164

(2) If the offender has applied for, but has not yet received 165
a payment of accumulated contributions, as soon as practicable; 166

(3) If the offender has not applied for a retirement 167
allowance, disability benefit, or payment of accumulated 168
contributions, on application by the offender for a retirement 169
allowance, disability benefit, or payment of accumulated 170
contributions. 171

(D) The public employees retirement board shall adopt rules 172

as necessary to implement this section. 173

Sec. 145.82. (A) Except as provided in divisions (B) and (C) 174
of this section, sections 145.201 to 145.70 of the Revised Code do 175
not apply to a PERS defined contribution plan, except that a PERS 176
defined contribution plan may incorporate provisions of those 177
sections as specified in the plan document. 178

(B) The following sections of Chapter 145. of the Revised 179
Code apply to a PERS defined contribution plan: 145.22, 145.221, 180
145.23, 145.25, 145.26, 145.27, 145.296, 145.38, 145.382, 145.383, 181
145.384, 145.391, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 182
145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 145.69, 183
and 145.70 of the Revised Code. 184

(C) A PERS defined contribution plan that includes definitely 185
determinable benefits may incorporate by reference all or part of 186
sections 145.201 to 145.79 of the Revised Code to allow a member 187
participating in the plan to purchase service credit or to be 188
eligible for any of the following: 189

(1) Retirement, disability, survivor, or death benefits; 190

(2) Health or long-term care insurance or any other type of 191
health care benefit; 192

(3) Additional increases under section 145.323 of the Revised 193
Code; 194

(4) A refund of contributions made by or on behalf of a 195
member. 196

With respect to the benefits described in division (C)(1) of 197
this section, the public employees retirement board may establish 198
eligibility requirements and benefit formulas or amounts that 199
differ from those of members participating in the PERS defined 200
benefit plan. With respect to the purchase of service credit by a 201
member participating in a PERS defined contribution plan, the 202

board may reduce the cost of the service credit to reflect the 203
different benefit formula established for the member. 204

Sec. 145.95. Subject to sections 145.38, 145.56, ~~and~~ 145.57, 205
and 145.572 of the Revised Code, the right of a member 206
participating in a PERS defined contribution plan to any payment 207
or benefit accruing from contributions made by or on behalf of the 208
member under sections 145.85 and 145.86 of the Revised Code shall 209
vest in accordance with this section. 210

A member's right to any payment or benefit that is based on 211
the member's contributions is nonforfeitable. 212

A member's right to any payment or benefit that is based on 213
contributions by the member's employer is nonforfeitable as 214
specified by the plan selected by the member. 215

Sec. 742.41. (A) As used in this section: 216

(1) "Other system retirant" has the same meaning as in 217
section 742.26 of the Revised Code. 218

(2) "Personal history record" includes a member's, former 219
member's, or other system retirant's name, address, telephone 220
number, social security number, record of contributions, 221
correspondence with the Ohio police and fire pension fund, status 222
of any application for benefits, and any other information deemed 223
confidential by the trustees of the fund. 224

(B) The treasurer of state shall furnish annually to the 225
board of trustees of the fund a sworn statement of the amount of 226
the funds in the treasurer of state's custody belonging to the 227
Ohio police and fire pension fund. The records of the fund shall 228
be open for public inspection except for the following, which 229
shall be excluded, except with the written authorization of the 230
individual concerned: 231

| | |
|--|---|
| (1) The individual's personal history record; | 232 |
| (2) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual. | 233 234 |
| (C) All medical reports and recommendations required are privileged, except that copies of such medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent or, when necessary for the proper administration of the fund, to the board-assigned physician. | 235 236 237 238 239 240 241 |
| (D) Any person who is a member of the fund or an other system retirant shall be furnished with a statement of the amount to the credit of the person's individual account upon the person's written request. The fund need not answer more than one such request of a person in any one year. | 242 243 244 245 246 |
| (E) Notwithstanding the exceptions to public inspection in division (B) of this section, the fund may furnish the following information: | 247 248 249 |
| (1)(a) If a member, former member, or other system retirant is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the fund shall furnish to the prosecutor the information requested from the individual's personal history record. | 250 251 252 253 254 255 256 |
| <u>(b) If a sentencing court requests confirmation of an individual's membership status in the fund pursuant to section 2901.43 of the Revised Code, the fund shall furnish the sentencing court with the information requested from the individual's personal history record.</u> | 257 258 259 260 261 |
| (2) Pursuant to a court order issued pursuant to Chapter | 262 |

3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 263
furnish to a court or child support enforcement agency the 264
information required under that section. 265

(3) At the request of any organization or association of 266
members of the fund, the fund shall provide a list of the names 267
and addresses of members of the fund and other system retirants. 268
The fund shall comply with the request of such organization or 269
association at least once a year and may impose a reasonable 270
charge for the list. 271

(4) Within fourteen days after receiving from the director of 272
job and family services a list of the names and social security 273
numbers of recipients of public assistance pursuant to section 274
5101.181 of the Revised Code, the fund shall inform the auditor of 275
state of the name, current or most recent employer address, and 276
social security number of each member or other system retirant 277
whose name and social security number are the same as that of a 278
person whose name or social security number was submitted by the 279
director. The fund and its employees shall, except for purposes of 280
furnishing the auditor of state with information required by this 281
section, preserve the confidentiality of recipients of public 282
assistance in compliance with division (A) of section 5101.181 of 283
the Revised Code. 284

(5) The fund shall comply with orders issued under section 285
3105.87 of the Revised Code. 286

On the written request of an alternate payee, as defined in 287
section 3105.80 of the Revised Code, the fund shall furnish to the 288
alternate payee information on the amount and status of any 289
amounts payable to the alternate payee under an order issued under 290
section 3105.171 or 3105.65 of the Revised Code. 291

