

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 219**

**Senator Grendell**

**Cosponsor: Senator Schaffer**

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**A B I L L**

To amend sections 145.27, 145.56, 145.561, 145.82, 1  
145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2  
2929.192, 3305.07, 3305.20, 3305.22, 3307.20, 3  
3307.41, 3307.42, 3309.22, 3309.66, 3309.661, 4  
3309.82, 3309.95, 5505.04, 5505.22, and 5505.34 5  
and to enact sections 145.573, 742.464, 2929.193, 6  
3305.12, 3307.373, 3309.673, and 5505.263 of the 7  
Revised Code regarding termination of the 8  
disability benefit of a state retirement system 9  
member convicted of certain felonies committed 10  
while serving in a position of honor, trust, or 11  
profit. 12

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

**Section 1.** That sections 145.27, 145.56, 145.561, 145.82, 13  
145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 14  
3305.07, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 3309.22, 15  
3309.66, 3309.661, 3309.82, 3309.95, 5505.04, 5505.22, and 5505.34 16  
be amended and sections 145.573, 742.464, 2929.193, 3305.12, 17  
3307.373, 3309.673, and 5505.263 of the Revised Code be enacted to 18  
read as follows: 19

Sec. 145.27. (A)(1) As used in this division, "personal history record" means information maintained by the public employees retirement board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, telephone number, social security number, record of contributions, correspondence with the public employees retirement system, or other information the board determines to be confidential.

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

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

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

(c) The individual's personal history record.

(B) All medical reports and recommendations required by this chapter are privileged, except ~~that copies~~ as follows:

(1) 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 from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician.

(2) Notice required by section 145.573 of the Revised Code shall be provided to the prosecutor described in that section.

(3) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.

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

shall be furnished with a statement of the amount to the credit of 50  
the individual's account upon written request. The board is not 51  
required to answer more than one such request of a person in any 52  
one year. The board may issue annual statements of accounts to 53  
members and contributors. 54

(D) Notwithstanding the exceptions to public inspection in 55  
division (A)(2) of this section, the board may furnish the 56  
following information: 57

(1) If a member, former member, contributor, former 58  
contributor, or retirant is subject to an order issued under 59  
section 2907.15 of the Revised Code or an order issued under 60  
division (A) or (B) of section 2929.192 of the Revised Code or is 61  
convicted of or pleads guilty to a violation of section 2921.41 of 62  
the Revised Code, on written request of a prosecutor as defined in 63  
section 2935.01 of the Revised Code, the board shall furnish to 64  
the prosecutor the information requested from the individual's 65  
personal history record. 66

(2) Pursuant to a court or administrative order issued 67  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 68  
Code, the board shall furnish to a court or child support 69  
enforcement agency the information required under that section. 70

(3) At the written request of any person, the board shall 71  
provide to the person a list of the names and addresses of 72  
members, former members, contributors, former contributors, 73  
retirants, or beneficiaries. The costs of compiling, copying, and 74  
mailing the list shall be paid by such person. 75

(4) Within fourteen days after receiving from the director of 76  
job and family services a list of the names and social security 77  
numbers of recipients of public assistance pursuant to section 78  
5101.181 of the Revised Code, the board shall inform the auditor 79  
of state of the name, current or most recent employer address, and 80

social security number of each member whose name and social 81  
security number are the same as that of a person whose name or 82  
social security number was submitted by the director. The board 83  
and its employees shall, except for purposes of furnishing the 84  
auditor of state with information required by this section, 85  
preserve the confidentiality of recipients of public assistance in 86  
compliance with division (A) of section 5101.181 of the Revised 87  
Code. 88

(5) The system shall comply with orders issued under section 89  
3105.87 of the Revised Code. 90

On the written request of an alternate payee, as defined in 91  
section 3105.80 of the Revised Code, the system shall furnish to 92  
the alternate payee information on the amount and status of any 93  
amounts payable to the alternate payee under an order issued under 94  
section 3105.171 or 3105.65 of the Revised Code. 95

(6) At the request of any person, the board shall make 96  
available to the person copies of all documents, including 97  
resumes, in the board's possession regarding filling a vacancy of 98  
an employee member or retirant member of the board. The person who 99  
made the request shall pay the cost of compiling, copying, and 100  
mailing the documents. The information described in division 101  
(D)(6) of this section is a public record. 102

(E) A statement that contains information obtained from the 103  
system's records that is signed by the executive director or an 104  
officer of the system and to which the system's official seal is 105  
affixed, or copies of the system's records to which the signature 106  
and seal are attached, shall be received as true copies of the 107  
system's records in any court or before any officer of this state. 108

**Sec. 145.56.** The right of an individual to a pension, an 109  
annuity, or a retirement allowance itself, the right of an 110  
individual to any optional benefit, any other right accrued or 111

accruing to any individual, under this chapter, or under any 112  
municipal retirement system established subject to this chapter 113  
under the laws of this state or any charter, the various funds 114  
created by this chapter, or under such municipal retirement 115  
system, and all moneys, investments, and income from moneys or 116  
investments are exempt from any state tax, except the tax imposed 117  
by section 5747.02 of the Revised Code and are exempt from any 118  
county, municipal, or other local tax, except taxes imposed 119  
pursuant to section 5748.02 or 5748.08 of the Revised Code and, 120  
except as provided in sections 145.57, 145.572, 145.573, 3105.171, 121  
3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. 122  
of the Revised Code, shall not be subject to execution, 123  
garnishment, attachment, the operation of bankruptcy or insolvency 124  
laws, or other process of law whatsoever, and shall be 125  
unassignable except as specifically provided in this chapter and 126  
sections 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 127  
3123., and 3125. of the Revised Code. 128

**Sec. 145.561.** ~~The~~ Except as provided in section 145.573 of 129  
the Revised Code, the granting of a retirement allowance, annuity, 130  
pension, or other benefit to any person pursuant to action of the 131  
public employees retirement board vests a right in such person, so 132  
long as ~~he~~ the person remains the recipient of any benefit of the 133  
funds established by section 145.23 of the Revised Code, to 134  
receive such retirement allowance, annuity, pension, or other 135  
benefit at the rate fixed at the time of granting such retirement 136  
allowance, annuity, pension, or other benefit. Such right shall 137  
also be vested with equal effect in the recipient of a grant 138  
heretofore made from any of the funds named in section 145.23 of 139  
the Revised Code. 140

**Sec. 145.573.** Notwithstanding any other provision of this 141  
chapter, a disability benefit granted under this chapter is 142

subject to an order issued under section 2929.193 of the Revised Code. The public employees retirement board shall comply with the order. 143  
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On receipt of notice under section 2901.43 of the Revised Code that a public employees retirement system member is charged with an offense listed in division (D) of section 2929.192 of the Revised Code under the circumstances specified in that division, the system shall determine whether the member has been granted a disability benefit. If so, the system shall send written notice to the prosecutor assigned to the case that the member has been granted a disability benefit under this chapter and may be subject to section 2929.193 of the Revised Code. 146  
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**Sec. 145.82.** (A) Except as provided in divisions (B) and (C) of this section, sections 145.201 to 145.70 of the Revised Code do not apply to a PERS defined contribution plan, except that a PERS defined contribution plan may incorporate provisions of those sections as specified in the plan document. 155  
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(B) The following sections of Chapter 145. of the Revised Code apply to a PERS defined contribution plan: 145.22, 145.221, 145.23, 145.25, 145.26, 145.27, 145.296, 145.38, 145.382, 145.383, 145.384, 145.391, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 145.573, 145.69, and 145.70 of the Revised Code. 160  
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(C) A PERS defined contribution plan that includes definitely determinable benefits may incorporate by reference all or part of sections 145.201 to 145.79 of the Revised Code to allow a member participating in the plan to purchase service credit or to be eligible for any of the following: 166  
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(1) Retirement, disability, survivor, or death benefits; 171

