

**As Reported by the House Financial Institutions, Real Estate and
Securities Committee**

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Am. Sub. S. B. No. 219

Senator Grendell

**Cosponsors: Senators Schaffer, Wagoner, Buehrer, Cafaro, Cates, Faber,
Fedor, Gibbs, Harris, Hughes, Husted, Miller, D., Miller, R., Morano, Niehaus,
Turner, Wilson**

Representatives Dyer, Fende, Koziura, Garland, Belcher, Evans

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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, 3305.08, 3305.20, 3305.22, 3
3307.20, 3307.41, 3307.42, 3309.22, 3309.66, 4
3309.661, 3309.82, 3309.95, 5505.04, 5505.22, and 5
5505.34 and to enact sections 145.573, 742.464, 6
2929.193, 3305.12, 3307.373, 3309.673, and 7
5505.263 of the Revised Code regarding termination 8
of the disability benefit of a state retirement 9
system member convicted of certain felonies 10
committed while serving in a position of honor, 11
trust, or 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, 3305.08, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 15
3309.22, 3309.66, 3309.661, 3309.82, 3309.95, 5505.04, 5505.22, 16

and 5505.34 be amended and sections 145.573, 742.464, 2929.193, 17
3305.12, 3307.373, 3309.673, and 5505.263 of the Revised Code be 18
enacted to read as follows: 19

Sec. 145.27. (A)(1) As used in this division, "personal 20
history record" means information maintained by the public 21
employees retirement board on an individual who is a member, 22
former member, contributor, former contributor, retirant, or 23
beneficiary that includes the address, telephone number, social 24
security number, record of contributions, correspondence with the 25
public employees retirement system, or other information the board 26
determines to be confidential. 27

(2) The records of the board shall be open to public 28
inspection, except that the following shall be excluded, except 29
with the written authorization of the individual concerned: 30

(a) The individual's statement of previous service and other 31
information as provided for in section 145.16 of the Revised Code; 32

(b) The amount of a monthly allowance or benefit paid to the 33
individual; 34

(c) The individual's personal history record. 35

(B) All medical reports and recommendations required by this 36
chapter are privileged, except ~~that copies~~ as follows: 37

(1) Copies of ~~such~~ medical reports or recommendations shall 38
be made available to the personal physician, attorney, or 39
authorized agent of the individual concerned upon written release 40
from the individual or the individual's agent, or when necessary 41
for the proper administration of the fund, to the board assigned 42
physician. 43

(2) Documentation required by section 2929.193 of the Revised 44
Code shall be provided to a court holding a hearing under that 45

section. 46

(C) Any person who is a member or contributor of the system 47
shall be furnished with a statement of the amount to the credit of 48
the individual's account upon written request. The board is not 49
required to answer more than one such request of a person in any 50
one year. The board may issue annual statements of accounts to 51
members and contributors. 52

(D) Notwithstanding the exceptions to public inspection in 53
division (A)(2) of this section, the board may furnish the 54
following information: 55

(1) If a member, former member, contributor, former 56
contributor, or retirant is subject to an order issued under 57
section 2907.15 of the Revised Code or an order issued under 58
division (A) or (B) of section 2929.192 of the Revised Code or is 59
convicted of or pleads guilty to a violation of section 2921.41 of 60
the Revised Code, on written request of a prosecutor as defined in 61
section 2935.01 of the Revised Code, the board shall furnish to 62
the prosecutor the information requested from the individual's 63
personal history record. 64

(2) Pursuant to a court or administrative order issued 65
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 66
Code, the board shall furnish to a court or child support 67
enforcement agency the information required under that section. 68

(3) At the written request of any person, the board shall 69
provide to the person a list of the names and addresses of 70
members, former members, contributors, former contributors, 71
retirants, or beneficiaries. The costs of compiling, copying, and 72
mailing the list shall be paid by such person. 73

(4) Within fourteen days after receiving from the director of 74
job and family services a list of the names and social security 75
numbers of recipients of public assistance pursuant to section 76

5101.181 of the Revised Code, the board shall inform the auditor 77
of state of the name, current or most recent employer address, and 78
social security number of each member whose name and social 79
security number are the same as that of a person whose name or 80
social security number was submitted by the director. The board 81
and its employees shall, except for purposes of furnishing the 82
auditor of state with information required by this section, 83
preserve the confidentiality of recipients of public assistance in 84
compliance with division (A) of section 5101.181 of the Revised 85
Code. 86

(5) The system shall comply with orders issued under section 87
3105.87 of the Revised Code. 88

On the written request of an alternate payee, as defined in 89
section 3105.80 of the Revised Code, the system shall furnish to 90
the alternate payee information on the amount and status of any 91
amounts payable to the alternate payee under an order issued under 92
section 3105.171 or 3105.65 of the Revised Code. 93

(6) At the request of any person, the board shall make 94
available to the person copies of all documents, including 95
resumes, in the board's possession regarding filling a vacancy of 96
an employee member or retirant member of the board. The person who 97
made the request shall pay the cost of compiling, copying, and 98
mailing the documents. The information described in division 99
(D)(6) of this section is a public record. 100

(7) The system shall provide the notice required by section 101
145.573 of the Revised Code to the prosecutor assigned to the 102
case. 103

(E) A statement that contains information obtained from the 104
system's records that is signed by the executive director or an 105
officer of the system and to which the system's official seal is 106
affixed, or copies of the system's records to which the signature 107

and seal are attached, shall be received as true copies of the 108
system's records in any court or before any officer of this state. 109

Sec. 145.56. The right of an individual to a pension, an 110
annuity, or a retirement allowance itself, the right of an 111
individual to any optional benefit, any other right accrued or 112
accruing to any individual, under this chapter, or under any 113
municipal retirement system established subject to this chapter 114
under the laws of this state or any charter, the various funds 115
created by this chapter, or under such municipal retirement 116
system, and all moneys, investments, and income from moneys or 117
investments are exempt from any state tax, except the tax imposed 118
by section 5747.02 of the Revised Code and are exempt from any 119
county, municipal, or other local tax, except taxes imposed 120
pursuant to section 5748.02 or 5748.08 of the Revised Code and, 121
except as provided in sections 145.57, 145.572, 145.573, 3105.171, 122
3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. 123
of the Revised Code, shall not be subject to execution, 124
garnishment, attachment, the operation of bankruptcy or insolvency 125
laws, or other process of law whatsoever, and shall be 126
unassignable except as specifically provided in this chapter and 127
sections 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 128
3123., and 3125. of the Revised Code. 129

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

also be vested with equal effect in the recipient of a grant 139
heretofore made from any of the funds named in section 145.23 of 140
the Revised Code. 141

Sec. 145.573. Notwithstanding any other provision of this 142
chapter, a disability benefit granted under this chapter is 143
subject to an order issued under section 2929.193 of the Revised 144
Code. The public employees retirement board shall comply with the 145
order. 146

On receipt of notice under section 2901.43 of the Revised 147
Code that a public employees retirement system member is charged 148
with an offense listed in division (D) of section 2929.192 of the 149
Revised Code under the circumstances specified in that division, 150
the system shall determine whether the member has been granted a 151
disability benefit. If so, the system shall send written notice to 152
the prosecutor assigned to the case that the member has been 153
granted a disability benefit under this chapter and may be subject 154
to section 2929.193 of the Revised Code. 155

Sec. 145.82. (A) Except as provided in divisions (B) and (C) 156
of this section, sections 145.201 to 145.70 of the Revised Code do 157
not apply to a PERS defined contribution plan, except that a PERS 158
defined contribution plan may incorporate provisions of those 159
sections as specified in the plan document. 160

(B) The following sections of Chapter 145. of the Revised 161
Code apply to a PERS defined contribution plan: 145.22, 145.221, 162
145.23, 145.25, 145.26, 145.27, 145.296, 145.38, 145.382, 145.383, 163
145.384, 145.391, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 164
145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 165
145.573, 145.69, and 145.70 of the Revised Code. 166

(C) A PERS defined contribution plan that includes definitely 167
determinable benefits may incorporate by reference all or part of 168

sections 145.201 to 145.79 of the Revised Code to allow a member 169
participating in the plan to purchase service credit or to be 170
eligible for any of the following: 171

(1) Retirement, disability, survivor, or death benefits; 172

(2) Health or long-term care insurance or any other type of 173
health care benefit; 174