(6) At the request of any person, the fund shall make 292
available to the person copies of all documents, including 293

resumes, in the fund's possession regarding filling a vacancy of a 294
police officer employee member, firefighter employee member, 295
police retirant member, or firefighter retirant member of the 296
board of trustees. The person who made the request shall pay the 297
cost of compiling, copying, and mailing the documents. The 298
information described in this division is a public record. 299

(F) A statement that contains information obtained from the 300
fund's records that is signed by the secretary of the board of 301
trustees of the Ohio police and fire pension fund and to which the 302
board's official seal is affixed, or copies of the fund's records 303
to which the signature and seal are attached, shall be received as 304
true copies of the fund's records in any court or before any 305
officer of this state. 306

Sec. 742.463. (A) As used in this section, "accumulated 307
contributions" means the amount payable to a member under division 308
(G) of section 742.37 of the Revised Code. 309

(B)(1) Except as provided in division (B)(2) of this section, 310
any payment that is to be made under a pension or other type of 311
benefit that has been granted to a person under this chapter shall 312
be subject to any forfeiture order issued pursuant to section 313
2901.43 of the Revised Code to the extent that the pension, 314
annuity, allowance, or benefit has not vested in accordance with 315
section 742.46 of the Revised Code or federal law. 316

(2) Notwithstanding any provision of this chapter, a 317
forfeiture order does not affect any of the following: 318

(a) A person's right to payment of accumulated contributions 319
standing to the person's credit under this chapter; 320

(b) Any portion of a pension or payment of accumulated 321
contributions that is subject to withholding under section 742.461 322
of the Revised Code for the purpose of an order issued under 323

section 2907.15 or 2921.41 of the Revised Code; 324

(c) Any portion of a pension or payment of accumulated 325
contributions that is subject to withholding under section 742.462 326
of the Revised Code for the purpose of an order issued under 327
section 3105.171 or 3105.65 of the Revised Code; 328

(d) Eligibility of an Ohio police and fire pension fund 329
member or the member's spouse or qualified dependents, as 330
appropriate, to receive health care coverage pursuant to section 331
742.45 of the Revised Code or long-term care insurance pursuant to 332
section 742.53 of the Revised Code; 333

(e) Payment of a survivor benefit to a member's spouse, 334
beneficiaries, or qualified dependents under section 742.37, 335
742.3711, 742.3714, or 742.3715 of the Revised Code. 336

(C) The Ohio police and fire pension fund shall comply with a 337
forfeiture order issued under division (B) of section 2901.43 of 338
the Revised Code at the following times as appropriate: 339

(1) If the offender has applied for, but is not yet receiving 340
a pension or disability benefit, as soon as practicable; 341

(2) If the offender has applied for, but has not yet received 342
a payment of accumulated contributions, as soon as practicable; 343

(3) If the offender has not applied for a pension, disability 344
benefit, or payment of accumulated contributions, on application 345
by the offender for a retirement allowance, disability benefit, or 346
payment of accumulated contributions. 347

(D) The Ohio police and fire pension fund board of trustees 348
shall adopt rules as necessary to implement this section. 349

Sec. 742.47. Except as provided in ~~section~~ sections 742.461, 350
742.463, 3105.171, 3105.65,~~7~~ and 3115.32 and Chapters 3119., 351
3121., 3123., and 3125. of the Revised Code, sums of money due or 352
to become due to any individual from the Ohio police and fire 353

pension fund are not liable to attachment, garnishment, levy, or seizure under any legal or equitable process or any other process of law whatsoever, whether those sums remain with the treasurer of the fund or any officer or agent of the board of trustees of the fund or are in the course of transmission to the individual entitled to them, but shall inure wholly to the benefit of that individual.

Sec. 2901.43. (A) As used in this section:

(1) "Alternative retirement plan" means an alternative retirement plan provided pursuant to Chapter 3305. of the Revised Code.

(2) "Designated offense" means a felony violation of section 2905.11, 2921.02, 2921.11, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code, or a felony violation of section 2923.01 or 2923.02 of the Revised Code based on a felony violation of section 2905.11, 2921.02, 2921.11, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code.

(3) "Pension" means the portion of a retirement allowance that is derived from contributions made to a public retirement system or alternative retirement plan by an employer and earnings on those contributions.

(4) "Public employment" means service as an employee of an employer that is subject to a public retirement system or an alternative retirement system.

(5) "Public retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, state highway patrol retirement system, or the city of Cincinnati retirement system.

(B)(1) Subject to division (D) of this section, in sentencing

an offender for a designated offense committed on or after the 384
effective date of this section, the sentencing court shall do all 385
of the following: 386

(a) Determine whether the offender committed the designated 387
offense while engaged in the performance of duties related to 388
public employment; 389

(b) Determine whether the offender is a member of a public 390
retirement system or a participant in an alternative retirement 391
plan; 392

(c) If the offender committed the designated offense while 393
engaged in the performance of duties related to public employment 394
and is a member of a public retirement system or participant in an 395
alternative retirement plan, order, in addition to any other 396
sanction ordered for a designated offense, the forfeiture to the 397
public retirement system or alternative retirement plan of the 398
offender's right to a disability benefit or the pension portion of 399
a retirement allowance to the extent that, on the date the member 400
pleads guilty or is convicted of the offense, the benefit or 401
allowance has not vested in accordance with section 145.561, 402
742.46, 3307.42, 3309.661, or 5505.17 of the Revised Code; the 403
plan document for a PERS defined contribution plan, an STRS 404
defined contribution plan, an SERS defined contribution plan; an 405
alternative retirement plan; or federal law; 406

(d) Send a copy of the journal entry imposing the sentence on 407
the offender to the public retirement system or alternative 408
retirement plan in which the offender is a member or participant. 409