(2) Health or long-term care insurance or any other type of 172

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| health care benefit;   | 173  |
| (3) Additional increases under section 145.323 of the Revised Code;  | 174<br>175   |
| (4) A refund of contributions made by or on behalf of a member.  | 176<br>177   |
| With respect to the benefits described in division (C)(1) of this section, the public employees retirement board may establish eligibility requirements and benefit formulas or amounts that differ from those of members participating in the PERS defined benefit plan. With respect to the purchase of service credit by a member participating in a PERS defined contribution plan, the board may reduce the cost of the service credit to reflect the different benefit formula established for the member. | 178<br>179<br>180<br>181<br>182<br>183<br>184<br>185 |
| <b>Sec. 145.95.</b> Subject to sections 145.38, 145.56, 145.57, <del>and</del> 145.572, <u>and 145.573</u> of the Revised Code, the right of a member participating in a PERS defined contribution plan to any payment or benefit accruing from contributions made by or on behalf of the member under sections 145.85 and 145.86 of the Revised Code shall vest in accordance with this section.  | 186<br>187<br>188<br>189<br>190<br>191               |
| A member's right to any payment or benefit that is based on the member's contributions is nonforfeitable.  | 192<br>193   |
| A member's right to any payment or benefit that is based on contributions by the member's employer is nonforfeitable as specified by the plan selected by the member.  | 194<br>195<br>196                                    |
| <b>Sec. 742.41.</b> (A) As used in this section:   | 197  |
| (1) "Other system retirant" has the same meaning as in section 742.26 of the Revised Code.   | 198<br>199   |
| (2) "Personal history record" includes a member's, former member's, or other system retirant's name, address, telephone  | 200<br>201   |

number, social security number, record of contributions, 202  
correspondence with the Ohio police and fire pension fund, status 203  
of any application for benefits, and any other information deemed 204  
confidential by the trustees of the fund. 205

(B) The treasurer of state shall furnish annually to the 206  
board of trustees of the fund a sworn statement of the amount of 207  
the funds in the treasurer of state's custody belonging to the 208  
Ohio police and fire pension fund. The records of the fund shall 209  
be open for public inspection except for the following, which 210  
shall be excluded, except with the written authorization of the 211  
individual concerned: 212

(1) The individual's personal history record; 213

(2) Any information identifying, by name and address, the 214  
amount of a monthly allowance or benefit paid to the individual. 215

(C) All medical reports and recommendations required are 216  
privileged, except ~~that copies~~ as follows: 217

(1) Copies of ~~such~~ medical reports or recommendations shall 218  
be made available to the personal physician, attorney, or 219  
authorized agent of the individual concerned upon written release 220  
received from the individual or the individual's agent or, when 221  
necessary for the proper administration of the fund, to the 222  
board-assigned physician. 223

(2) Notice required by section 742.464 of the Revised Code 224  
shall be provided to the prosecutor described in that section. 225

(3) Documentation required by section 2929.193 of the Revised 226  
Code shall be provided to a court holding a hearing under that 227  
section. 228

(D) Any person who is a member of the fund or an other system 229  
retirant shall be furnished with a statement of the amount to the 230  
credit of the person's individual account upon the person's 231



written request. The fund need not answer more than one such 232  
request of a person in any one year. 233

(E) Notwithstanding the exceptions to public inspection in 234  
division (B) of this section, the fund may furnish the following 235  
information: 236

(1) If a member, former member, or other system retirant is 237  
subject to an order issued under section 2907.15 of the Revised 238  
Code or an order issued under division (A) or (B) of section 239  
2929.192 of the Revised Code or is convicted of or pleads guilty 240  
to a violation of section 2921.41 of the Revised Code, on written 241  
request of a prosecutor as defined in section 2935.01 of the 242  
Revised Code, the fund shall furnish to the prosecutor the 243  
information requested from the individual's personal history 244  
record. 245

(2) Pursuant to a court order issued pursuant to Chapter 246  
3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 247  
furnish to a court or child support enforcement agency the 248  
information required under that section. 249

(3) At the request of any organization or association of 250  
members of the fund, the fund shall provide a list of the names 251  
and addresses of members of the fund and other system retirants. 252  
The fund shall comply with the request of such organization or 253  
association at least once a year and may impose a reasonable 254  
charge for the list. 255

(4) Within fourteen days after receiving from the director of 256  
job and family services a list of the names and social security 257  
numbers of recipients of public assistance pursuant to section 258  
5101.181 of the Revised Code, the fund shall inform the auditor of 259  
state of the name, current or most recent employer address, and 260  
social security number of each member or other system retirant 261  
whose name and social security number are the same as that of a 262

person whose name or social security number was submitted by the 263  
director. The fund and its employees shall, except for purposes of 264  
furnishing the auditor of state with information required by this 265  
section, preserve the confidentiality of recipients of public 266  
assistance in compliance with division (A) of section 5101.181 of 267  
the Revised Code. 268

(5) The fund shall comply with orders issued under section 269  
3105.87 of the Revised Code. 270

On the written request of an alternate payee, as defined in 271  
section 3105.80 of the Revised Code, the fund shall furnish to the 272  
alternate payee information on the amount and status of any 273  
amounts payable to the alternate payee under an order issued under 274  
section 3105.171 or 3105.65 of the Revised Code. 275

(6) At the request of any person, the fund shall make 276  
available to the person copies of all documents, including 277  
resumes, in the fund's possession regarding filling a vacancy of a 278  
police officer employee member, firefighter employee member, 279  
police retirant member, or firefighter retirant member of the 280  
board of trustees. The person who made the request shall pay the 281  
cost of compiling, copying, and mailing the documents. The 282  
information described in this division is a public record. 283

(F) A statement that contains information obtained from the 284  
fund's records that is signed by the secretary of the board of 285  
trustees of the Ohio police and fire pension fund and to which the 286  
board's official seal is affixed, or copies of the fund's records 287  
to which the signature and seal are attached, shall be received as 288  
true copies of the fund's records in any court or before any 289  
officer of this state. 290

**Sec. 742.46.** The granting of a benefit or pension to any 291  
person under sections 742.01 to 742.61 of the Revised Code, other 292  
than a person participating in the deferred retirement option plan 293

established under section 742.43 of the Revised Code, vests a 294  
right in such person to obtain and receive the amount of such 295  
benefit or pension granted to the person subject to sections 296  
742.01 to 742.61 of the Revised Code. Subject to ~~section~~ sections 297  
742.444 and 742.464 of the Revised Code, a person participating in 298  
the deferred retirement option plan vests in the right to obtain 299  
and receive the amount accrued to the benefit of the person when 300  
the person ceases participating in the plan. 301

Such right may be enforced by an action in mandamus 302  
instituted in the court of common pleas in the county in which the 303  
person granted such benefit or pension resides. 304

Sec. 742.464. Notwithstanding any other provision of this 305  
chapter, a disability benefit granted under this chapter is 306  
subject to an order issued under section 2929.193 of the Revised 307  
Code. The board of trustees of the Ohio police and fire pension 308  
fund shall comply with the order. 309

On receipt of notice under section 2901.43 of the Revised 310  
Code that an Ohio police and fire pension fund member is charged 311  
with an offense listed in division (D) of section 2929.192 of the 312  
Revised Code under the circumstances specified in that division, 313  
the fund shall determine whether the member has been granted a 314  
disability benefit. If so, the fund shall send written notice to 315  
the prosecutor assigned to the case that the member has been 316  
granted a disability benefit under this chapter and may be subject 317  
to section 2929.193 of the Revised Code. 318

**Sec. 742.47.** Except as provided in sections 742.461, 742.463, 319  
742.464, 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 320  
3123., and 3125. of the Revised Code, sums of money due or to 321  
become due to any individual from the Ohio police and fire pension 322  
fund are not liable to attachment, garnishment, levy, or seizure 323

under any legal or equitable process or any other process of law 324  
whatsoever, whether those sums remain with the treasurer of the 325  
fund or any officer or agent of the board of trustees of the fund 326  
or are in the course of transmission to the individual entitled to 327  
them, but shall inure wholly to the benefit of that individual. 328  
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**Sec. 742.64.** ~~As used in this section, "alternate payee,"~~ 330  
~~"benefit," and "lump sum payment" have the same meanings as in~~ 331  
~~section 3105.80 of the Revised Code.~~ 332