(3) Additional increases under section 145.323 of the Revised 175
Code; 176

(4) A refund of contributions made by or on behalf of a 177
member. 178

With respect to the benefits described in division (C)(1) of 179
this section, the public employees retirement board may establish 180
eligibility requirements and benefit formulas or amounts that 181
differ from those of members participating in the PERS defined 182
benefit plan. With respect to the purchase of service credit by a 183
member participating in a PERS defined contribution plan, the 184
board may reduce the cost of the service credit to reflect the 185
different benefit formula established for the member. 186

Sec. 145.95. Subject to sections 145.38, 145.56, 145.57, ~~and~~ 187
145.572, and 145.573 of the Revised Code, the right of a member 188
participating in a PERS defined contribution plan to any payment 189
or benefit accruing from contributions made by or on behalf of the 190
member under sections 145.85 and 145.86 of the Revised Code shall 191
vest in accordance with this section. 192

A member's right to any payment or benefit that is based on 193
the member's contributions is nonforfeitable. 194

A member's right to any payment or benefit that is based on 195
contributions by the member's employer is nonforfeitable as 196
specified by the plan selected by the member. 197

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| Sec. 742.41. (A) As used in this section: | 198 |
| (1) "Other system retirant" has the same meaning as in section 742.26 of the Revised Code. | 199 200 |
| (2) "Personal history record" includes a member's, former member's, or other system retirant's name, address, telephone number, social security number, record of contributions, correspondence with the Ohio police and fire pension fund, status of any application for benefits, and any other information deemed confidential by the trustees of the fund. | 201 202 203 204 205 206 |
| (B) The treasurer of state shall furnish annually to the board of trustees of the fund a sworn statement of the amount of the funds in the treasurer of state's custody belonging to the Ohio police and fire pension fund. The records of the fund shall be open for public inspection except for the following, which shall be excluded, except with the written authorization of the individual concerned: | 207 208 209 210 211 212 213 |
| (1) The individual's personal history record; | 214 |
| (2) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual. | 215 216 |
| (C) All medical reports and recommendations required are privileged, except that copies <u>as follows</u> : | 217 218 |
| (1) <u>Copies</u> 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. | 219 220 221 222 223 224 |
| (2) <u>Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.</u> | 225 226 227 |

(D) Any person who is a member of the fund or an other system 228
retirant shall be furnished with a statement of the amount to the 229
credit of the person's individual account upon the person's 230
written request. The fund need not answer more than one such 231
request of a person in any one year. 232

(E) Notwithstanding the exceptions to public inspection in 233
division (B) of this section, the fund may furnish the following 234
information: 235

(1) If a member, former member, or other system retirant is 236
subject to an order issued under section 2907.15 of the Revised 237
Code or an order issued under division (A) or (B) of section 238
2929.192 of the Revised Code or is convicted of or pleads guilty 239
to a violation of section 2921.41 of the Revised Code, on written 240
request of a prosecutor as defined in section 2935.01 of the 241
Revised Code, the fund shall furnish to the prosecutor the 242
information requested from the individual's personal history 243
record. 244

(2) Pursuant to a court order issued pursuant to Chapter 245
3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 246
furnish to a court or child support enforcement agency the 247
information required under that section. 248

(3) At the request of any organization or association of 249
members of the fund, the fund shall provide a list of the names 250
and addresses of members of the fund and other system retirants. 251
The fund shall comply with the request of such organization or 252
association at least once a year and may impose a reasonable 253
charge for the list. 254

(4) Within fourteen days after receiving from the director of 255
job and family services a list of the names and social security 256
numbers of recipients of public assistance pursuant to section 257
5101.181 of the Revised Code, the fund shall inform the auditor of 258

state of the name, current or most recent employer address, and 259
social security number of each member or other system retirant 260
whose name and social security number are the same as that of a 261
person whose name or social security number was submitted by the 262
director. The fund and its employees shall, except for purposes of 263
furnishing the auditor of state with information required by this 264
section, preserve the confidentiality of recipients of public 265
assistance in compliance with division (A) of section 5101.181 of 266
the Revised Code. 267

(5) The fund shall comply with orders issued under section 268
3105.87 of the Revised Code. 269

On the written request of an alternate payee, as defined in 270
section 3105.80 of the Revised Code, the fund shall furnish to the 271
alternate payee information on the amount and status of any 272
amounts payable to the alternate payee under an order issued under 273
section 3105.171 or 3105.65 of the Revised Code. 274

(6) At the request of any person, the fund shall make 275
available to the person copies of all documents, including 276
resumes, in the fund's possession regarding filling a vacancy of a 277
police officer employee member, firefighter employee member, 278
police retirant member, or firefighter retirant member of the 279
board of trustees. The person who made the request shall pay the 280
cost of compiling, copying, and mailing the documents. The 281
information described in this division is a public record. 282

(7) The fund shall provide the notice required by section 283
742.464 of the Revised Code to the prosecutor assigned to the 284
case. 285

(F) A statement that contains information obtained from the 286
fund's records that is signed by the secretary of the board of 287
trustees of the Ohio police and fire pension fund and to which the 288
board's official seal is affixed, or copies of the fund's records 289

to which the signature and seal are attached, shall be received as 290
true copies of the fund's records in any court or before any 291
officer of this state. 292

Sec. 742.46. The Except as provided in section 742.464 of the 293
Revised Code, the granting of a benefit or pension to any person 294
under sections 742.01 to 742.61 of the Revised Code, other than a 295
person participating in the deferred retirement option plan 296
established under section 742.43 of the Revised Code, vests a 297
right in such person to obtain and receive the amount of such 298
benefit or pension granted to the person subject to sections 299
742.01 to 742.61 of the Revised Code. Subject to ~~section~~ sections 300
742.444 and 742.464 of the Revised Code, a person participating in 301
the deferred retirement option plan vests in the right to obtain 302
and receive the amount accrued to the benefit of the person when 303
the person ceases participating in the plan. 304

Such right may be enforced by an action in mandamus 305
instituted in the court of common pleas in the county in which the 306
person granted such benefit or pension resides. 307

Sec. 742.464. Notwithstanding any other provision of this 308
chapter, a disability benefit granted under this chapter is 309
subject to an order issued under section 2929.193 of the Revised 310
Code. The board of trustees of the Ohio police and fire pension 311
fund shall comply with the order. 312

On receipt of notice under section 2901.43 of the Revised 313
Code that an Ohio police and fire pension fund member is charged 314
with an offense listed in division (D) of section 2929.192 of the 315
Revised Code under the circumstances specified in that division, 316
the fund shall determine whether the member has been granted a 317
disability benefit. If so, the fund shall send written notice to 318
the prosecutor assigned to the case that the member has been 319

granted a disability benefit under this chapter and may be subject 320
to section 2929.193 of the Revised Code. 321

Sec. 742.47. Except as provided in sections 742.461, 742.463, 322
742.464, 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 323
3123., and 3125. of the Revised Code, sums of money due or to 324
become due to any individual from the Ohio police and fire pension 325
fund are not liable to attachment, garnishment, levy, or seizure 326
under any legal or equitable process or any other process of law 327
whatsoever, whether those sums remain with the treasurer of the 328
fund or any officer or agent of the board of trustees of the fund 329
or are in the course of transmission to the individual entitled to 330
them, but shall inure wholly to the benefit of that individual. 331

Sec. 742.64. ~~As used in this section, "alternate payee,"~~ 333
~~"benefit," and "lump sum payment" have the same meanings as in~~ 334
~~section 3105.80 of the Revised Code.~~ 335

If a person who is a disability benefit recipient or an 336
alternate payee, as defined in section 3105.80 of the Revised 337
Code, is paid any amount from a benefit or lump sum payment under 338
~~an order issued under section 3105.171 or 3105.65 of the Revised~~ 339
~~Code~~ by the Ohio police and fire pension fund to which the person 340
is not entitled, the person shall repay the fund. If the person 341
fails to repay, the fund shall withhold the amount due from any 342
benefit or payment due the person under the order or may collect 343
the amount in any other manner provided by law. 344

Sec. 2329.66. (A) Every person who is domiciled in this state 345
may hold property exempt from execution, garnishment, attachment, 346
or sale to satisfy a judgment or order, as follows: 347