(2) For purposes of this section, a designated offense that 410
includes as an element a course of conduct or the occurrence of 411
multiple acts is considered to have been "committed on or after 412
the effective date of this section" if the course of conduct 413
continues, one or more of the multiple acts occurs, or the 414

offender's accountability for the course of conduct or for one or 415
more of the multiple acts continues on or after the effective date 416
of this section. 417

(3) For purposes of division (B)(1)(a) or (b) of this 418
section, the court may request confirmation from a public 419
retirement system or alternative retirement plan of an 420
individual's status in the system or plan in accordance with 421
section 145.27, 742.41, 3305.20, 3307.20, 3309.22, or 5505.04 of 422
the Revised Code. 423

(C) A forfeiture ordered under this section is part of, and 424
shall be included in, the sentence of the offender. 425

(D) In any case in which a sentencing court is required to 426
order forfeiture of an offender's right to the pension portion of 427
a retirement allowance, the offender may request a hearing 428
regarding the forfeiture by delivering to the court prior to 429
sentencing a written request for a hearing. If the offender 430
requests the hearing prior to sentencing, the court shall conduct 431
the hearing before sentencing. The court shall notify all of the 432
following of the hearing: 433

(1) The offender; 434

(2) The prosecutor who handled the case in which the offender 435
was convicted of or pleaded guilty to the designated offense for 436
which the forfeiture order was imposed; 437

(3) The retirement system or alternative retirement plan in 438
which the offender is a member or participant or, if the offender 439
is a member of or participant in more than one system or plan, the 440
applicable combination of these. 441

A hearing scheduled under this division shall be limited to a 442
consideration of whether there is good cause based on evidence 443
presented by the offender for the forfeiture order not to be 444
issued. If the court determines by evidence presented by the 445

offender that there is good cause for the forfeiture order not to 446
be issued, the court shall not issue the forfeiture order. 447

If the offender does not request a hearing prior to 448
sentencing or if the court conducts a hearing but does not 449
determine based on evidence presented by the offender that there 450
is good cause for the forfeiture order not to be issued, the court 451
shall order the forfeiture described in division (B) in accordance 452
with that division. 453

Sec. 3305.07. (A) Neither the state nor a public institution 454
of higher education shall be a party to any contract purchased in 455
whole or in part with contributions to an alternative retirement 456
plan made under section 3305.06 of the Revised Code. No 457
retirement, death, or other benefits shall be payable by the state 458
or by any public institution of higher education under any 459
alternative retirement plan elected pursuant to this chapter. 460

(B)(1) Except as provided under division (B)(2) of this 461
section and sections 3305.08 ~~and~~, 3305.09, and 3305.11 of the 462
Revised Code, benefits shall be paid to an electing employee or 463
the employee's beneficiaries in accordance with the alternative 464
retirement plan adopted by the public institution of higher 465
education at which the employee is employed. 466

(2) A benefit or payment shall not be paid under an 467
investment option prior to the time an electing employee dies, 468
terminates employment with the public institution of higher 469
education, or, if provided under the alternative retirement plan 470
or investment option, becomes disabled, except that the provider 471
of the investment option shall transfer the employee's account 472
balance to another provider as provided under section 3305.053 of 473
the Revised Code. 474

Sec. 3305.11. (A) As used in this section, "accumulated" 475

contributions" means the amounts contributed to an alternative 476
retirement plan participant's account by the plan participant 477
pursuant to section 3305.06 of the Revised Code and any earnings 478
on those contributions. 479

(B)(1) Except as provided in division (A)(2) of this section, 480
any payment of a benefit that is to be made under an alternative 481
retirement plan that has been granted to a person under this 482
chapter shall be subject to any forfeiture order issued pursuant 483
to section 2901.43 of the Revised Code to the extent that the 484
benefit has not vested in accordance with the plan document for 485
the alternative retirement plan in which the person subject to the 486
forfeiture order is participating, or federal law. 487

(2) Notwithstanding any provision of this chapter, a 488
forfeiture order does not affect any of the following: 489

(a) A person's right to payment of accumulated contributions 490
standing to the person's credit under this chapter; 491

(b) Any portion of a benefit or payment of accumulated 492
contributions that is subject to withholding under section 3305.09 493
of the Revised Code for the purpose of an order issued under 494
section 2907.15 or 2921.41 of the Revised Code; 495

(c) Any portion of a benefit or payment of accumulated 496
contributions that is subject to withholding under section 3305.21 497
of the Revised Code for the purpose of an order issued under 498
section 3105.171 or 3105.65 of the Revised Code; 499

(d) Eligibility of a participant or the participant's spouse 500
or qualified dependents to receive health care coverage or 501
long-term care insurance if the participant's alternative 502
retirement plan provides such coverage; 503

(e) Payment of a survivor benefit to a participant's spouse, 504
beneficiaries, or qualified dependents, if the participant's 505
alternative retirement plan provides such benefits. 506

(C) The provider of an alternative retirement plan shall 507
comply with a forfeiture order issued under division (B) of 508
section 2901.43 of the Revised Code at the following times as 509
appropriate: 510

(1) If the offender has applied for, but is not yet receiving 511
a benefit, as soon as practicable; 512

(2) If the offender has applied for, but has not yet received 513
a payment of accumulated contributions, as soon as practicable; 514

(3) If the offender has not applied for a benefit or payment 515
of accumulated contributions, on application by the offender for a 516
retirement allowance, disability benefit, or lump sum payment. 517

Sec. 3305.20. As used in this section, "personal history 518
record" means information maintained by the entity providing an 519
alternative retirement plan on an individual who participates in 520
the plan that includes the address, telephone number, social 521
security number, record of contributions, correspondence with the 522
plan, or other information the entity providing the plan 523
determines to be confidential. 524