If a person who is a disability benefit recipient or an 333  
alternate payee, as defined in section 3105.80 of the Revised 334  
Code, is paid any ~~amount from a benefit or lump sum payment under~~ 335  
~~an order issued under section 3105.171 or 3105.65 of the Revised~~ 336  
~~Code~~ by the Ohio police and fire pension fund to which the person 337  
is not entitled, the person shall repay the fund. If the person 338  
fails to repay, the fund shall withhold the amount due from any 339  
benefit or payment due the person ~~under the order~~ or may collect 340  
the amount in any other manner provided by law. 341

**Sec. 2329.66.** (A) Every person who is domiciled in this state 342  
may hold property exempt from execution, garnishment, attachment, 343  
or sale to satisfy a judgment or order, as follows: 344

(1)(a) In the case of a judgment or order regarding money 345  
owed for health care services rendered or health care supplies 346  
provided to the person or a dependent of the person, one parcel or 347  
item of real or personal property that the person or a dependent 348  
of the person uses as a residence. Division (A)(1)(a) of this 349  
section does not preclude, affect, or invalidate the creation 350  
under this chapter of a judgment lien upon the exempted property 351  
but only delays the enforcement of the lien until the property is 352  
sold or otherwise transferred by the owner or in accordance with 353

other applicable laws to a person or entity other than the 354  
surviving spouse or surviving minor children of the judgment 355  
debtor. Every person who is domiciled in this state may hold 356  
exempt from a judgment lien created pursuant to division (A)(1)(a) 357  
of this section the person's interest, not to exceed twenty 358  
thousand two hundred dollars, in the exempted property. 359

(b) In the case of all other judgments and orders, the 360  
person's interest, not to exceed twenty thousand two hundred 361  
dollars, in one parcel or item of real or personal property that 362  
the person or a dependent of the person uses as a residence. 363

(2) The person's interest, not to exceed three thousand two 364  
hundred twenty-five dollars, in one motor vehicle; 365

(3) The person's interest, not to exceed four hundred 366  
dollars, in cash on hand, money due and payable, money to become 367  
due within ninety days, tax refunds, and money on deposit with a 368  
bank, savings and loan association, credit union, public utility, 369  
landlord, or other person, other than personal earnings. 370

(4)(a) The person's interest, not to exceed five hundred 371  
twenty-five dollars in any particular item or ten thousand seven 372  
hundred seventy-five dollars in aggregate value, in household 373  
furnishings, household goods, wearing apparel, appliances, books, 374  
animals, crops, musical instruments, firearms, and hunting and 375  
fishing equipment that are held primarily for the personal, 376  
family, or household use of the person; 377

(b) The person's aggregate interest in one or more items of 378  
jewelry, not to exceed one thousand three hundred fifty dollars, 379  
held primarily for the personal, family, or household use of the 380  
person or any of the person's dependents. 381

(5) The person's interest, not to exceed an aggregate of two 382  
thousand twenty-five dollars, in all implements, professional 383  
books, or tools of the person's profession, trade, or business, 384

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| including agriculture;   | 385                      |
| (6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;  | 386<br>387<br>388        |
| (b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;  | 389<br>390<br>391        |
| (c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;   | 392<br>393<br>394        |
| (d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;  | 395<br>396<br>397<br>398 |
| (e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code. | 399<br>400<br>401<br>402 |
| (7) The person's professionally prescribed or medically necessary health aids;   | 403<br>404               |
| (8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;  | 405<br>406<br>407        |
| (9) The person's interest in the following:  | 408                      |
| (a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;   | 409<br>410               |
| (b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;   | 411<br>412               |
| (c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;  | 413<br>414               |

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; 415  
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(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; 417  
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(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code; 420  
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(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 422  
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(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, ~~and~~ in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under 2929.193 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund; 424  
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to 444  
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receive a payment under any pension, annuity, or similar plan or 446  
contract, not including a payment from a stock bonus or 447  
profit-sharing plan or a payment included in division (A)(6)(b) or 448  
(10)(a) of this section, on account of illness, disability, death, 449  
age, or length of service, to the extent reasonably necessary for 450  
the support of the person and any of the person's dependents, 451  
except if all the following apply: 452

(i) The plan or contract was established by or under the 453  
auspices of an insider that employed the person at the time the 454  
person's rights under the plan or contract arose. 455

(ii) The payment is on account of age or length of service. 456

(iii) The plan or contract is not qualified under the 457  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 458  
amended. 459

(c) Except for any portion of the assets that were deposited 460  
for the purpose of evading the payment of any debt and except as 461  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 462  
3123.06 of the Revised Code, the person's right in the assets held 463  
in, or to receive any payment under, any individual retirement 464  
account, individual retirement annuity, "Roth IRA," or education 465  
individual retirement account that provides benefits by reason of 466  
illness, disability, death, or age, to the extent that the assets, 467  
payments, or benefits described in division (A)(10)(c) of this 468  
section are attributable to any of the following: 469

(i) Contributions of the person that were less than or equal 470  
to the applicable limits on deductible contributions to an 471  
individual retirement account or individual retirement annuity in 472  
the year that the contributions were made, whether or not the 473  
person was eligible to deduct the contributions on the person's 474  
federal tax return for the year in which the contributions were 475  
made; 476



(ii) Contributions of the person that were less than or equal 477  
to the applicable limits on contributions to a Roth IRA or 478  
education individual retirement account in the year that the 479  
contributions were made; 480

(iii) Contributions of the person that are within the 481  
applicable limits on rollover contributions under subsections 219, 482  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 483  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 484  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 485

(d) Except for any portion of the assets that were deposited 486  
for the purpose of evading the payment of any debt and except as 487  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 488  
3123.06 of the Revised Code, the person's right in the assets held 489  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 490  
that provides benefits by reason of illness, disability, death, or 491  
age, to the extent reasonably necessary for the support of the 492  
person and any of the person's dependents. 493

(11) The person's right to receive spousal support, child 494  
support, an allowance, or other maintenance to the extent 495  
reasonably necessary for the support of the person and any of the 496  
person's dependents; 497

(12) The person's right to receive, or moneys received during 498  
the preceding twelve calendar months from, any of the following: 499

(a) An award of reparations under sections 2743.51 to 2743.72 500  
of the Revised Code, to the extent exempted by division (D) of 501  
section 2743.66 of the Revised Code; 502

(b) A payment on account of the wrongful death of an 503  
individual of whom the person was a dependent on the date of the 504  
individual's death, to the extent reasonably necessary for the 505  
support of the person and any of the person's dependents; 506

(c) Except in cases in which the person who receives the 507

payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code or the person's rights in a partnership pursuant to section 1776.50 of the Revised Code, except as otherwise set forth in section 1776.50 of the Revised Code;

(15) A seal and official register of a notary public, as 539  
exempted by section 147.04 of the Revised Code; 540

(16) The person's interest in a tuition unit or a payment 541  
under section 3334.09 of the Revised Code pursuant to a tuition 542  
payment contract, as exempted by section 3334.15 of the Revised 543  
Code; 544

(17) Any other property that is specifically exempted from 545  
execution, attachment, garnishment, or sale by federal statutes 546  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 547  
U.S.C.A. 101, as amended; 548

(18) The person's aggregate interest in any property, not to 549  
exceed one thousand seventy-five dollars, except that division 550  
(A)(18) of this section applies only in bankruptcy proceedings. 551

(B) On April 1, 2010, and on the first day of April in each 552  
third calendar year after 2010, each dollar amount set forth in 553  
this section shall be adjusted, when determining the amount that 554  
is exempt from execution, garnishment, attachment, or sale 555  
pursuant to this section, to reflect the change in the consumer 556  
price index for all urban consumers, as published by the United 557  
States department of labor, or, if that index is no longer 558  
published, a generally available comparable index, for the 559  
three-year period ending on the thirty-first day of December of 560  
the preceding year. Any adjustments required by this division 561  
shall be rounded to the nearest twenty-five dollars. 562