(1)(a) In the case of a judgment or order regarding money 348
owed for health care services rendered or health care supplies 349

provided to the person or a dependent of the person, one parcel or 350
item of real or personal property that the person or a dependent 351
of the person uses as a residence. Division (A)(1)(a) of this 352
section does not preclude, affect, or invalidate the creation 353
under this chapter of a judgment lien upon the exempted property 354
but only delays the enforcement of the lien until the property is 355
sold or otherwise transferred by the owner or in accordance with 356
other applicable laws to a person or entity other than the 357
surviving spouse or surviving minor children of the judgment 358
debtor. Every person who is domiciled in this state may hold 359
exempt from a judgment lien created pursuant to division (A)(1)(a) 360
of this section the person's interest, not to exceed twenty 361
thousand two hundred dollars, in the exempted property. 362

(b) In the case of all other judgments and orders, the 363
person's interest, not to exceed twenty thousand two hundred 364
dollars, in one parcel or item of real or personal property that 365
the person or a dependent of the person uses as a residence. 366

(2) The person's interest, not to exceed three thousand two 367
hundred twenty-five dollars, in one motor vehicle; 368

(3) The person's interest, not to exceed four hundred 369
dollars, in cash on hand, money due and payable, money to become 370
due within ninety days, tax refunds, and money on deposit with a 371
bank, savings and loan association, credit union, public utility, 372
landlord, or other person, other than personal earnings. 373

(4)(a) The person's interest, not to exceed five hundred 374
twenty-five dollars in any particular item or ten thousand seven 375
hundred seventy-five dollars in aggregate value, in household 376
furnishings, household goods, wearing apparel, appliances, books, 377
animals, crops, musical instruments, firearms, and hunting and 378
fishing equipment that are held primarily for the personal, 379
family, or household use of the person; 380

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

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

(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;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;

(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;

(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;

(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.

(7) The person's professionally prescribed or medically necessary health aids;

(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;

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| (9) The person's interest in the following: | 411 |
| (a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code; | 412 413 |
| (b) Workers' compensation, as exempted by section 4123.67 of the Revised Code; | 414 415 |
| (c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code; | 416 417 |
| (d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; | 418 419 |
| (e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; | 420 421 422 |
| (f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code; | 423 424 |
| (g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. | 425 426 |
| (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, <u>and in cases in which an order was issued under 2929.193 of the Revised Code</u> , 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 | 427 428 429 430 431 432 433 434 435 436 437 438 439 440 |

compensation program offered by the Ohio public employees deferred 441
compensation board, a government unit, or a municipal corporation, 442
or the person's other accrued or accruing rights, as exempted by 443
section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 444
5505.22 of the Revised Code, and the person's right to benefits 445
from the Ohio public safety officers death benefit fund; 446

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 447
3121.03, and 3123.06 of the Revised Code, the person's right to 448
receive a payment under any pension, annuity, or similar plan or 449
contract, not including a payment from a stock bonus or 450
profit-sharing plan or a payment included in division (A)(6)(b) or 451
(10)(a) of this section, on account of illness, disability, death, 452
age, or length of service, to the extent reasonably necessary for 453
the support of the person and any of the person's dependents, 454
except if all the following apply: 455

(i) The plan or contract was established by or under the 456
auspices of an insider that employed the person at the time the 457
person's rights under the plan or contract arose. 458

(ii) The payment is on account of age or length of service. 459

(iii) The plan or contract is not qualified under the 460
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 461
amended. 462

(c) Except for any portion of the assets that were deposited 463
for the purpose of evading the payment of any debt and except as 464
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 465
3123.06 of the Revised Code, the person's right in the assets held 466
in, or to receive any payment under, any individual retirement 467
account, individual retirement annuity, "Roth IRA," or education 468
individual retirement account that provides benefits by reason of 469
illness, disability, death, or age, to the extent that the assets, 470
payments, or benefits described in division (A)(10)(c) of this 471

section are attributable to any of the following: 472

(i) Contributions of the person that were less than or equal 473
to the applicable limits on deductible contributions to an 474
individual retirement account or individual retirement annuity in 475
the year that the contributions were made, whether or not the 476
person was eligible to deduct the contributions on the person's 477
federal tax return for the year in which the contributions were 478
made; 479

(ii) Contributions of the person that were less than or equal 480
to the applicable limits on contributions to a Roth IRA or 481
education individual retirement account in the year that the 482
contributions were made; 483

(iii) Contributions of the person that are within the 484
applicable limits on rollover contributions under subsections 219, 485
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 486
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 487
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 488

(d) Except for any portion of the assets that were deposited 489
for the purpose of evading the payment of any debt and except as 490
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 491
3123.06 of the Revised Code, the person's right in the assets held 492
in, or to receive any payment under, any Keogh or "H.R. 10" plan 493
that provides benefits by reason of illness, disability, death, or 494
age, to the extent reasonably necessary for the support of the 495
person and any of the person's dependents. 496

(11) The person's right to receive spousal support, child 497
support, an allowance, or other maintenance to the extent 498
reasonably necessary for the support of the person and any of the 499
person's dependents; 500

(12) The person's right to receive, or moneys received during 501
the preceding twelve calendar months from, any of the following: 502

(a) An award of reparations under sections 2743.51 to 2743.72 503
of the Revised Code, to the extent exempted by division (D) of 504
section 2743.66 of the Revised Code; 505

(b) A payment on account of the wrongful death of an 506
individual of whom the person was a dependent on the date of the 507
individual's death, to the extent reasonably necessary for the 508
support of the person and any of the person's dependents; 509

(c) Except in cases in which the person who receives the 510
payment is an inmate, as defined in section 2969.21 of the Revised 511
Code, and in which the payment resulted from a civil action or 512
appeal against a government entity or employee, as defined in 513
section 2969.21 of the Revised Code, a payment, not to exceed 514
twenty thousand two hundred dollars, on account of personal bodily 515
injury, not including pain and suffering or compensation for 516
actual pecuniary loss, of the person or an individual for whom the 517
person is a dependent; 518

(d) A payment in compensation for loss of future earnings of 519
the person or an individual of whom the person is or was a 520
dependent, to the extent reasonably necessary for the support of 521
the debtor and any of the debtor's dependents. 522

(13) Except as provided in sections 3119.80, 3119.81, 523
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 524
earnings of the person owed to the person for services in an 525
amount equal to the greater of the following amounts: 526

(a) If paid weekly, thirty times the current federal minimum 527
hourly wage; if paid biweekly, sixty times the current federal 528
minimum hourly wage; if paid semimonthly, sixty-five times the 529
current federal minimum hourly wage; or if paid monthly, one 530
hundred thirty times the current federal minimum hourly wage that 531
is in effect at the time the earnings are payable, as prescribed 532
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 533

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| U.S.C. 206(a)(1), as amended; | 534 |
| (b) Seventy-five per cent of the disposable earnings owed to the person. | 535 536 |
| (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; | 537 538 539 540 541 |
| (15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code; | 542 543 |
| (16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code; | 544 545 546 547 |
| (17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended; | 548 549 550 551 |
| (18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings. | 552 553 554 |
| (B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, each dollar amount set forth in this section shall be adjusted, when determining the amount that is exempt from execution, garnishment, attachment, or sale pursuant to this section, to reflect the change in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division | 555 556 557 558 559 560 561 562 563 564 |

shall be rounded to the nearest twenty-five dollars. 565

(C) As used in this section: 566

(1) "Disposable earnings" means net earnings after the 567
garnishee has made deductions required by law, excluding the 568
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 569
3121.03, or 3123.06 of the Revised Code. 570

(2) "Insider" means: 571

(a) If the person who claims an exemption is an individual, a 572
relative of the individual, a relative of a general partner of the 573
individual, a partnership in which the individual is a general 574
partner, a general partner of the individual, or a corporation of 575
which the individual is a director, officer, or in control; 576

(b) If the person who claims an exemption is a corporation, a 577
director or officer of the corporation; a person in control of the 578
corporation; a partnership in which the corporation is a general 579
partner; a general partner of the corporation; or a relative of a 580
general partner, director, officer, or person in control of the 581
corporation; 582

(c) If the person who claims an exemption is a partnership, a 583
general partner in the partnership; a general partner of the 584
partnership; a person in control of the partnership; a partnership 585
in which the partnership is a general partner; or a relative in, a 586
general partner of, or a person in control of the partnership; 587