The entity shall comply with orders issued under section 525
3105.87 of the Revised Code requiring it to provide information 526
from a participant's personal history record. 527

On the written request of an alternate payee, as defined in 528
section 3105.80 of the Revised Code, the entity providing the 529
alternative retirement plan shall furnish to the alternate payee 530
information on the amount and status of any amounts payable to the 531
alternate payee under an order issued under section 3105.171 or 532
3105.65 of the Revised Code. 533

If a sentencing court requests confirmation of an 534
individual's status in an alternative retirement plan pursuant to 535
section 2901.43 of the Revised Code, the entity providing the 536

alternative retirement plan shall furnish the sentencing court 537
with the information requested from the individual's personal 538
history record. 539

Sec. 3307.20. (A) As used in this section: 540

(1) "Personal history record" means information maintained by 541
the state teachers retirement board on an individual who is a 542
member, former member, contributor, former contributor, retirant, 543
or beneficiary that includes the address, telephone number, social 544
security number, record of contributions, correspondence with the 545
state teachers retirement system, or other information the board 546
determines to be confidential. 547

(2) "Retirant" has the same meaning as in section 3307.50 of 548
the Revised Code. 549

(B) The records of the board shall be open to public 550
inspection, except for the following, which shall be excluded, 551
except with the written authorization of the individual concerned: 552

(1) The individual's personal records provided for in section 553
3307.23 of the Revised Code; 554

(2) The individual's personal history record; 555

(3) Any information identifying, by name and address, the 556
amount of a monthly allowance or benefit paid to the individual. 557

(C) All medical reports and recommendations under sections 558
3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, 559
except that copies of such medical reports or recommendations 560
shall be made available to the personal physician, attorney, or 561
authorized agent of the individual concerned upon written release 562
received from the individual or the individual's agent, or, when 563
necessary for the proper administration of the fund, to the board 564
assigned physician. 565

(D) Any person who is a member or contributor of the system 566

shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one request of a person in any one year.

(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information:

(1)(a) If a member, former member, retirant, contributor, or former contributor is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(b) If a sentencing court requests confirmation of an individual's membership status in the retirement system pursuant to section 2901.43 of the Revised Code, the retirement system shall furnish the sentencing court with the information requested from the individual's personal history record.

(2) Pursuant to a court or administrative order issued under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section.

(3) At the written request of any person, the board shall provide to the person a list of the names and addresses of members, former members, retirants, contributors, former contributors, or beneficiaries. The costs of compiling, copying, and mailing the list shall be paid by such person.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section

5101.181 of the Revised Code, the board shall inform the auditor 598
of state of the name, current or most recent employer address, and 599
social security number of each member whose name and social 600
security number are the same as that of a person whose name or 601
social security number was submitted by the director. The board 602
and its employees shall, except for purposes of furnishing the 603
auditor of state with information required by this section, 604
preserve the confidentiality of recipients of public assistance in 605
compliance with division (A) of section 5101.181 of the Revised 606
Code. 607

(5) The system shall comply with orders issued under section 608
3105.87 of the Revised Code. 609

On the written request of an alternate payee, as defined in 610
section 3105.80 of the Revised Code, the system shall furnish to 611
the alternate payee information on the amount and status of any 612
amounts payable to the alternate payee under an order issued under 613
section 3105.171 or 3105.65 of the Revised Code. 614

(6) At the request of any person, the board shall make 615
available to the person copies of all documents, including 616
resumes, in the board's possession regarding filling a vacancy of 617
a contributing member or retired teacher member of the board. The 618
person who made the request shall pay the cost of compiling, 619
copying, and mailing the documents. The information described in 620
this division is a public record. 621

(F) A statement that contains information obtained from the 622
system's records that is signed by an officer of the retirement 623
system and to which the system's official seal is affixed, or 624
copies of the system's records to which the signature and seal are 625
attached, shall be received as true copies of the system's records 626
in any court or before any officer of this state. 627

Sec. 3307.372. (A) As used in this section, "accumulated 628

contributions" has the same meaning as in section 3307.50 of the 629
Revised Code, but also includes employee contributions made under 630
section 3307.26 of the Revised Code to participate in a plan 631
established under section 3307.81 of the Revised Code and any 632
earnings on those contributions. 633

(B)(1) Except as provided in division (B)(2) of this section, 634
any payment that is to be made under a pension, annuity, 635
allowance, or other type of benefit that has been granted to a 636
person under this chapter shall be subject to any forfeiture order 637
issued pursuant to section 2901.43 of the Revised Code to the 638
extent that the pension, annuity, allowance, or benefit has not 639
vested in accordance with section 3307.42 of the Revised Code, the 640
plan document for an STRS defined contribution plan, or federal 641
law. 642

(2) Notwithstanding any provision of this chapter, a 643
forfeiture order does not affect any of the following: 644

(a) A person's right to payment of accumulated contributions 645
standing to the person's credit under this chapter; 646

(b) Any portion of a retirement allowance or payment of 647
accumulated contributions that is subject to withholding under 648
section 3307.37 of the Revised Code for the purpose of an order 649
issued under section 2907.15 or 2921.41 of the Revised Code; 650

(c) Any portion of a retirement allowance or payment of 651
accumulated contributions that is subject to withholding under 652
section 3307.371 of the Revised Code for the purpose of an order 653
issued under section 3105.171 or 3105.65 of the Revised Code; 654

(d) Eligibility of a state teachers retirement system member 655
or the member's spouse or qualified dependents, as appropriate, to 656
receive health care coverage pursuant to section 3307.39 or 657
3307.61 of the Revised Code or long-term care insurance pursuant 658
to section 3307.391 of the Revised Code; 659

(e) Payment of a survivor benefit to a member's spouse, beneficiaries, or qualified dependents under section 3307.60, 3307.66, 3307.661, or 3307.87 of the Revised Code.