(C) As used in this section: 563

(1) "Disposable earnings" means net earnings after the 564  
garnishee has made deductions required by law, excluding the 565  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 566  
3121.03, or 3123.06 of the Revised Code. 567

(2) "Insider" means: 568

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or

operating agreement by the person who claims an exemption, or a 600  
person substantially all of whose business is operated under an 601  
operating agreement with the person who claims an exemption. 602

(iv) The entity operates the business or all or substantially 603  
all of the property of the person who claims an exemption under a 604  
lease or operating agreement. 605

(e) An insider, as otherwise defined in this section, of a 606  
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 607  
(iv) of this section applies, as if the person or entity were a 608  
person who claims an exemption; 609

(f) A managing agent of the person who claims an exemption. 610

(3) "Participant account" has the same meaning as in section 611  
148.01 of the Revised Code. 612

(4) "Government unit" has the same meaning as in section 613  
148.06 of the Revised Code. 614

(D) For purposes of this section, "interest" shall be 615  
determined as follows: 616

(1) In bankruptcy proceedings, as of the date a petition is 617  
filed with the bankruptcy court commencing a case under Title 11 618  
of the United States Code; 619

(2) In all cases other than bankruptcy proceedings, as of the 620  
date of an appraisal, if necessary under section 2329.68 of the 621  
Revised Code, or the issuance of a writ of execution. 622

An interest, as determined under division (D)(1) or (2) of 623  
this section, shall not include the amount of any lien otherwise 624  
valid pursuant to section 2329.661 of the Revised Code. 625

**Sec. 2929.192.** (A) If an offender is being sentenced for any 626  
felony offense listed in division (D) of this section that was 627  
committed on or after ~~the effective date of this section~~ May 13, 628

2008, if the offender committed the offense while serving in a position of honor, trust, or profit, and if the offender, at the time of the commission of the offense, was a member of any public retirement system or a participant in an alternative retirement plan, in addition to any other sanction it imposes under section 2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code but subject to division (B) of this section, the court shall order the forfeiture to the public retirement system or alternative retirement plan in which the offender was a member or participant of the offender's right to a retirement allowance, pension, disability benefit, or other right or benefit, other than payment of the offender's accumulated contributions, earned by reason of the offender's being a member of the public retirement system or alternative retirement plan. A forfeiture ordered under this division is part of, and shall be included in, the sentence of the offender. The court shall send a copy of the journal entry imposing sentence on the offender to the appropriate public retirement system or alternative retirement plan in which the offender was a member or participant.

(B) In any case in which a sentencing court is required to order forfeiture of an offender's right to a retirement allowance, pension, disability benefit, or other right or benefit under division (A) of this section, the offender may request a hearing regarding the forfeiture by delivering to the court prior to sentencing a written request for a hearing. If a request for a hearing is made by the offender prior to sentencing, the court shall conduct the hearing before sentencing. The court shall notify the offender, the prosecutor who handled the case in which the offender was convicted of or pleaded guilty to the offense for which the forfeiture order was imposed, and the appropriate public retirement system, or alternative retirement plan provider, whichever is applicable, or, if more than one is specified in the motion, the applicable combination of these, of the hearing. A

hearing scheduled under this division shall be limited to a 662  
consideration of whether there is good cause based on evidence 663  
presented by the offender for the forfeiture order not to be 664  
issued. If the court determines based on evidence presented by the 665  
offender that there is good cause for the forfeiture order not to 666  
be issued, the court shall not issue the forfeiture order. If the 667  
offender does not request a hearing prior to sentencing or if the 668  
court conducts a hearing but does not determine based on evidence 669  
presented by the offender that there is good cause for the 670  
forfeiture order not to be issued, the court shall order the 671  
forfeiture described in division (A) of this section in accordance 672  
with that division and shall send a copy of the journal entry 673  
imposing sentence on the offender to the appropriate public 674  
retirement system or alternative retirement plan in which the 675  
offender was a member or participant. 676

(C) Upon receipt of a copy of the journal entry imposing 677  
sentence on an offender under division (A) or (B) of this section 678  
that contains an order of forfeiture of a type described in that 679  
division, the public retirement system or alternative retirement 680  
plan in which the offender was a member or participant shall 681  
comply with the forfeiture order on application for a refund of 682  
the accumulated contributions of the member or participant. 683

(D) Division (A) of this section applies regarding an 684  
offender who is convicted of or pleads guilty to any of the 685  
following offenses committed on or after ~~the effective date of~~ 686  
~~this section~~ May 13, 2008, that is a felony and who committed the 687  
offense while serving in a position of honor, trust, or profit: 688

(1) A violation of section 2921.02 or 2923.32 of the Revised 689  
Code or a violation of section 2921.41 of the Revised Code that is 690  
a felony of the third degree; 691

(2) A violation of an existing or former municipal ordinance 692  
or law of this or any other state or the United States that is 693

substantially equivalent to any violation listed in division 694  
(D)(1) of this section; 695

(3) A conspiracy to commit, attempt to commit, or complicity 696  
in committing any violation listed in division (D)(1) or described 697  
in division (D)(2) of this section. 698

(E) For purposes of divisions (A) and (D) of this section, a 699  
violation of section 2923.32 of the Revised Code or any other 700  
violation or offense that includes as an element a course of 701  
conduct or the occurrence of multiple acts is "committed on or 702  
after ~~the effective date of this section~~ May 13, 2008," if the 703  
course of conduct continues, one or more of the multiple acts 704  
occurs, or the subject person's accountability for the course of 705  
conduct or for one or more of the multiple acts continues, on or 706  
after ~~the effective date of this section~~ May 13, 2008. 707

(F) As used in this section: 708

(1) "Position (a) For the period beginning May 13, 2008, and 709  
ending the day before the effective date of this amendment,  
"position of honor, trust, or profit" means any of the following: 710  
711

~~(a)~~(i) An elective office of the state or any political 712  
subdivision of the state; 713

~~(b)~~(ii) A position on any board or commission of the state 714  
that is appointed by the governor or the attorney general; 715

~~(c)~~(iii) A position as a public official or employee, as 716  
defined in section 102.01 of the Revised Code, who is required to 717  
file a disclosure statement under section 102.02 of the Revised 718  
Code; 719

~~(d)~~(iv) A position as a prosecutor, as defined in section 720  
2935.01 of the Revised Code; 721

~~(e)~~(v) A position as a peace officer, as defined in section 722  
2935.01 of the Revised Code, or as the superintendent or a trooper 723



of the state highway patrol. 724

(b) On and after the effective date of this amendment, 725  
"position of honor, trust, or profit" has the same meaning as in 726  
division (F)(1)(a) of this section, except that it also includes a 727  
position in which, in the course of public employment, an employee 728  
has control over the expenditure of public funds of one hundred 729  
thousand dollars or more annually. 730

(2) "Public retirement system" and "alternative retirement 731  
plan" have the same meanings as in section 2907.15 of the Revised 732  
Code. 733

(3) "Accumulated contributions" means whichever of the 734  
following is applicable: 735

(a) Regarding an offender who is a member of the public 736  
employees retirement system, except as otherwise provided in 737  
division (F)(3)(a) of this section, "accumulated contributions" 738  
has the same meaning as in section 145.01 of the Revised Code. For 739  
a member participating in a PERS defined contribution plan, 740  
"accumulated contributions" means the contributions made under 741  
section 145.85 of the Revised Code and any earnings on those 742  
contributions. For a member participating in a PERS defined 743  
contribution plan that includes definitely determinable benefits, 744  
"accumulated contributions" means the contributions made under 745  
section 145.85 of the Revised Code, any earnings on those 746  
contributions, and additionally any amounts paid by the member to 747  
purchase service credits. 748

(b) Regarding an offender who is or was a member of the Ohio 749  
police and fire pension fund, "accumulated contributions" means 750  
the amount payable to a member under division (G) of section 751  
742.37 of the Revised Code. 752