(d) An entity or person to which or whom any of the following 588
applies: 589

(i) The entity directly or indirectly owns, controls, or 590
holds with power to vote, twenty per cent or more of the 591
outstanding voting securities of the person who claims an 592
exemption, unless the entity holds the securities in a fiduciary 593
or agency capacity without sole discretionary power to vote the 594

securities or holds the securities solely to secure to debt and 595
the entity has not in fact exercised the power to vote. 596

(ii) The entity is a corporation, twenty per cent or more of 597
whose outstanding voting securities are directly or indirectly 598
owned, controlled, or held with power to vote, by the person who 599
claims an exemption or by an entity to which division (C)(2)(d)(i) 600
of this section applies. 601

(iii) A person whose business is operated under a lease or 602
operating agreement by the person who claims an exemption, or a 603
person substantially all of whose business is operated under an 604
operating agreement with the person who claims an exemption. 605

(iv) The entity operates the business or all or substantially 606
all of the property of the person who claims an exemption under a 607
lease or operating agreement. 608

(e) An insider, as otherwise defined in this section, of a 609
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 610
(iv) of this section applies, as if the person or entity were a 611
person who claims an exemption; 612

(f) A managing agent of the person who claims an exemption. 613

(3) "Participant account" has the same meaning as in section 614
148.01 of the Revised Code. 615

(4) "Government unit" has the same meaning as in section 616
148.06 of the Revised Code. 617

(D) For purposes of this section, "interest" shall be 618
determined as follows: 619

(1) In bankruptcy proceedings, as of the date a petition is 620
filed with the bankruptcy court commencing a case under Title 11 621
of the United States Code; 622

(2) In all cases other than bankruptcy proceedings, as of the 623
date of an appraisal, if necessary under section 2329.68 of the 624

Revised Code, or the issuance of a writ of execution. 625

An interest, as determined under division (D)(1) or (2) of 626
this section, shall not include the amount of any lien otherwise 627
valid pursuant to section 2329.661 of the Revised Code. 628

Sec. 2929.192. (A) If an offender is being sentenced for any 629
felony offense listed in division (D) of this section that was 630
committed on or after ~~the effective date of this section~~ May 13, 631
2008, if the offender committed the offense while serving in a 632
position of honor, trust, or profit, and if the offender, at the 633
time of the commission of the offense, was a member of any public 634
retirement system or a participant in an alternative retirement 635
plan, in addition to any other sanction it imposes under section 636
2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code 637
but subject to division (B) of this section, the court shall order 638
the forfeiture to the public retirement system or alternative 639
retirement plan in which the offender was a member or participant 640
of the offender's right to a retirement allowance, pension, 641
disability benefit, or other right or benefit, other than payment 642
of the offender's accumulated contributions, earned by reason of 643
the offender's being a member of the public retirement system or 644
alternative retirement plan. A forfeiture ordered under this 645
division is part of, and shall be included in, the sentence of the 646
offender. The court shall send a copy of the journal entry 647
imposing sentence on the offender to the appropriate public 648
retirement system or alternative retirement plan in which the 649
offender was a member or participant. 650

(B) In any case in which a sentencing court is required to 651
order forfeiture of an offender's right to a retirement allowance, 652
pension, disability benefit, or other right or benefit under 653
division (A) of this section, the offender may request a hearing 654
regarding the forfeiture by delivering to the court prior to 655

sentencing a written request for a hearing. If a request for a 656
hearing is made by the offender prior to sentencing, the court 657
shall conduct the hearing before sentencing. The court shall 658
notify the offender, the prosecutor who handled the case in which 659
the offender was convicted of or pleaded guilty to the offense for 660
which the forfeiture order was imposed, and the appropriate public 661
retirement system, or alternative retirement plan provider, 662
whichever is applicable, or, if more than one is specified in the 663
motion, the applicable combination of these, of the hearing. A 664
hearing scheduled under this division shall be limited to a 665
consideration of whether there is good cause based on evidence 666
presented by the offender for the forfeiture order not to be 667
issued. If the court determines based on evidence presented by the 668
offender that there is good cause for the forfeiture order not to 669
be issued, the court shall not issue the forfeiture order. If the 670
offender does not request a hearing prior to sentencing or if the 671
court conducts a hearing but does not determine based on evidence 672
presented by the offender that there is good cause for the 673
forfeiture order not to be issued, the court shall order the 674
forfeiture described in division (A) of this section in accordance 675
with that division and shall send a copy of the journal entry 676
imposing sentence on the offender to the appropriate public 677
retirement system or alternative retirement plan in which the 678
offender was a member or participant. 679

(C) Upon receipt of a copy of the journal entry imposing 680
sentence on an offender under division (A) or (B) of this section 681
that contains an order of forfeiture of a type described in that 682
division, the public retirement system or alternative retirement 683
plan in which the offender was a member or participant shall 684
comply with the forfeiture order on application for a refund of 685
the accumulated contributions of the member or participant. 686

(D) Division (A) of this section applies regarding an 687

offender who is convicted of or pleads guilty to any of the 688
following offenses committed on or after ~~the effective date of~~ 689
~~this section~~ May 13, 2008, that is a felony and who committed the 690
offense while serving in a position of honor, trust, or profit: 691

(1) A violation of section 2921.02 or 2923.32 of the Revised 692
Code or a violation of section 2921.41 of the Revised Code that is 693
a felony of the third degree; 694

(2) A violation of an existing or former municipal ordinance 695
or law of this or any other state or the United States that is 696
substantially equivalent to any violation listed in division 697
(D)(1) of this section; 698

(3) A conspiracy to commit, attempt to commit, or complicity 699
in committing any violation listed in division (D)(1) or described 700
in division (D)(2) of this section. 701

(E) For purposes of divisions (A) and (D) of this section, a 702
violation of section 2923.32 of the Revised Code or any other 703
violation or offense that includes as an element a course of 704
conduct or the occurrence of multiple acts is "committed on or 705
after ~~the effective date of this section~~ May 13, 2008," if the 706
course of conduct continues, one or more of the multiple acts 707
occurs, or the subject person's accountability for the course of 708
conduct or for one or more of the multiple acts continues, on or 709
after ~~the effective date of this section~~ May 13, 2008. 710

(F) As used in this section: 711

(1) ~~"Position~~ (a) For the period beginning May 13, 2008, and 712
ending the day before the effective date of this amendment, 713
"position of honor, trust, or profit" means any of the following: 714

~~(a)~~(i) An elective office of the state or any political 715
subdivision of the state; 716

~~(b)~~(ii) A position on any board or commission of the state 717

that is appointed by the governor or the attorney general; 718

~~(e)~~(iii) A position as a public official or employee, as 719
defined in section 102.01 of the Revised Code, who is required to 720
file a disclosure statement under section 102.02 of the Revised 721
Code; 722

~~(d)~~(iv) A position as a prosecutor, as defined in section 723
2935.01 of the Revised Code; 724

~~(e)~~(v) A position as a peace officer, as defined in section 725
2935.01 of the Revised Code, or as the superintendent or a trooper 726
of the state highway patrol. 727

(b) On and after the effective date of this amendment, 728
"position of honor, trust, or profit" has the same meaning as in 729
division (F)(1)(a) of this section, except that it also includes a 730
position in which, in the course of public employment, an employee 731
has control over the expenditure of public funds of one hundred 732
thousand dollars or more annually. 733

(2) "Public retirement system" and "alternative retirement 734
plan" have the same meanings as in section 2907.15 of the Revised 735
Code. 736

(3) "Accumulated contributions" means whichever of the 737
following is applicable: 738

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

section 145.85 of the Revised Code, any earnings on those 749
contributions, and additionally any amounts paid by the member to 750
purchase service credits. 751

(b) Regarding an offender who is or was a member of the Ohio 752
police and fire pension fund, "accumulated contributions" means 753
the amount payable to a member under division (G) of section 754
742.37 of the Revised Code. 755

(c) Regarding an offender who is a member of the state 756
teachers retirement system, except as otherwise provided in 757
division (F)(3)(c) of this section, "accumulated contributions" 758
has the same meaning as in section 3307.50 of the Revised Code. 759
For a member participating in an STRS defined contribution plan, 760
"accumulated contributions" means the contributions made under 761
section 3307.26 of the Revised Code to participate in a plan 762
established under section 3307.81 of the Revised Code and any 763
earnings on those contributions. For a member participating in a 764
STRS defined contribution plan that includes definitely 765
determinable benefits, "accumulated contributions" means the 766
contributions made under section 3307.26 of the Revised Code to 767
participate in a plan established under section 3307.81 of the 768
Revised Code, any earnings on those contributions, and 769
additionally any amounts paid by the member to purchase service 770
credits. 771

(d) Regarding an offender who is or was a member of the 772
school employees retirement system, "accumulated contributions" 773
has the same meaning as in section 3309.01 of the Revised Code and 774
also includes employee contributions made under section 3309.85 of 775
the Revised Code and any earnings on those contributions. 776

(e) Regarding an offender who is or was a member of the state 777
highway patrol retirement system, "accumulated contributions" has 778
the same meaning as in section 5505.01 of the Revised Code. 779

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

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

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

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

(B) This section applies to an offender to whom all of the following apply:

(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.