(C) The state teachers retirement system shall comply with a forfeiture order issued under division (B) of section 2901.43 of the Revised Code at the following times as appropriate:

(1) If the offender has applied for, but is not yet receiving a retirement allowance or disability benefit, as soon as practicable;

(2) If the offender has applied for, but has not yet received a payment of accumulated contributions, as soon as practicable;

(3) If the offender has not applied for a retirement allowance, disability benefit, or payment of accumulated contributions, on application by the offender for a retirement allowance, disability benefit, or payment of accumulated contributions.

(D) The state teachers retirement board shall adopt rules as necessary to implement this section.

Sec. 3307.41. The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, or any other right or benefit accrued or accruing to any individual under this chapter, the various funds created by section 3307.14 of the Revised Code, and all moneys, investments, and income from moneys or investments are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, and are exempt from any county, municipal, or other local tax, except taxes imposed pursuant to section 5748.02 or 5748.08 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, ~~and~~ 3307.37, and 3307.372 of the

Revised Code, shall not be subject to execution, garnishment, 690
attachment, the operation of bankruptcy or insolvency laws, or any 691
other process of law whatsoever, and shall be unassignable except 692
as specifically provided in this chapter or sections 3105.171, 693
3105.65, ~~and~~ 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 694
3123.06 of the Revised Code. 695

Sec. 3309.22. (A)(1) As used in this division, "personal 696
history record" means information maintained by the board on an 697
individual who is a member, former member, contributor, former 698
contributor, retirant, or beneficiary that includes the address, 699
telephone number, social security number, record of contributions, 700
correspondence with the system, and other information the board 701
determines to be confidential. 702

(2) The records of the board shall be open to public 703
inspection, except for the following, which shall be excluded, 704
except with the written authorization of the individual concerned: 705

(a) The individual's statement of previous service and other 706
information as provided for in section 3309.28 of the Revised 707
Code; 708

(b) Any information identifying by name and address the 709
amount of a monthly allowance or benefit paid to the individual; 710

(c) The individual's personal history record. 711

(B) All medical reports and recommendations required by the 712
system are privileged except that copies of such medical reports 713
or recommendations shall be made available to the personal 714
physician, attorney, or authorized agent of the individual 715
concerned upon written release received from the individual or the 716
individual's agent, or when necessary for the proper 717
administration of the fund, to the board assigned physician. 718

(C) Any person who is a contributor of the system shall be 719

furnished, on written request, with a statement of the amount to 720
the credit of the person's account. The board need not answer more 721
than one such request of a person in any one year. 722

(D) Notwithstanding the exceptions to public inspection in 723
division (A)(2) of this section, the board may furnish the 724
following information: 725

(1)(a) If a member, former member, contributor, former 726
contributor, or retirant is subject to an order issued under 727
section 2907.15 of the Revised Code or is convicted of or pleads 728
guilty to a violation of section 2921.41 of the Revised Code, on 729
written request of a prosecutor as defined in section 2935.01 of 730
the Revised Code, the board shall furnish to the prosecutor the 731
information requested from the individual's personal history 732
record. 733

(b) If a sentencing court requests confirmation of an 734
individual's membership status in the retirement system pursuant 735
to section 2901.43 of the Revised Code, the retirement system 736
shall furnish the sentencing court with the information requested 737
from the individual's personal history record. 738

(2) Pursuant to a court or administrative order issued under 739
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 740
Revised Code, the board shall furnish to a court or child support 741
enforcement agency the information required under that section. 742

(3) At the written request of any person, the board shall 743
provide to the person a list of the names and addresses of 744
members, former members, retirants, contributors, former 745
contributors, or beneficiaries. The costs of compiling, copying, 746
and mailing the list shall be paid by such person. 747

(4) Within fourteen days after receiving from the director of 748
job and family services a list of the names and social security 749
numbers of recipients of public assistance pursuant to section 750

5101.181 of the Revised Code, the board shall inform the auditor 751
of state of the name, current or most recent employer address, and 752
social security number of each contributor whose name and social 753
security number are the same as that of a person whose name or 754
social security number was submitted by the director. The board 755
and its employees shall, except for purposes of furnishing the 756
auditor of state with information required by this section, 757
preserve the confidentiality of recipients of public assistance in 758
compliance with division (A) of section 5101.181 of the Revised 759
Code. 760

(5) The system shall comply with orders issued under section 761
3105.87 of the Revised Code. 762

On the written request of an alternate payee, as defined in 763
section 3105.80 of the Revised Code, the system shall furnish to 764
the alternate payee information on the amount and status of any 765
amounts payable to the alternate payee under an order issued under 766
section 3105.171 or 3105.65 of the Revised Code. 767

(6) At the request of any person, the board shall make 768
available to the person copies of all documents, including 769
resumes, in the board's possession regarding filling a vacancy of 770
an employee member or retirant member of the board. The person who 771
made the request shall pay the cost of compiling, copying, and 772
mailing the documents. The information described in this division 773
is a public record. 774

(E) A statement that contains information obtained from the 775
system's records that is signed by an officer of the retirement 776
system and to which the system's official seal is affixed, or 777
copies of the system's records to which the signature and seal are 778
attached, shall be received as true copies of the system's records 779
in any court or before any officer of this state. 780