(c) Regarding an offender who is a member of the state 753  
teachers retirement system, except as otherwise provided in 754

division (F)(3)(c) of this section, "accumulated contributions" 755  
has the same meaning as in section 3307.50 of the Revised Code. 756  
For a member participating in an STRS defined contribution plan, 757  
"accumulated contributions" means the contributions made under 758  
section 3307.26 of the Revised Code to participate in a plan 759  
established under section 3307.81 of the Revised Code and any 760  
earnings on those contributions. For a member participating in a 761  
STRS defined contribution plan that includes definitely 762  
determinable benefits, "accumulated contributions" means the 763  
contributions made under section 3307.26 of the Revised Code to 764  
participate in a plan established under section 3307.81 of the 765  
Revised Code, any earnings on those contributions, and 766  
additionally any amounts paid by the member to purchase service 767  
credits. 768

(d) Regarding an offender who is or was a member of the 769  
school employees retirement system, "accumulated contributions" 770  
has the same meaning as in section 3309.01 of the Revised Code and 771  
also includes employee contributions made under section 3309.85 of 772  
the Revised Code and any earnings on those contributions. 773

(e) Regarding an offender who is or was a member of the state 774  
highway patrol retirement system, "accumulated contributions" has 775  
the same meaning as in section 5505.01 of the Revised Code. 776

(f) Regarding an offender who is or was participating in an 777  
alternative retirement plan, "accumulated contributions" means the 778  
amounts contributed to an alternative retirement plan 779  
participant's account by the plan participant pursuant to section 780  
3305.06 of the Revised Code and any earnings on those 781  
contributions. 782

**Sec. 2929.193. (A) As used in this section:** 783

(1) "Position of honor, trust, or profit" has the same 784  
meaning as in division (F)(1)(b) of section 2929.192 of the 785

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|--|--|
| <u>Revised Code.</u>   | 786  |
| <u>(2) "Public retirement system," "alternative retirement plan," and "prosecutor" have the same meanings as in section 2907.15 of the Revised Code.</u>   | 787<br>788<br>789                                    |
| <u>(B) This section applies to an offender to whom all of the following apply:</u>   | 790<br>791   |
| <u>(1) The offender is being sentenced for an offense listed in division (D) of section 2929.192 of the Revised Code that is a felony and was committed on or after the effective date of this section.</u>  | 792<br>793<br>794<br>795                             |
| <u>(2) The offense was committed while the offender was serving in a position of honor, trust, or profit.</u>  | 796<br>797   |
| <u>(3) At the time of the offense, the offender was one of the following:</u>  | 798<br>799   |
| <u>(a) A member of a public retirement system;</u>   | 800  |
| <u>(b) A contributor to a public retirement system receiving or eligible to receive a benefit under section 145.384, 742.26, 3307.352, or 3309.344 of the Revised Code;</u>  | 801<br>802<br>803                                    |
| <u>(c) A participant in an alternative retirement plan.</u>  | 804  |
| <u>(4) Prior to the final disposition of the case, the offender was granted a disability benefit by a public retirement system or alternative retirement plan.</u>   | 805<br>806<br>807                                    |
| <u>(C)(1) Prior to sentencing an offender subject to this section, the court shall hold a hearing regarding the condition for which the offender was granted a disability benefit. Not later than ten days prior to the scheduled date of the hearing, the court shall give written notice of the hearing to the offender, the prosecutor who handled the case, and the appropriate public retirement system, alternative retirement plan provider, or, if more than one is providing a disability benefit, the applicable</u> | 808<br>809<br>810<br>811<br>812<br>813<br>814<br>815 |

combination of these. The hearing shall be limited to a 816  
consideration of whether the offender's disabling condition arose 817  
out of the commission of the offense the offender was convicted of 818  
or pleaded guilty to. 819

The system or provider shall submit to the court 820  
documentation of the evidence on which the offender's disability 821  
benefit was granted. If the court determines based on that 822  
evidence that the disabling condition arose out of the commission 823  
of the offense the offender was convicted of or pleaded guilty to, 824  
the court shall order the system or provider to terminate the 825  
disability benefit. 826

(2) Any disability benefit paid the offender prior to its 827  
termination may be recovered in accordance with section 145.563, 828  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 829

(D) For purposes of this section, a violation of section 830  
2923.32 of the Revised Code or any other violation or offense that 831  
includes as an element a course of conduct or the occurrence of 832  
multiple acts is "committed on or after the effective date of this 833  
section" if the course of conduct continues, one or more of the 834  
multiple acts occurs, or the offender's accountability for the 835  
course of conduct or for one or more of the multiple acts 836  
continues on or after the effective date of this section. 837

**Sec. 3305.07.** (A) Neither the state nor a public institution 838  
of higher education shall be a party to any contract purchased in 839  
whole or in part with contributions to an alternative retirement 840  
plan made under section 3305.06 of the Revised Code. No 841  
retirement, death, or other benefits shall be payable by the state 842  
or by any public institution of higher education under any 843  
alternative retirement plan elected pursuant to this chapter. 844

(B)(1) Except as provided under division (B)(2) of this 845  
section and sections 3305.08, 3305.09, ~~and~~ 3305.11, and 3305.12 of 846

the Revised Code, benefits shall be paid to an electing employee 847  
or the employee's beneficiaries in accordance with the alternative 848  
retirement plan adopted by the public institution of higher 849  
education at which the employee is employed. 850

(2) A benefit or payment shall not be paid under an 851  
investment option prior to the time an electing employee dies, 852  
terminates employment with the public institution of higher 853  
education, or, if provided under the alternative retirement plan 854  
or investment option, becomes disabled, except that the provider 855  
of the investment option shall transfer the employee's account 856  
balance to another provider as provided under section 3305.053 of 857  
the Revised Code. 858

Sec. 3305.12. Notwithstanding any other provision of an 859  
alternative retirement plan provided under this chapter, a 860  
disability benefit granted under the alternative retirement plan 861  
is subject to an order issued under section 2929.193 of the 862  
Revised Code. The entity providing the alternative retirement plan 863  
shall comply with the order. 864

On receipt of notice under section 2901.43 of the Revised 865  
Code that an alternative retirement plan participant is charged 866  
with an offense listed in division (D) of section 2929.192 of the 867  
Revised Code under the circumstances specified in that division, 868  
the entity shall determine whether the participant has been 869  
granted a disability benefit. If so, the entity shall send written 870  
notice to the prosecutor assigned to the case that the participant 871  
has been granted a disability benefit under an alternative 872  
retirement plan and may be subject to section 2929.193 of the 873  
Revised Code. 874

**Sec. 3305.20.** As used in this section, "personal history 875  
record" means information maintained by the entity providing an 876

alternative retirement plan on an individual who participates in 877  
the plan that includes the address, telephone number, social 878  
security number, record of contributions, correspondence with the 879  
plan, or other information the entity providing the plan 880  
determines to be confidential. 881

The entity shall comply with orders issued under section 882  
3105.87 of the Revised Code requiring it to provide information 883  
from a participant's personal history record. 884

~~On~~ The entity shall furnish information as follows: 885

(1) On the written request of an alternate payee, as defined 886  
in section 3105.80 of the Revised Code, the entity providing the 887  
alternative retirement plan shall furnish to the alternate payee 888  
information on the amount and status of any amounts payable to the 889  
alternate payee under an order issued under section 3105.171 or 890  
3105.65 of the Revised Code. 891

(2) Notice required by section 3305.12 of the Revised Code 892  
shall be provided to the prosecutor described in that section. 893

(3) Documentation required by section 2929.193 of the Revised 894  
Code shall be provided to a court holding a hearing under that 895  
section. 896

~~Sec. 3305.22. As used in this section, "alternate payee" has~~ 897  
~~the same meaning as in section 3105.80 of the Revised Code.~~ 898

If a person who is a disability benefit recipient or an 899  
alternate payee, as defined in section 3105.80 of the Revised 900  
Code, is paid any amount ~~under an order issued under section~~ 901  
~~3105.171 or 3105.65 of the Revised Code~~ to which the person is not 902  
entitled by an entity providing an alternative retirement plan, 903  
the person shall repay the entity. If the person fails to repay, 904  
the entity shall withhold the amount from any benefit or payment 905  
due the person ~~under the order~~ or may collect the amount in any 906

other manner provided by law. 907

**Sec. 3307.20.** (A) As used in this section: 908

(1) "Personal history record" means information maintained by 909  
the state teachers retirement board on an individual who is a 910  
member, former member, contributor, former contributor, retirant, 911  
or beneficiary that includes the address, telephone number, social 912  
security number, record of contributions, correspondence with the 913  
state teachers retirement system, or other information the board 914  
determines to be confidential. 915