(2) The offense was committed while the offender was serving in a position of honor, trust, or profit.

(3) At the time of the offense, the offender was one of the following:

(a) A member of a public retirement system;

(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;

(c) A participant in an alternative retirement plan.

(4) Prior to the final disposition of the case, the offender

was granted a disability benefit by a public retirement system or 809
an alternative retirement plan provider. 810

(C)(1) Prior to sentencing an offender subject to this 811
section, the court shall hold a hearing regarding the condition 812
for which the offender was granted a disability benefit. Not later 813
than ten days prior to the scheduled date of the hearing, the 814
court shall give written notice of the hearing to the offender, 815
the prosecutor who handled the case, and the appropriate public 816
retirement system, alternative retirement plan provider, or, if 817
more than one is providing a disability benefit, the applicable 818
combination of these. The hearing shall be limited to a 819
consideration of whether the offender's disabling condition arose 820
out of the commission of the offense the offender was convicted of 821
or pleaded guilty to. 822

The system or provider shall submit to the court the 823
offender's medical reports and recommendations, and the offender's 824
disability application. If the court determines based on those 825
documents that the disabling condition arose out of the commission 826
of the offense the offender was convicted of or pleaded guilty to, 827
the court shall order the system or provider to terminate the 828
disability benefit. 829

(2) Any disability benefit paid the offender prior to its 830
termination may be recovered in accordance with section 145.563, 831
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 832

(D) For purposes of this section, a violation of section 833
2923.32 of the Revised Code or any other violation or offense that 834
includes as an element a course of conduct or the occurrence of 835
multiple acts is "committed on or after the effective date of this 836
section" if the course of conduct continues, one or more of the 837
multiple acts occurs, or the offender's accountability for the 838
course of conduct or for one or more of the multiple acts 839
continues on or after the effective date of this section. 840

Sec. 3305.07. (A) Neither the state nor a public institution 841
of higher education shall be a party to any contract purchased in 842
whole or in part with contributions to an alternative retirement 843
plan made under section 3305.06 of the Revised Code. No 844
retirement, death, or other benefits shall be payable by the state 845
or by any public institution of higher education under any 846
alternative retirement plan elected pursuant to this chapter. 847

(B)(1) Except as provided under division (B)(2) of this 848
section and sections 3305.08, 3305.09, ~~and~~ 3305.11, and 3305.12 of 849
the Revised Code, benefits shall be paid to an electing employee 850
or the employee's beneficiaries in accordance with the alternative 851
retirement plan adopted by the public institution of higher 852
education at which the employee is employed. 853

(2) A benefit or payment shall not be paid under an 854
investment option prior to the time an electing employee dies, 855
terminates employment with the public institution of higher 856
education, or, if provided under the alternative retirement plan 857
or investment option, becomes disabled, except that the provider 858
of the investment option shall transfer the employee's account 859
balance to another provider as provided under section 3305.053 of 860
the Revised Code. 861

Sec. 3305.08. Any payment, benefit, or other right accruing 862
to any electing employee under a contract entered into for 863
purposes of an alternative retirement plan and all moneys, 864
investments, and income of those contracts are exempt from any 865
state tax, except the tax imposed by section 5747.02 of the 866
Revised Code, are exempt from any county, municipal, or other 867
local tax, except taxes imposed pursuant to section 5748.02 or 868
5748.08 of the Revised Code, and except as provided in sections 869
3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 870
3123.06, ~~and~~ 3305.09, and 3305.12 of the Revised Code, shall not 871

be subject to execution, garnishment, attachment, the operation of 872
bankruptcy or the insolvency law, or other process of law, and 873
shall be unassignable except as specifically provided in this 874
section and sections 3105.171, 3105.65, 3119.80, 3119.81, 3121.02, 875
3121.03, 3115.32, and 3123.06 of the Revised Code or in any 876
contract the electing employee has entered into for purposes of an 877
alternative retirement plan. 878

Sec. 3305.12. Notwithstanding any other provision of an 879
alternative retirement plan provided under this chapter, a 880
disability benefit granted under the alternative retirement plan 881
is subject to an order issued under section 2929.193 of the 882
Revised Code. The entity providing the alternative retirement plan 883
shall comply with the order. 884

On receipt of notice under section 2901.43 of the Revised 885
Code that an alternative retirement plan participant is charged 886
with an offense listed in division (D) of section 2929.192 of the 887
Revised Code under the circumstances specified in that division, 888
the entity shall determine whether the participant has been 889
granted a disability benefit. If so, the entity shall send written 890
notice to the prosecutor assigned to the case that the participant 891
has been granted a disability benefit under an alternative 892
retirement plan and may be subject to section 2929.193 of the 893
Revised Code. 894

Sec. 3305.20. As used in this section, "personal history 895
record" means information maintained by the entity providing an 896
alternative retirement plan on an individual who participates in 897
the plan that includes the address, telephone number, social 898
security number, record of contributions, correspondence with the 899
plan, or other information the entity providing the plan 900
determines to be confidential. 901

The entity shall comply with orders issued under section 902
3105.87 of the Revised Code requiring it to provide information 903
from a participant's personal history record. 904

~~On~~ The entity shall furnish information as follows: 905

(A) On the written request of an alternate payee, as defined 906
in section 3105.80 of the Revised Code, the entity providing the 907
alternative retirement plan shall furnish to the alternate payee 908
information on the amount and status of any amounts payable to the 909
alternate payee under an order issued under section 3105.171 or 910
3105.65 of the Revised Code. 911

(B) The notice required by section 3305.12 of the Revised 912
Code shall be provided to the prosecutor assigned to the case. 913

(C) Documentation required by section 2929.193 of the Revised 914
Code shall be provided to a court holding a hearing under that 915
section. 916

~~Sec. 3305.22. As used in this section, "alternate payee" has~~ 917
~~the same meaning as in section 3105.80 of the Revised Code.~~ 918

If a person who is a disability benefit recipient or an 919
alternate payee, as defined in section 3105.80 of the Revised 920
Code, is paid any amount ~~under an order issued under section~~ 921
~~3105.171 or 3105.65 of the Revised Code~~ to which the person is not 922
entitled by an entity providing an alternative retirement plan, 923
the person shall repay the entity. If the person fails to repay, 924
the entity shall withhold the amount from any benefit or payment 925
due the person ~~under the order~~ or may collect the amount in any 926
other manner provided by law. 927

Sec. 3307.20. (A) As used in this section: 928

(1) "Personal history record" means information maintained by 929
the state teachers retirement board on an individual who is a 930

member, former member, contributor, former contributor, retirant, 931
or beneficiary that includes the address, telephone number, social 932
security number, record of contributions, correspondence with the 933
state teachers retirement system, or other information the board 934
determines to be confidential. 935

(2) "Retirant" has the same meaning as in section 3307.50 of 936
the Revised Code. 937

(B) The records of the board shall be open to public 938
inspection, except for the following, which shall be excluded, 939
except with the written authorization of the individual concerned: 940

(1) The individual's personal records provided for in section 941
3307.23 of the Revised Code; 942

(2) The individual's personal history record; 943

(3) Any information identifying, by name and address, the 944
amount of a monthly allowance or benefit paid to the individual. 945

(C) All medical reports and recommendations under sections 946
3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, 947
except ~~that copies~~ as follows: 948

(1) Copies of ~~such~~ medical reports or recommendations shall 949
be made available to the personal physician, attorney, or 950
authorized agent of the individual concerned upon written release 951
received from the individual or the individual's agent, or, when 952
necessary for the proper administration of the fund, to the board 953
assigned physician. 954