Sec. 3309.66. The right of an individual to a pension, an 781

annuity, or a retirement allowance itself, the right of an 782
individual to any optional benefit, any other right accrued or 783
accruing to any individual under this chapter, the various funds 784
created by section 3309.60 of the Revised Code, and all moneys, 785
investments, and income from moneys and investments are exempt 786
from any state tax, except the tax imposed by section 5747.02 of 787
the Revised Code, and are exempt from any county, municipal, or 788
other local tax, except taxes imposed pursuant to section 5748.02 789
or 5748.08 of the Revised Code, and, except as provided in 790
sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 791
3121.03, 3123.06, ~~and~~ 3309.67, and 3309.672 of the Revised Code, 792
shall not be subject to execution, garnishment, attachment, the 793
operation of bankruptcy or insolvency laws, or any other process 794
of law whatsoever, and shall be unassignable except as 795
specifically provided in this chapter ~~or~~ and in sections ~~and~~ 796
3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 797
and 3123.06 of the Revised Code. 798

Sec. 3309.672. (A) As used in this section, "accumulated 799
contributions" has the same meaning as in section 3309.01 of the 800
Revised Code, but also includes employee contributions made under 801
section 3309.85 of the Revised Code and any earnings on those 802
contributions. 803

(B)(1) Except as provided in division (B)(2) of this section, 804
any payment that is to be made under a pension, annuity, 805
allowance, or other type of benefit that has been granted to a 806
person under this chapter shall be subject to any forfeiture order 807
issued pursuant to section 2901.43 of the Revised Code to the 808
extent that the pension, annuity, allowance, or benefit has not 809
vested in accordance with section 3309.661 of the Revised Code, 810
the plan document for an SERS defined contribution plan, or 811
federal law. 812

| | |
|---|-----|
| <u>(2) Notwithstanding any provision of this chapter, a</u> | 813 |
| <u>forfeiture order does not affect any of the following:</u> | 814 |
| <u>(a) A person's right to payment of accumulated contributions</u> | 815 |
| <u>standing to the person's credit under this chapter;</u> | 816 |
| <u>(b) Any portion of a retirement allowance or payment of</u> | 817 |
| <u>accumulated contributions that is subject to withholding under</u> | 818 |
| <u>section 3309.67 of the Revised Code for the purpose of an order</u> | 819 |
| <u>issued under section 2907.15 or 2921.41 of the Revised Code;</u> | 820 |
| <u>(c) Any portion of a retirement allowance or payment of</u> | 821 |
| <u>accumulated contributions that is subject to withholding under</u> | 822 |
| <u>section 3309.671 of the Revised Code for the purpose of an order</u> | 823 |
| <u>issued under section 3105.171 or 3105.65 of the Revised Code;</u> | 824 |
| <u>(d) Eligibility of a school employees retirement system</u> | 825 |
| <u>member or the member's spouse or qualified dependents, as</u> | 826 |
| <u>appropriate, to receive hospital insurance coverage pursuant to</u> | 827 |
| <u>section 3309.375 of the Revised Code, health care coverage</u> | 828 |
| <u>pursuant to section 3309.69 of the Revised Code, or long-term care</u> | 829 |
| <u>insurance pursuant to section 3309.691 of the Revised Code;</u> | 830 |
| <u>(e) Payment of a survivor benefit to a member's spouse,</u> | 831 |
| <u>beneficiaries, or qualified dependents under section 3309.44,</u> | 832 |
| <u>3309.45, 3309.46, or 3309.92 of the Revised Code.</u> | 833 |
| <u>(C) The school employees retirement system shall comply with</u> | 834 |
| <u>a forfeiture order issued under division (B) of section 2901.43 of</u> | 835 |
| <u>the Revised Code at the following times as appropriate:</u> | 836 |
| <u>(1) If the offender has applied for, but is not yet receiving</u> | 837 |
| <u>a retirement allowance or disability benefit, as soon as</u> | 838 |
| <u>practicable;</u> | 839 |
| <u>(2) If the offender has applied for, but has not yet received</u> | 840 |
| <u>a payment of accumulated contributions, as soon as practicable;</u> | 841 |
| <u>(3) If the offender has not applied for a retirement</u> | 842 |

allowance, disability benefit, or payment of accumulated 843
contributions, on application by the offender for a retirement 844
allowance, disability benefit, or payment of accumulated 845
contributions. 846

(D) The school employees retirement board shall adopt rules 847
as necessary to implement this section. 848

Sec. 3309.82. (A) Except as provided in division (B) of this 849
section, sections 3309.02, 3309.021, and 3309.022 and sections 850
3309.18 to 3309.70 of the Revised Code do not apply to a plan 851
established under section 3309.81 of the Revised Code, except that 852
a plan may incorporate provisions of those sections as specified 853
in the plan document. 854

(B) The following sections of Chapter 3309. of the Revised 855
Code apply to a plan established under section 3309.81 of the 856
Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 857
3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 858
3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, 3309.53, 859
3309.54, 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 860
3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 861
3309.68, and 3309.70 of the Revised Code. 862

Sec. 3309.95. Subject to sections 3309.341, 3309.66, ~~and~~ 863
3309.67, and 3309.672 of the Revised Code, the right of a member 864
participating in a plan established under section 3309.81 of the 865
Revised Code to any payment or benefit accruing from contributions 866
made by or on behalf of the member under sections 3309.85 and 867
3309.86 of the Revised Code shall vest in accordance with this 868
section. 869

A member's right to any payment or benefit that is based on 870
the member's contributions is nonforfeitable. 871

A member's right to any payment or benefit that is based on 872

contributions by the member's employer is nonforfeitable as 873
specified by the plan selected by the member. 874

Sec. 5505.04. (A)(1) The general administration and 875
management of the state highway patrol retirement system and the 876
making effective of this chapter are hereby vested in the state 877
highway patrol retirement board. The board may sue and be sued, 878
plead and be impleaded, contract and be contracted with, and do 879
all things necessary to carry out this chapter. 880