(2) "Retirant" has the same meaning as in section 3307.50 of 916  
the Revised Code. 917

(B) The records of the board shall be open to public 918  
inspection, except for the following, which shall be excluded, 919  
except with the written authorization of the individual concerned: 920

(1) The individual's personal records provided for in section 921  
3307.23 of the Revised Code; 922

(2) The individual's personal history record; 923

(3) Any information identifying, by name and address, the 924  
amount of a monthly allowance or benefit paid to the individual. 925

(C) All medical reports and recommendations under sections 926  
3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, 927  
except ~~that~~ copies as follows: 928

(1) Copies of ~~such~~ medical reports or recommendations shall 929  
be made available to the personal physician, attorney, or 930  
authorized agent of the individual concerned upon written release 931  
received from the individual or the individual's agent, or, when 932  
necessary for the proper administration of the fund, to the board 933  
assigned physician. 934

(2) Notice required by section 3307.373 of the Revised Code 935

shall be provided to the prosecutor described in that section. 936

(3) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 937  
938  
939

(D) Any person who is a member or contributor of the system 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. 940  
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942  
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(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information: 944  
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(1) 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 an order issued under division (A) or (B) of section 2929.192 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. 947  
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(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. 956  
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(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. 960  
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(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security 965  
966



numbers of recipients of public assistance pursuant to section 967  
5101.181 of the Revised Code, the board shall inform the auditor 968  
of state of the name, current or most recent employer address, and 969  
social security number of each member whose name and social 970  
security number are the same as that of a person whose name or 971  
social security number was submitted by the director. The board 972  
and its employees shall, except for purposes of furnishing the 973  
auditor of state with information required by this section, 974  
preserve the confidentiality of recipients of public assistance in 975  
compliance with division (A) of section 5101.181 of the Revised 976  
Code. 977

(5) The system shall comply with orders issued under section 978  
3105.87 of the Revised Code. 979

On the written request of an alternate payee, as defined in 980  
section 3105.80 of the Revised Code, the system shall furnish to 981  
the alternate payee information on the amount and status of any 982  
amounts payable to the alternate payee under an order issued under 983  
section 3105.171 or 3105.65 of the Revised Code. 984

(6) At the request of any person, the board shall make 985  
available to the person copies of all documents, including 986  
resumes, in the board's possession regarding filling a vacancy of 987  
a contributing member or retired teacher member of the board. The 988  
person who made the request shall pay the cost of compiling, 989  
copying, and mailing the documents. The information described in 990  
this division is a public record. 991

(F) A statement that contains information obtained from the 992  
system's records that is signed by an officer of the retirement 993  
system and to which the system's official seal is affixed, or 994  
copies of the system's records to which the signature and seal are 995  
attached, shall be received as true copies of the system's records 996  
in any court or before any officer of this state. 997

Sec. 3307.373. Notwithstanding any other provision of this chapter, a disability benefit granted under this chapter is subject to an order issued under section 2929.193 of the Revised Code. The state teachers retirement board shall comply with the order. 998  
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On receipt of notice under section 2901.43 of the Revised Code that a state teachers retirement system member is charged with an offense listed in division (D) of section 2929.192 of the Revised Code under the circumstances specified in that division, the system shall determine whether the member has been granted a disability benefit. If so, the system shall send written notice to the prosecutor assigned to the case that the member has been granted a disability benefit under this chapter and may be subject to section 2929.193 of the Revised Code. 1003  
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**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, 3307.37, ~~and~~ 3307.372, and 3307.373 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable except as specifically provided in this chapter or sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 1012  
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of the Revised Code. 1029

**Sec. 3307.42.** ~~The~~ Except as provided in section 3307.373 of 1030  
the Revised Code, the granting to any person of an allowance, 1031  
annuity, ~~or~~ pension, ~~as defined in section~~ or other benefit under 1032  
the plan described in sections 3307.50 to 3307.79 of the Revised 1033  
Code, or the granting of a benefit under a plan established under 1034  
section 3307.81 of the Revised Code, pursuant to an action of the 1035  
state teachers' retirement board vests a right in such person, so 1036  
long as the person remains the beneficiary of any of the funds 1037  
established by section 3307.14 of the Revised Code, to receive the 1038  
allowance, annuity, pension, or benefit at the rate fixed at the 1039  
time of granting the allowance, annuity, pension, or benefit. Such 1040  
right shall also be vested with equal effect in the beneficiary of 1041  
a grant heretofore made from any of the funds named in section 1042  
3307.14 of the Revised Code. 1043

**Sec. 3309.22.** (A)(1) As used in this division, "personal 1044  
history record" means information maintained by the board on an 1045  
individual who is a member, former member, contributor, former 1046  
contributor, retirant, or beneficiary that includes the address, 1047  
telephone number, social security number, record of contributions, 1048  
correspondence with the system, and other information the board 1049  
determines to be confidential. 1050

(2) The records of the board shall be open to public 1051  
inspection, except for the following, which shall be excluded, 1052  
except with the written authorization of the individual concerned: 1053

(a) The individual's statement of previous service and other 1054  
information as provided for in section 3309.28 of the Revised 1055  
Code; 1056

(b) Any information identifying by name and address the 1057  
amount of a monthly allowance or benefit paid to the individual; 1058

(c) The individual's personal history record. 1059

(B) All medical reports and recommendations required by the 1060  
system are privileged except ~~that copies~~ as follows: 1061

(1) Copies of such medical reports or recommendations shall 1062  
be made available to the personal physician, attorney, or 1063  
authorized agent of the individual concerned upon written release 1064  
received from the individual or the individual's agent, or when 1065  
necessary for the proper administration of the fund, to the board 1066  
assigned physician. 1067

(2) Notice required by section 3309.673 of the Revised Code 1068  
shall be provided to the prosecutor described in that section. 1069

(3) Documentation required by section 2929.193 of the Revised 1070  
Code shall be provided to a court holding a hearing under that 1071  
section. 1072

(C) Any person who is a contributor of the system shall be 1073  
furnished, on written request, with a statement of the amount to 1074  
the credit of the person's account. The board need not answer more 1075  
than one such request of a person in any one year. 1076

(D) Notwithstanding the exceptions to public inspection in 1077  
division (A)(2) of this section, the board may furnish the 1078  
following information: 1079

(1) If a member, former member, contributor, former 1080  
contributor, or retirant is subject to an order issued under 1081  
section 2907.15 of the Revised Code or an order issued under 1082  
division (A) or (B) of section 2929.192 of the Revised Code or is 1083  
convicted of or pleads guilty to a violation of section 2921.41 of 1084  
the Revised Code, on written request of a prosecutor as defined in 1085  
section 2935.01 of the Revised Code, the board shall furnish to 1086  
the prosecutor the information requested from the individual's 1087  
personal history record. 1088

(2) Pursuant to a court or administrative order issued under 1089  
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 1090  
Revised Code, the board shall furnish to a court or child support 1091  
enforcement agency the information required under that section. 1092

(3) At the written request of any person, the board shall 1093  
provide to the person a list of the names and addresses of 1094  
members, former members, retirants, contributors, former 1095  
contributors, or beneficiaries. The costs of compiling, copying, 1096  
and mailing the list shall be paid by such person. 1097

(4) Within fourteen days after receiving from the director of 1098  
job and family services a list of the names and social security 1099  
numbers of recipients of public assistance pursuant to section 1100  
5101.181 of the Revised Code, the board shall inform the auditor 1101  
of state of the name, current or most recent employer address, and 1102  
social security number of each contributor whose name and social 1103  
security number are the same as that of a person whose name or 1104  
social security number was submitted by the director. The board 1105  
and its employees shall, except for purposes of furnishing the 1106  
auditor of state with information required by this section, 1107  
preserve the confidentiality of recipients of public assistance in 1108  
compliance with division (A) of section 5101.181 of the Revised 1109  
Code. 1110