(2) Documentation required by section 2929.193 of the Revised 955
Code shall be provided to a court holding a hearing under that 956
section. 957

(D) Any person who is a member or contributor of the system 958
shall be furnished, on written request, with a statement of the 959
amount to the credit of the person's account. The board need not 960

answer more than one request of a person in any one year. 961

(E) Notwithstanding the exceptions to public inspection in 962
division (B) of this section, the board may furnish the following 963
information: 964

(1) If a member, former member, retirant, contributor, or 965
former contributor is subject to an order issued under section 966
2907.15 of the Revised Code or an order issued under division (A) 967
or (B) of section 2929.192 of the Revised Code or is convicted of 968
or pleads guilty to a violation of section 2921.41 of the Revised 969
Code, on written request of a prosecutor as defined in section 970
2935.01 of the Revised Code, the board shall furnish to the 971
prosecutor the information requested from the individual's 972
personal history record. 973

(2) Pursuant to a court or administrative order issued under 974
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 975
Revised Code, the board shall furnish to a court or child support 976
enforcement agency the information required under that section. 977

(3) At the written request of any person, the board shall 978
provide to the person a list of the names and addresses of 979
members, former members, retirants, contributors, former 980
contributors, or beneficiaries. The costs of compiling, copying, 981
and mailing the list shall be paid by such person. 982

(4) Within fourteen days after receiving from the director of 983
job and family services a list of the names and social security 984
numbers of recipients of public assistance pursuant to section 985
5101.181 of the Revised Code, the board shall inform the auditor 986
of state of the name, current or most recent employer address, and 987
social security number of each member whose name and social 988
security number are the same as that of a person whose name or 989
social security number was submitted by the director. The board 990
and its employees shall, except for purposes of furnishing the 991

auditor of state with information required by this section, 992
preserve the confidentiality of recipients of public assistance in 993
compliance with division (A) of section 5101.181 of the Revised 994
Code. 995

(5) The system shall comply with orders issued under section 996
3105.87 of the Revised Code. 997

On the written request of an alternate payee, as defined in 998
section 3105.80 of the Revised Code, the system shall furnish to 999
the alternate payee information on the amount and status of any 1000
amounts payable to the alternate payee under an order issued under 1001
section 3105.171 or 3105.65 of the Revised Code. 1002

(6) At the request of any person, the board shall make 1003
available to the person copies of all documents, including 1004
resumes, in the board's possession regarding filling a vacancy of 1005
a contributing member or retired teacher member of the board. The 1006
person who made the request shall pay the cost of compiling, 1007
copying, and mailing the documents. The information described in 1008
this division is a public record. 1009

(7) The system shall provide the notice required by section 1010
3307.373 of the Revised Code to the prosecutor assigned to the 1011
case. 1012

(F) A statement that contains information obtained from the 1013
system's records that is signed by an officer of the retirement 1014
system and to which the system's official seal is affixed, or 1015
copies of the system's records to which the signature and seal are 1016
attached, shall be received as true copies of the system's records 1017
in any court or before any officer of this state. 1018

Sec. 3307.373. Notwithstanding any other provision of this 1019
chapter, a disability benefit granted under this chapter is 1020
subject to an order issued under section 2929.193 of the Revised 1021

Code. The state teachers retirement board shall comply with the 1022
order. 1023

On receipt of notice under section 2901.43 of the Revised 1024
Code that a state teachers retirement system member is charged 1025
with an offense listed in division (D) of section 2929.192 of the 1026
Revised Code under the circumstances specified in that division, 1027
the system shall determine whether the member has been granted a 1028
disability benefit. If so, the system shall send written notice to 1029
the prosecutor assigned to the case that the member has been 1030
granted a disability benefit under this chapter and may be subject 1031
to section 2929.193 of the Revised Code. 1032

Sec. 3307.41. The right of an individual to a pension, an 1033
annuity, or a retirement allowance itself, the right of an 1034
individual to any optional benefit, or any other right or benefit 1035
accrued or accruing to any individual under this chapter, the 1036
various funds created by section 3307.14 of the Revised Code, and 1037
all moneys, investments, and income from moneys or investments are 1038
exempt from any state tax, except the tax imposed by section 1039
5747.02 of the Revised Code, and are exempt from any county, 1040
municipal, or other local tax, except taxes imposed pursuant to 1041
section 5748.02 or 5748.08 of the Revised Code, and, except as 1042
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1043
3121.02, 3121.03, 3123.06, 3307.37, ~~and~~ 3307.372, and 3307.373 of 1044
the Revised Code, shall not be subject to execution, garnishment, 1045
attachment, the operation of bankruptcy or insolvency laws, or any 1046
other process of law whatsoever, and shall be unassignable except 1047
as specifically provided in this chapter or sections 3105.171, 1048
3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 1049
of the Revised Code. 1050

Sec. 3307.42. ~~The~~ Except as provided in section 3307.373 of 1051
the Revised Code, the granting to any person of an allowance, 1052

annuity, ~~or~~ pension, ~~as defined in section~~ or other benefit under 1053
the plan described in sections 3307.50 to 3307.79 of the Revised 1054
Code, or the granting of a benefit under a plan established under 1055
section 3307.81 of the Revised Code, pursuant to an action of the 1056
state teachers' retirement board vests a right in such person, so 1057
long as the person remains the beneficiary of any of the funds 1058
established by section 3307.14 of the Revised Code, to receive the 1059
allowance, annuity, pension, or benefit at the rate fixed at the 1060
time of granting the allowance, annuity, pension, or benefit. Such 1061
right shall also be vested with equal effect in the beneficiary of 1062
a grant heretofore made from any of the funds named in section 1063
3307.14 of the Revised Code. 1064

Sec. 3309.22. (A)(1) As used in this division, "personal 1065
history record" means information maintained by the board on an 1066
individual who is a member, former member, contributor, former 1067
contributor, retirant, or beneficiary that includes the address, 1068
telephone number, social security number, record of contributions, 1069
correspondence with the system, and other information the board 1070
determines to be confidential. 1071

(2) The records of the board shall be open to public 1072
inspection, except for the following, which shall be excluded, 1073
except with the written authorization of the individual concerned: 1074

(a) The individual's statement of previous service and other 1075
information as provided for in section 3309.28 of the Revised 1076
Code; 1077

(b) Any information identifying by name and address the 1078
amount of a monthly allowance or benefit paid to the individual; 1079

(c) The individual's personal history record. 1080

(B) All medical reports and recommendations required by the 1081
system are privileged except ~~that copies~~ as follows: 1082

(1) Copies of ~~such~~ medical reports or recommendations shall 1083
be made available to the personal physician, attorney, or 1084
authorized agent of the individual concerned upon written release 1085
received from the individual or the individual's agent, or when 1086
necessary for the proper administration of the fund, to the board 1087
assigned physician. 1088

(2) Documentation required by section 2929.193 of the Revised 1089
Code shall be provided to a court holding a hearing under that 1090
section. 1091

(C) Any person who is a contributor of the system shall be 1092
furnished, on written request, with a statement of the amount to 1093
the credit of the person's account. The board need not answer more 1094
than one such request of a person in any one year. 1095

(D) Notwithstanding the exceptions to public inspection in 1096
division (A)(2) of this section, the board may furnish the 1097
following information: 1098

(1) If a member, former member, contributor, former 1099
contributor, or retirant is subject to an order issued under 1100
section 2907.15 of the Revised Code or an order issued under 1101
division (A) or (B) of section 2929.192 of the Revised Code or is 1102
convicted of or pleads guilty to a violation of section 2921.41 of 1103
the Revised Code, on written request of a prosecutor as defined in 1104
section 2935.01 of the Revised Code, the board shall furnish to 1105
the prosecutor the information requested from the individual's 1106
personal history record. 1107

(2) Pursuant to a court or administrative order issued under 1108
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 1109
Revised Code, the board shall furnish to a court or child support 1110
enforcement agency the information required under that section. 1111

(3) At the written request of any person, the board shall 1112
provide to the person a list of the names and addresses of 1113

members, former members, retirants, contributors, former 1114
contributors, or beneficiaries. The costs of compiling, copying, 1115
and mailing the list shall be paid by such person. 1116