The board shall consist of the following members: 881

(a) The superintendent of the state highway patrol; 882

(b) Two retirant members who reside in this state; 883

(c) Five employee-members; 884

(d) One member, known as the treasurer of state's investment 885
designee, who shall be appointed by the treasurer of state for a 886
term of four years and who shall have the following 887
qualifications: 888

(i) The member is a resident of this state. 889

(ii) Within the three years immediately preceding the 890
appointment, the member has not been employed by the public 891
employees retirement system, police and fire pension fund, state 892
teachers retirement system, school employees retirement system, or 893
state highway patrol retirement system or by any person, 894
partnership, or corporation that has provided to one of those 895
retirement systems services of a financial or investment nature, 896
including the management, analysis, supervision, or investment of 897
assets. 898

(iii) The member has direct experience in the management, 899
analysis, supervision, or investment of assets. 900

(iv) The member is not currently employed by the state or a 901

political subdivision of the state. 902

(e) Two investment expert members, who shall be appointed to 903
four-year terms. One investment expert member shall be appointed 904
by the governor, and one investment expert member shall be jointly 905
appointed by the speaker of the house of representatives and the 906
president of the senate. Each investment expert member shall have 907
the following qualifications: 908

(i) Each investment expert member shall be a resident of this 909
state. 910

(ii) Within the three years immediately preceding the 911
appointment, each investment expert member shall not have been 912
employed by the public employees retirement system, police and 913
fire pension fund, state teachers retirement system, school 914
employees retirement system, or state highway patrol retirement 915
system or by any person, partnership, or corporation that has 916
provided to one of those retirement systems services of a 917
financial or investment nature, including the management, 918
analysis, supervision, or investment of assets. 919

(iii) Each investment expert member shall have direct 920
experience in the management, analysis, supervision, or investment 921
of assets. 922

(2) The board shall annually elect a chairperson and 923
vice-chairperson from among its members. The vice-chairperson 924
shall act as chairperson in the absence of the chairperson. A 925
majority of the members of the board shall constitute a quorum and 926
any action taken shall be approved by a majority of the members of 927
the board. The board shall meet not less than once each year, upon 928
sufficient notice to the members. All meetings of the board shall 929
be open to the public except executive sessions as set forth in 930
division (G) of section 121.22 of the Revised Code, and any 931
portions of any sessions discussing medical records or the degree 932

of disability of a member excluded from public inspection by this 933
section. 934

(3) Any investment expert member appointed to fill a vacancy 935
occurring prior to the expiration of the term for which the 936
member's predecessor was appointed holds office until the end of 937
such term. The member continues in office subsequent to the 938
expiration date of the member's term until the member's successor 939
takes office, or until a period of sixty days has elapsed, 940
whichever occurs first. 941

(B) The attorney general shall prescribe procedures for the 942
adoption of rules authorized under this chapter, consistent with 943
the provision of section 111.15 of the Revised Code under which 944
all rules shall be filed in order to be effective. Such procedures 945
shall establish methods by which notice of proposed rules are 946
given to interested parties and rules adopted by the board 947
published and otherwise made available. When it files a rule with 948
the joint committee on agency rule review pursuant to section 949
111.15 of the Revised Code, the board shall submit to the Ohio 950
retirement study council a copy of the full text of the rule, and 951
if applicable, a copy of the rule summary and fiscal analysis 952
required by division (B) of section 127.18 of the Revised Code. 953

(C)(1) As used in this division, "personal history record" 954
means information maintained by the board on an individual who is 955
a member, former member, retirant, or beneficiary that includes 956
the address, telephone number, social security number, record of 957
contributions, correspondence with the system, and other 958
information the board determines to be confidential. 959

(2) The records of the board shall be open to public 960
inspection, except for the following which shall be excluded: the 961
member's, former member's, retirant's, or beneficiary's personal 962
history record and the amount of a monthly allowance or benefit 963
paid to a retirant, beneficiary, or survivor, except with the 964

written authorization of the individual concerned. All medical reports and recommendations are privileged except that copies of such medical reports or recommendations shall be made available to the individual's personal physician, attorney, or authorized agent upon written release received from such individual or such individual's agent, or when necessary for the proper administration of the fund to the board-assigned physician.

(D) Notwithstanding the exceptions to public inspection in division (C)(2) of this section, the board may furnish the following information:

(1) If a member, former member, or retirant is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court order issued under Chapters 3119., 3121., and 3123. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under those chapters.

(3) At the written request of any nonprofit organization or association providing services to retirement system members, retirants, or beneficiaries, the board shall provide to the organization or association a list of the names and addresses of members, former members, retirants, or beneficiaries if the organization or association agrees to use such information solely in accordance with its stated purpose of providing services to such individuals and not for the benefit of other persons, organizations, or associations. The costs of compiling, copying, and mailing the list shall be paid by such entity.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member whose name and social security number are the same as those of a person whose name or social security number was submitted by the director. The board and its employees, except for purposes of furnishing the auditor of state with information required by this section, shall preserve the confidentiality of recipients of public assistance in compliance with division (A) of section 5101.181 of the Revised Code.

(5) The system shall comply with orders issued under section 3105.87 of the Revised Code.

(a) On the written request of an alternate payee, as defined in section 3105.80 of the Revised Code, the system shall furnish to the alternate payee information on the amount and status of any amounts payable to the alternate payee under an order issued under section 3105.171 or 3105.65 of the Revised Code.

(b) If a sentencing court requests confirmation of an individual's membership status in the retirement system pursuant to section 2901.43 of the Revised Code, the retirement system shall furnish the sentencing court with the information requested from the individual's personal history record.

(6) At the request of any person, the board shall make available to the person copies of all documents, including resumes, in the board's possession regarding filling a vacancy of an employee member or retirant member of the board. The person who made the request shall pay the cost of compiling, copying, and mailing the documents. The information described in this division is a public record.