(5) The system shall comply with orders issued under section 1111  
3105.87 of the Revised Code. 1112

On the written request of an alternate payee, as defined in 1113  
section 3105.80 of the Revised Code, the system shall furnish to 1114  
the alternate payee information on the amount and status of any 1115  
amounts payable to the alternate payee under an order issued under 1116  
section 3105.171 or 3105.65 of the Revised Code. 1117

(6) At the request of any person, the board shall make 1118  
available to the person copies of all documents, including 1119

resumes, in the board's possession regarding filling a vacancy of 1120  
an employee member or retirant member of the board. The person who 1121  
made the request shall pay the cost of compiling, copying, and 1122  
mailing the documents. The information described in this division 1123  
is a public record. 1124

(E) A statement that contains information obtained from the 1125  
system's records that is signed by an officer of the retirement 1126  
system and to which the system's official seal is affixed, or 1127  
copies of the system's records to which the signature and seal are 1128  
attached, shall be received as true copies of the system's records 1129  
in any court or before any officer of this state. 1130

**Sec. 3309.66.** The right of an individual to a pension, an 1131  
annuity, or a retirement allowance itself, the right of an 1132  
individual to any optional benefit, any other right accrued or 1133  
accruing to any individual under this chapter, the various funds 1134  
created by section 3309.60 of the Revised Code, and all moneys, 1135  
investments, and income from moneys and investments are exempt 1136  
from any state tax, except the tax imposed by section 5747.02 of 1137  
the Revised Code, and are exempt from any county, municipal, or 1138  
other local tax, except taxes imposed pursuant to section 5748.02 1139  
or 5748.08 of the Revised Code, and, except as provided in 1140  
sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 1141  
3121.03, 3123.06, 3309.67, ~~and 3309.672,~~ and 3309.673 of the 1142  
Revised Code, shall not be subject to execution, garnishment, 1143  
attachment, the operation of bankruptcy or insolvency laws, or any 1144  
other process of law whatsoever, and shall be unassignable except 1145  
as specifically provided in this chapter and in sections 3105.171, 1146  
3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 1147  
of the Revised Code. 1148

**Sec. 3309.661.** ~~The~~ Except as provided in section 3309.673 of 1149  
the Revised Code, the granting of a retirement allowance, annuity, 1150

pension, or other benefit to any person pursuant to action of the school employees retirement board vests a right in such person, so long as ~~he~~ the person remains the recipient of any of the funds established by section 3309.60 of the Revised Code, to receive such retirement allowance, annuity, pension, or benefit. Such right shall also be vested with equal effect in the recipient of a grant heretofore made from any of the funds named in section 3309.60 of the Revised Code.

Sec. 3309.673. Notwithstanding any other provision of this chapter, a disability benefit granted under this chapter is subject to an order issued under section 2929.193 of the Revised Code. The school employees retirement board shall comply with the order.

On receipt of notice under section 2901.43 of the Revised Code that a school employees retirement system member is charged with any offense or violation listed in division (D) of section 2929.192 of the Revised Code under the circumstances specified in that division, the system shall determine whether the member has been granted a disability benefit. If so, the system shall send written notice to the prosecutor assigned to the case that the member has been granted a disability benefit under this chapter and may be subject to section 2929.193 of the Revised Code.

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

(B) The following sections of Chapter 3309. of the Revised Code apply to a plan established under section 3309.81 of the

Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 1181  
3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 1182  
3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, 3309.53, 1183  
3309.54, 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 1184  
3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 1185  
3309.673, 3309.68, and 3309.70 of the Revised Code. 1186

**Sec. 3309.95.** Subject to sections 3309.341, 3309.66, 3309.67, 1187  
~~and~~ 3309.672, and 3309.673 of the Revised Code, the right of a 1188  
member participating in a plan established under section 3309.81 1189  
of the Revised Code to any payment or benefit accruing from 1190  
contributions made by or on behalf of the member under sections 1191  
3309.85 and 3309.86 of the Revised Code shall vest in accordance 1192  
with this section. 1193

A member's right to any payment or benefit that is based on 1194  
the member's contributions is nonforfeitable. 1195

A member's right to any payment or benefit that is based on 1196  
contributions by the member's employer is nonforfeitable as 1197  
specified by the plan selected by the member. 1198

**Sec. 5505.04.** (A)(1) The general administration and 1199  
management of the state highway patrol retirement system and the 1200  
making effective of this chapter are hereby vested in the state 1201  
highway patrol retirement board. The board may sue and be sued, 1202  
plead and be impleaded, contract and be contracted with, and do 1203  
all things necessary to carry out this chapter. 1204

The board shall consist of the following members: 1205

(a) The superintendent of the state highway patrol; 1206

(b) Two retirant members who reside in this state; 1207

(c) Five employee-members; 1208

(d) One member, known as the treasurer of state's investment 1209



designee, who shall be appointed by the treasurer of state for a 1210  
term of four years and who shall have the following 1211  
qualifications: 1212

(i) The member is a resident of this state. 1213

(ii) Within the three years immediately preceding the 1214  
appointment, the member has not been employed by the public 1215  
employees retirement system, police and fire pension fund, state 1216  
teachers retirement system, school employees retirement system, or 1217  
state highway patrol retirement system or by any person, 1218  
partnership, or corporation that has provided to one of those 1219  
retirement systems services of a financial or investment nature, 1220  
including the management, analysis, supervision, or investment of 1221  
assets. 1222

(iii) The member has direct experience in the management, 1223  
analysis, supervision, or investment of assets. 1224

(iv) The member is not currently employed by the state or a 1225  
political subdivision of the state. 1226

(e) Two investment expert members, who shall be appointed to 1227  
four-year terms. One investment expert member shall be appointed 1228  
by the governor, and one investment expert member shall be jointly 1229  
appointed by the speaker of the house of representatives and the 1230  
president of the senate. Each investment expert member shall have 1231  
the following qualifications: 1232

(i) Each investment expert member shall be a resident of this 1233  
state. 1234

(ii) Within the three years immediately preceding the 1235  
appointment, each investment expert member shall not have been 1236  
employed by the public employees retirement system, police and 1237  
fire pension fund, state teachers retirement system, school 1238  
employees retirement system, or state highway patrol retirement 1239  
system or by any person, partnership, or corporation that has 1240

provided to one of those retirement systems services of a 1241  
financial or investment nature, including the management, 1242  
analysis, supervision, or investment of assets. 1243

(iii) Each investment expert member shall have direct 1244  
experience in the management, analysis, supervision, or investment 1245  
of assets. 1246

(2) The board shall annually elect a chairperson and 1247  
vice-chairperson from among its members. The vice-chairperson 1248  
shall act as chairperson in the absence of the chairperson. A 1249  
majority of the members of the board shall constitute a quorum and 1250  
any action taken shall be approved by a majority of the members of 1251  
the board. The board shall meet not less than once each year, upon 1252  
sufficient notice to the members. All meetings of the board shall 1253  
be open to the public except executive sessions as set forth in 1254  
division (G) of section 121.22 of the Revised Code, and any 1255  
portions of any sessions discussing medical records or the degree 1256  
of disability of a member excluded from public inspection by this 1257  
section. 1258

(3) Any investment expert member appointed to fill a vacancy 1259  
occurring prior to the expiration of the term for which the 1260  
member's predecessor was appointed holds office until the end of 1261  
such term. The member continues in office subsequent to the 1262  
expiration date of the member's term until the member's successor 1263  
takes office, or until a period of sixty days has elapsed, 1264  
whichever occurs first. 1265