(4) Within fourteen days after receiving from the director of 1117
job and family services a list of the names and social security 1118
numbers of recipients of public assistance pursuant to section 1119
5101.181 of the Revised Code, the board shall inform the auditor 1120
of state of the name, current or most recent employer address, and 1121
social security number of each contributor whose name and social 1122
security number are the same as that of a person whose name or 1123
social security number was submitted by the director. The board 1124
and its employees shall, except for purposes of furnishing the 1125
auditor of state with information required by this section, 1126
preserve the confidentiality of recipients of public assistance in 1127
compliance with division (A) of section 5101.181 of the Revised 1128
Code. 1129

(5) The system shall comply with orders issued under section 1130
3105.87 of the Revised Code. 1131

On the written request of an alternate payee, as defined in 1132
section 3105.80 of the Revised Code, the system shall furnish to 1133
the alternate payee information on the amount and status of any 1134
amounts payable to the alternate payee under an order issued under 1135
section 3105.171 or 3105.65 of the Revised Code. 1136

(6) At the request of any person, the board shall make 1137
available to the person copies of all documents, including 1138
resumes, in the board's possession regarding filling a vacancy of 1139
an employee member or retirant member of the board. The person who 1140
made the request shall pay the cost of compiling, copying, and 1141
mailing the documents. The information described in this division 1142
is a public record. 1143

(7) The system shall provide the notice required by section 1144

3309.673 of the Revised Code to the prosecutor assigned to the 1145
case. 1146

(E) A statement that contains information obtained from the 1147
system's records that is signed by an officer of the retirement 1148
system and to which the system's official seal is affixed, or 1149
copies of the system's records to which the signature and seal are 1150
attached, shall be received as true copies of the system's records 1151
in any court or before any officer of this state. 1152

Sec. 3309.66. The right of an individual to a pension, an 1153
annuity, or a retirement allowance itself, the right of an 1154
individual to any optional benefit, any other right accrued or 1155
accruing to any individual under this chapter, the various funds 1156
created by section 3309.60 of the Revised Code, and all moneys, 1157
investments, and income from moneys and investments are exempt 1158
from any state tax, except the tax imposed by section 5747.02 of 1159
the Revised Code, and are exempt from any county, municipal, or 1160
other local tax, except taxes imposed pursuant to section 5748.02 1161
or 5748.08 of the Revised Code, and, except as provided in 1162
sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 1163
3121.03, 3123.06, 3309.67, ~~and 3309.672,~~ and 3309.673 of the 1164
Revised Code, shall not be subject to execution, garnishment, 1165
attachment, the operation of bankruptcy or insolvency laws, or any 1166
other process of law whatsoever, and shall be unassignable except 1167
as specifically provided in this chapter and in sections 3105.171, 1168
3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 1169
of the Revised Code. 1170

Sec. 3309.661. ~~The~~ Except as provided in section 3309.673 of 1171
the Revised Code, the granting of a retirement allowance, annuity, 1172
pension, or other benefit to any person pursuant to action of the 1173
school employees retirement board vests a right in such person, so 1174
long as ~~he~~ the person remains the recipient of any of the funds 1175

established by section 3309.60 of the Revised Code, to receive 1176
such retirement allowance, annuity, pension, or benefit. Such 1177
right shall also be vested with equal effect in the recipient of a 1178
grant heretofore made from any of the funds named in section 1179
3309.60 of the Revised Code. 1180

Sec. 3309.673. Notwithstanding any other provision of this 1181
chapter, a disability benefit granted under this chapter is 1182
subject to an order issued under section 2929.193 of the Revised 1183
Code. The school employees retirement board shall comply with the 1184
order. 1185

On receipt of notice under section 2901.43 of the Revised 1186
Code that a school employees retirement system member is charged 1187
with any offense or violation listed in division (D) of section 1188
2929.192 of the Revised Code under the circumstances specified in 1189
that division, the system shall determine whether the member has 1190
been granted a disability benefit. If so, the system shall send 1191
written notice to the prosecutor assigned to the case that the 1192
member has been granted a disability benefit under this chapter 1193
and may be subject to section 2929.193 of the Revised Code. 1194

Sec. 3309.82. (A) Except as provided in division (B) of this 1195
section, sections 3309.02, 3309.021, and 3309.022 and sections 1196
3309.18 to 3309.70 of the Revised Code do not apply to a plan 1197
established under section 3309.81 of the Revised Code, except that 1198
a plan may incorporate provisions of those sections as specified 1199
in the plan document. 1200

(B) The following sections of Chapter 3309. of the Revised 1201
Code apply to a plan established under section 3309.81 of the 1202
Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 1203
3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 1204
3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, 3309.53, 1205

3309.54, 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 1206
3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 1207
3309.673, 3309.68, and 3309.70 of the Revised Code. 1208

Sec. 3309.95. Subject to sections 3309.341, 3309.66, 3309.67, 1209
~~and~~ 3309.672, and 3309.673 of the Revised Code, the right of a 1210
member participating in a plan established under section 3309.81 1211
of the Revised Code to any payment or benefit accruing from 1212
contributions made by or on behalf of the member under sections 1213
3309.85 and 3309.86 of the Revised Code shall vest in accordance 1214
with this section. 1215

A member's right to any payment or benefit that is based on 1216
the member's contributions is nonforfeitable. 1217

A member's right to any payment or benefit that is based on 1218
contributions by the member's employer is nonforfeitable as 1219
specified by the plan selected by the member. 1220

Sec. 5505.04. (A)(1) The general administration and 1221
management of the state highway patrol retirement system and the 1222
making effective of this chapter are hereby vested in the state 1223
highway patrol retirement board. The board may sue and be sued, 1224
plead and be impleaded, contract and be contracted with, and do 1225
all things necessary to carry out this chapter. 1226

The board shall consist of the following members: 1227

(a) The superintendent of the state highway patrol; 1228

(b) Two retirant members who reside in this state; 1229

(c) Five employee-members; 1230

(d) One member, known as the treasurer of state's investment 1231
designee, who shall be appointed by the treasurer of state for a 1232
term of four years and who shall have the following 1233
qualifications: 1234

- (i) The member is a resident of this state. 1235
- (ii) Within the three years immediately preceding the 1236
appointment, the member has not been employed by the public 1237
employees retirement system, police and fire pension fund, state 1238
teachers retirement system, school employees retirement system, or 1239
state highway patrol retirement system or by any person, 1240
partnership, or corporation that has provided to one of those 1241
retirement systems services of a financial or investment nature, 1242
including the management, analysis, supervision, or investment of 1243
assets. 1244
- (iii) The member has direct experience in the management, 1245
analysis, supervision, or investment of assets. 1246
- (iv) The member is not currently employed by the state or a 1247
political subdivision of the state. 1248
- (e) Two investment expert members, who shall be appointed to 1249
four-year terms. One investment expert member shall be appointed 1250
by the governor, and one investment expert member shall be jointly 1251
appointed by the speaker of the house of representatives and the 1252
president of the senate. Each investment expert member shall have 1253
the following qualifications: 1254
- (i) Each investment expert member shall be a resident of this 1255
state. 1256
- (ii) Within the three years immediately preceding the 1257
appointment, each investment expert member shall not have been 1258
employed by the public employees retirement system, police and 1259
fire pension fund, state teachers retirement system, school 1260
employees retirement system, or state highway patrol retirement 1261
system or by any person, partnership, or corporation that has 1262
provided to one of those retirement systems services of a 1263
financial or investment nature, including the management, 1264
analysis, supervision, or investment of assets. 1265

(iii) Each investment expert member shall have direct 1266
experience in the management, analysis, supervision, or investment 1267
of assets. 1268

(2) The board shall annually elect a chairperson and 1269
vice-chairperson from among its members. The vice-chairperson 1270
shall act as chairperson in the absence of the chairperson. A 1271
majority of the members of the board shall constitute a quorum and 1272
any action taken shall be approved by a majority of the members of 1273
the board. The board shall meet not less than once each year, upon 1274
sufficient notice to the members. All meetings of the board shall 1275
be open to the public except executive sessions as set forth in 1276
division (G) of section 121.22 of the Revised Code, and any 1277
portions of any sessions discussing medical records or the degree 1278
of disability of a member excluded from public inspection by this 1279
section. 1280