(E) A statement that contains information obtained from the 1028
system's records that is certified and signed by an officer of the 1029
retirement system and to which the system's official seal is 1030
affixed, or copies of the system's records to which the signature 1031
and seal are attached, shall be received as true copies of the 1032
system's records in any court or before any officer of this state. 1033

Sec. 5505.22. The right of any individual to a pension, or to 1034
the return of accumulated contributions, payable as provided under 1035
this chapter, and all moneys and investments of the state highway 1036
patrol retirement system and income from moneys or investments are 1037
exempt from any state tax, except the tax imposed by section 1038
5747.02 of the Revised Code, and are exempt from any county, 1039
municipal, or other local tax, except taxes imposed pursuant to 1040
section 5748.02 or 5748.08 of the Revised Code, and, except as 1041
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1042
3121.02, 3121.03, 3123.06, ~~and 5505.26,~~ and 5505.262 of the 1043
Revised Code, shall not be subject to execution, garnishment, 1044
attachment, the operation of bankruptcy or insolvency laws, or any 1045
other process of law whatsoever, and shall be unassignable except 1046
as specifically provided in this chapter. 1047

Sec. 5505.262. (A)(1) Except as provided in division (A)(2) 1048
of this section, any payment that is to be made under a pension, 1049
annuity, allowance, or other type of benefit that has been granted 1050
to a person under this chapter shall be subject to any forfeiture 1051
order issued pursuant to section 2901.43 of the Revised Code to 1052
the extent that the pension, annuity, allowance, or benefit has 1053
not vested in accordance with section 5505.17 of the Revised Code 1054
or federal law. 1055

(2) Notwithstanding any provision of this chapter, a 1056
forfeiture order does not affect any of the following: 1057

| | |
|---|------|
| <u>(a) A person's right to payment of accumulated contributions</u> | 1058 |
| <u>standing to the person's credit under this chapter;</u> | 1059 |
| <u>(b) Any portion of a retirement allowance or payment of</u> | 1060 |
| <u>accumulated contributions that is subject to withholding under</u> | 1061 |
| <u>section 5505.26 of the Revised Code for the purpose of an order</u> | 1062 |
| <u>issued under section 2907.15 or 2921.41 of the Revised Code;</u> | 1063 |
| <u>(c) Any portion of a retirement allowance or payment of</u> | 1064 |
| <u>accumulated contributions that is subject to withholding under</u> | 1065 |
| <u>section 5505.261 of the Revised Code for the purpose of an order</u> | 1066 |
| <u>issued under section 3105.171 or 3105.65 of the Revised Code;</u> | 1067 |
| <u>(d) Eligibility of a state highway patrol retirement system</u> | 1068 |
| <u>member or the member's spouse or qualified dependents, as</u> | 1069 |
| <u>appropriate, to receive health care coverage pursuant to section</u> | 1070 |
| <u>5505.28 of the Revised Code, benefits or proceeds from an account</u> | 1071 |
| <u>established under section 5505.281 of the Revised Code, or</u> | 1072 |
| <u>long-term care insurance pursuant to section 5505.33 of the</u> | 1073 |
| <u>Revised Code;</u> | 1074 |
| <u>(e) Payment of a survivor benefit to a member's spouse,</u> | 1075 |
| <u>beneficiaries, or qualified dependents under section 5505.162,</u> | 1076 |
| <u>5505.163, or 5505.174 of the Revised Code.</u> | 1077 |
| <u>(B) The state highway patrol retirement system shall comply</u> | 1078 |
| <u>with a forfeiture order issued under division (B) of section</u> | 1079 |
| <u>2901.43 of the Revised Code at the following times as appropriate:</u> | 1080 |
| <u>(1) If the offender has applied for, but is not yet receiving</u> | 1081 |
| <u>a retirement allowance or disability benefit, as soon as</u> | 1082 |
| <u>practicable;</u> | 1083 |
| <u>(2) If the offender has applied for, but has not yet received</u> | 1084 |
| <u>a payment of accumulated contributions, as soon as practicable;</u> | 1085 |
| <u>(3) If the offender has not applied for a retirement</u> | 1086 |
| <u>allowance, disability benefit, or payment of accumulated</u> | 1087 |

contributions, on application by the offender for a retirement allowance, disability benefit, or payment of accumulated contributions. 1088
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1090

(C) The state highway patrol retirement board shall adopt rules as necessary to implement this section. 1091
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Section 2. That existing sections 145.27, 145.56, 145.82, 1093
145.95, 742.41, 742.47, 3305.07, 3305.20, 3307.20, 3307.41, 1094
3309.22, 3309.66, 3309.82, 3309.95, 5505.04, and 5505.22 of the 1095
Revised Code are hereby repealed. 1096

Section 3. The General Assembly, applying the principle 1097
stated in division (B) of section 1.52 of the Revised Code that 1098
amendments are to be harmonized if reasonably capable of 1099
simultaneous operation, finds that the following sections, 1100
presented in this act as composites of the sections as amended by 1101
the acts indicated, are the resulting versions of the sections in 1102
effect prior to the effective date of the sections as presented in 1103
this act: 1104

Section 742.47 of the Revised Code as amended by both Sub. 1105
H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly. 1106

Section 3307.41 of the Revised Code as amended by both Sub. 1107
H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly. 1108

Section 3309.66 of the Revised Code as amended by Sub. H.B. 1109
535, Am. Sub. S.B. 180, and Sub. S.B. 270 of the 123rd General 1110
Assembly. 1111

Section 5505.22 of the Revised Code as amended by both Sub. 1112
H.B. 535 and Am. Sub. S.B. 180 of the 123rd General Assembly. 1113