(B) The attorney general shall prescribe procedures for the 1266  
adoption of rules authorized under this chapter, consistent with 1267  
the provision of section 111.15 of the Revised Code under which 1268  
all rules shall be filed in order to be effective. Such procedures 1269  
shall establish methods by which notice of proposed rules are 1270  
given to interested parties and rules adopted by the board 1271  
published and otherwise made available. When it files a rule with 1272

the joint committee on agency rule review pursuant to section 1273  
111.15 of the Revised Code, the board shall submit to the Ohio 1274  
retirement study council a copy of the full text of the rule, and 1275  
if applicable, a copy of the rule summary and fiscal analysis 1276  
required by division (B) of section 127.18 of the Revised Code. 1277

(C)(1) As used in this division, "personal history record" 1278  
means information maintained by the board on an individual who is 1279  
a member, former member, retirant, or beneficiary that includes 1280  
the address, telephone number, social security number, record of 1281  
contributions, correspondence with the system, and other 1282  
information the board determines to be confidential. 1283

(2) The records of the board shall be open to public 1284  
inspection, except for the following which shall be excluded: the 1285  
member's, former member's, retirant's, or beneficiary's personal 1286  
history record and the amount of a monthly allowance or benefit 1287  
paid to a retirant, beneficiary, or survivor, except with the 1288  
written authorization of the individual concerned. ~~All~~ 1289

(D) All medical reports and recommendations are privileged 1290  
except ~~that copies~~ as follows: 1291

(1) Copies of such medical reports or recommendations shall 1292  
be made available to the individual's personal physician, 1293  
attorney, or authorized agent upon written release received from 1294  
such individual or such individual's agent, or when necessary for 1295  
the proper administration of the fund to the board-assigned 1296  
physician. 1297

~~(D)~~(2) Notice required by section 5505.263 of the Revised 1298  
Code shall be provided to the prosecutor described in that 1299  
section. 1300

(3) Documentation required by section 2929.193 of the Revised 1301  
Code shall be provided to a court holding a hearing under that 1302  
section. 1303

(E) Notwithstanding the exceptions to public inspection in 1304  
division (C)(2) of this section, the board may furnish the 1305  
following information: 1306

(1) If a member, former member, or retirant is subject to an 1307  
order issued under section 2907.15 of the Revised Code or an order 1308  
issued under division (A) or (B) of section 2929.192 of the 1309  
Revised Code or is convicted of or pleads guilty to a violation of 1310  
section 2921.41 of the Revised Code, on written request of a 1311  
prosecutor as defined in section 2935.01 of the Revised Code, the 1312  
board shall furnish to the prosecutor the information requested 1313  
from the individual's personal history record. 1314

(2) Pursuant to a court order issued under Chapters 3119., 1315  
3121., and 3123. of the Revised Code, the board shall furnish to a 1316  
court or child support enforcement agency the information required 1317  
under those chapters. 1318

(3) At the written request of any nonprofit organization or 1319  
association providing services to retirement system members, 1320  
retirants, or beneficiaries, the board shall provide to the 1321  
organization or association a list of the names and addresses of 1322  
members, former members, retirants, or beneficiaries if the 1323  
organization or association agrees to use such information solely 1324  
in accordance with its stated purpose of providing services to 1325  
such individuals and not for the benefit of other persons, 1326  
organizations, or associations. The costs of compiling, copying, 1327  
and mailing the list shall be paid by such entity. 1328

(4) Within fourteen days after receiving from the director of 1329  
job and family services a list of the names and social security 1330  
numbers of recipients of public assistance pursuant to section 1331  
5101.181 of the Revised Code, the board shall inform the auditor 1332  
of state of the name, current or most recent employer address, and 1333  
social security number of each member whose name and social 1334  
security number are the same as those of a person whose name or 1335

social security number was submitted by the director. The board 1336  
and its employees, except for purposes of furnishing the auditor 1337  
of state with information required by this section, shall preserve 1338  
the confidentiality of recipients of public assistance in 1339  
compliance with division (A) of section 5101.181 of the Revised 1340  
Code. 1341

(5) The system shall comply with orders issued under section 1342  
3105.87 of the Revised Code. 1343

On the written request of an alternate payee, as defined in 1344  
section 3105.80 of the Revised Code, the system shall furnish to 1345  
the alternate payee information on the amount and status of any 1346  
amounts payable to the alternate payee under an order issued under 1347  
section 3105.171 or 3105.65 of the Revised Code. 1348

(6) At the request of any person, the board shall make 1349  
available to the person copies of all documents, including 1350  
resumes, in the board's possession regarding filling a vacancy of 1351  
an employee member or retirant member of the board. The person who 1352  
made the request shall pay the cost of compiling, copying, and 1353  
mailing the documents. The information described in this division 1354  
is a public record. 1355

~~(E)~~(F) A statement that contains information obtained from 1356  
the system's records that is certified and signed by an officer of 1357  
the retirement system and to which the system's official seal is 1358  
affixed, or copies of the system's records to which the signature 1359  
and seal are attached, shall be received as true copies of the 1360  
system's records in any court or before any officer of this state. 1361

**Sec. 5505.22.** The right of any individual to a pension, or to 1362  
the return of accumulated contributions, payable as provided under 1363  
this chapter, and all moneys and investments of the state highway 1364  
patrol retirement system and income from moneys or investments are 1365  
exempt from any state tax, except the tax imposed by section 1366

5747.02 of the Revised Code, and are exempt from any county, 1367  
municipal, or other local tax, except taxes imposed pursuant to 1368  
section 5748.02 or 5748.08 of the Revised Code, and, except as 1369  
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1370  
3121.02, 3121.03, 3123.06, 5505.26, ~~and 5505.262, and 5505.263~~ of 1371  
the Revised Code, shall not be subject to execution, garnishment, 1372  
attachment, the operation of bankruptcy or insolvency laws, or any 1373  
other process of law whatsoever, and shall be unassignable except 1374  
as specifically provided in this chapter. 1375

Sec. 5505.263. Notwithstanding any other provision of this 1377  
chapter, a disability benefit granted under this chapter is 1378  
subject to an order issued under section 2929.193 of the Revised 1379  
Code. The state highway patrol retirement board shall comply with 1380  
the order. 1381

On receipt of notice under section 2901.43 of the Revised 1382  
Code that a state highway patrol retirement system member is 1383  
charged with an offense listed in division (D) of section 2929.192 1384  
of the Revised Code under the circumstances specified in that 1385  
division, the system shall determine whether the member has been 1386  
granted a disability benefit. If so, the system shall send written 1387  
notice to the prosecutor assigned to the case that the member has 1388  
been granted a disability benefit under this chapter and may be 1389  
subject to section 2929.193 of the Revised Code. 1390

~~Sec. 5505.34. As used in this section, "alternate payee," 1391~~  
~~"benefit," and "lump sum payment" have the same meanings as in 1392~~  
~~section 3105.80 of the Revised Code.~~ 1393

If a person who is a disability benefit recipient or an 1394  
alternate payee, as defined in section 3105.80 of the Revised 1395  
Code, is paid any amount from a benefit or lump sum payment under 1396

~~an order issued under section 3105.171 or 3105.65 of the Revised~~ 1397  
~~Code~~ by the state highway patrol retirement system to which the 1398  
person is not entitled, the person shall repay the retirement 1399  
system. If the person fails to repay, the retirement system shall 1400  
withhold the amount due from any benefit or payment due the person 1401  
~~under the order~~ or may collect the amount in any other manner 1402  
provided by law. 1403

**Section 2.** That existing sections 145.27, 145.56, 145.561, 1404  
145.82, 145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 1405  
3305.07, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 3309.22, 1406  
3309.66, 3309.661, 3309.82, 3309.95, 5505.04, 5505.22, and 5505.34 1407  
of the Revised Code are hereby repealed. 1408

**Section 3.** Section 2329.66 of the Revised Code is presented 1409  
in this act as a composite of the section as amended by Sub. H.B 1410  
332, Sub. S.B. 3, and Sub. S.B. 281 of the 127th General Assembly. 1411  
The General Assembly, applying the principle stated in division 1412  
(B) of section 1.52 of the Revised Code that amendments are to be 1413  
harmonized if reasonably capable of simultaneous operation, finds 1414  
that the composite is the resulting version of the section in 1415  
effect prior to the effective date of the section as presented in 1416  
this act. 1417