(3) Any investment expert member appointed to fill a vacancy 1281
occurring prior to the expiration of the term for which the 1282
member's predecessor was appointed holds office until the end of 1283
such term. The member continues in office subsequent to the 1284
expiration date of the member's term until the member's successor 1285
takes office, or until a period of sixty days has elapsed, 1286
whichever occurs first. 1287

(B) The attorney general shall prescribe procedures for the 1288
adoption of rules authorized under this chapter, consistent with 1289
the provision of section 111.15 of the Revised Code under which 1290
all rules shall be filed in order to be effective. Such procedures 1291
shall establish methods by which notice of proposed rules are 1292
given to interested parties and rules adopted by the board 1293
published and otherwise made available. When it files a rule with 1294
the joint committee on agency rule review pursuant to section 1295
111.15 of the Revised Code, the board shall submit to the Ohio 1296
retirement study council a copy of the full text of the rule, and 1297

if applicable, a copy of the rule summary and fiscal analysis 1298
required by division (B) of section 127.18 of the Revised Code. 1299

(C)(1) As used in this division, "personal history record" 1300
means information maintained by the board on an individual who is 1301
a member, former member, retirant, or beneficiary that includes 1302
the address, telephone number, social security number, record of 1303
contributions, correspondence with the system, and other 1304
information the board determines to be confidential. 1305

(2) The records of the board shall be open to public 1306
inspection, except for the following which shall be excluded: the 1307
member's, former member's, retirant's, or beneficiary's personal 1308
history record and the amount of a monthly allowance or benefit 1309
paid to a retirant, beneficiary, or survivor, except with the 1310
written authorization of the individual concerned. ~~All~~ 1311

(D) All medical reports and recommendations are privileged 1312
except ~~that copies~~ as follows: 1313

(1) Copies of such medical reports or recommendations shall 1314
be made available to the individual's personal physician, 1315
attorney, or authorized agent upon written release received from 1316
such individual or such individual's agent, or when necessary for 1317
the proper administration of the fund to the board-assigned 1318
physician. 1319

~~(D)~~(2) Documentation required by section 2929.193 of the 1320
Revised Code shall be provided to a court holding a hearing under 1321
that section. 1322

(E) Notwithstanding the exceptions to public inspection in 1323
division (C)(2) of this section, the board may furnish the 1324
following information: 1325

(1) If a member, former member, or retirant is subject to an 1326
order issued under section 2907.15 of the Revised Code or an order 1327
issued under division (A) or (B) of section 2929.192 of the 1328

Revised Code or is convicted of or pleads guilty to a violation of 1329
section 2921.41 of the Revised Code, on written request of a 1330
prosecutor as defined in section 2935.01 of the Revised Code, the 1331
board shall furnish to the prosecutor the information requested 1332
from the individual's personal history record. 1333

(2) Pursuant to a court order issued under Chapters 3119., 1334
3121., and 3123. of the Revised Code, the board shall furnish to a 1335
court or child support enforcement agency the information required 1336
under those chapters. 1337

(3) At the written request of any nonprofit organization or 1338
association providing services to retirement system members, 1339
retirants, or beneficiaries, the board shall provide to the 1340
organization or association a list of the names and addresses of 1341
members, former members, retirants, or beneficiaries if the 1342
organization or association agrees to use such information solely 1343
in accordance with its stated purpose of providing services to 1344
such individuals and not for the benefit of other persons, 1345
organizations, or associations. The costs of compiling, copying, 1346
and mailing the list shall be paid by such entity. 1347

(4) Within fourteen days after receiving from the director of 1348
job and family services a list of the names and social security 1349
numbers of recipients of public assistance pursuant to section 1350
5101.181 of the Revised Code, the board shall inform the auditor 1351
of state of the name, current or most recent employer address, and 1352
social security number of each member whose name and social 1353
security number are the same as those of a person whose name or 1354
social security number was submitted by the director. The board 1355
and its employees, except for purposes of furnishing the auditor 1356
of state with information required by this section, shall preserve 1357
the confidentiality of recipients of public assistance in 1358
compliance with division (A) of section 5101.181 of the Revised 1359
Code. 1360

(5) The system shall comply with orders issued under section 1361
3105.87 of the Revised Code. 1362

On the written request of an alternate payee, as defined in 1363
section 3105.80 of the Revised Code, the system shall furnish to 1364
the alternate payee information on the amount and status of any 1365
amounts payable to the alternate payee under an order issued under 1366
section 3105.171 or 3105.65 of the Revised Code. 1367

(6) At the request of any person, the board shall make 1368
available to the person copies of all documents, including 1369
resumes, in the board's possession regarding filling a vacancy of 1370
an employee member or retirant member of the board. The person who 1371
made the request shall pay the cost of compiling, copying, and 1372
mailing the documents. The information described in this division 1373
is a public record. 1374

(7) The system shall provide the notice required by section 1375
5505.263 of the Revised Code to the prosecutor assigned to the 1376
case. 1377

~~(E)~~(F) A statement that contains information obtained from 1378
the system's records that is certified and signed by an officer of 1379
the retirement system and to which the system's official seal is 1380
affixed, or copies of the system's records to which the signature 1381
and seal are attached, shall be received as true copies of the 1382
system's records in any court or before any officer of this state. 1383

Sec. 5505.22. The right of any individual to a pension, or to 1384
the return of accumulated contributions, payable as provided under 1385
this chapter, and all moneys and investments of the state highway 1386
patrol retirement system and income from moneys or investments are 1387
exempt from any state tax, except the tax imposed by section 1388
5747.02 of the Revised Code, and are exempt from any county, 1389
municipal, or other local tax, except taxes imposed pursuant to 1390
section 5748.02 or 5748.08 of the Revised Code, and, except as 1391

provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 1392
3121.02, 3121.03, 3123.06, 5505.26, ~~and 5505.262, and 5505.263~~ of 1393
the Revised Code, shall not be subject to execution, garnishment, 1394
attachment, the operation of bankruptcy or insolvency laws, or any 1395
other process of law whatsoever, and shall be unassignable except 1396
as specifically provided in this chapter. 1397

1398

Sec. 5505.263. Notwithstanding any other provision of this 1399
chapter, a disability benefit granted under this chapter is 1400
subject to an order issued under section 2929.193 of the Revised 1401
Code. The state highway patrol retirement board shall comply with 1402
the order. 1403

On receipt of notice under section 2901.43 of the Revised 1404
Code that a state highway patrol retirement system member is 1405
charged with an offense listed in division (D) of section 2929.192 1406
of the Revised Code under the circumstances specified in that 1407
division, the system shall determine whether the member has been 1408
granted a disability benefit. If so, the system shall send written 1409
notice to the prosecutor assigned to the case that the member has 1410
been granted a disability benefit under this chapter and may be 1411
subject to section 2929.193 of the Revised Code. 1412

~~Sec. 5505.34. As used in this section, "alternate payee,"~~ 1413
~~"benefit," and "lump sum payment" have the same meanings as in~~ 1414
~~section 3105.80 of the Revised Code.~~ 1415

If a person who is a disability benefit recipient or an 1416
alternate payee, as defined in section 3105.80 of the Revised 1417
Code, is paid any amount from a benefit or lump sum payment under 1418
an order issued under section 3105.171 or 3105.65 of the Revised 1419
Code by the state highway patrol retirement system to which the 1420
person is not entitled, the person shall repay the retirement 1421

system. If the person fails to repay, the retirement system shall 1422
withhold the amount due from any benefit or payment due the person 1423
~~under the order~~ or may collect the amount in any other manner 1424
provided by law. 1425

Section 2. That existing sections 145.27, 145.56, 145.561, 1426
145.82, 145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 1427
3305.07, 3305.08, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 1428
3309.22, 3309.66, 3309.661, 3309.82, 3309.95, 5505.04, 5505.22, 1429
and 5505.34 of the Revised Code are hereby repealed. 1430

Section 3. Section 2329.66 of the Revised Code is presented 1431
in this act as a composite of the section as amended by Sub. H.B 1432
332, Sub. S.B. 3, and Sub. S.B. 281 of the 127th General Assembly. 1433
The General Assembly, applying the principle stated in division 1434
(B) of section 1.52 of the Revised Code that amendments are to be 1435
harmonized if reasonably capable of simultaneous operation, finds 1436
that the composite is the resulting version of the section in 1437
effect prior to the effective date of the section as presented in 1438
this act. 1439