

**As Passed by the Senate**

**130th General Assembly  
Regular Session  
2013-2014**

**Am. S. B. No. 288**

**Senator Eklund**

**Cosponsors: Senators Beagle, Brown, Gentile, Kearney, Bacon, Balderson,  
Burke, Cafaro, Coley, Faber, Gardner, Hite, Hughes, Jones, Jordan, LaRose,  
Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer,  
Seitz, Skindell, Tavares, Turner, Uecker, Widener**

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**A B I L L**

To amend section 2329.66 and to enact sections 143.01 1  
to 143.11 of the Revised Code to create the 2  
Volunteer Police Officers' Dependents Fund to 3  
provide death benefits to survivors of volunteer 4  
police officers killed in the line of duty and 5  
disability benefits to disabled volunteer police 6  
officers. 7

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

**Section 1.** That section 2329.66 be amended and sections 8  
143.01, 143.02, 143.03, 143.04, 143.05, 143.06, 143.07, 143.08, 9  
143.09, 143.10, and 143.11 of the Revised Code be enacted to read 10  
as follows: 11

**Sec. 143.01.** As used in this chapter: 12

(A) "Killed in the line of duty" means either of the 13  
following: 14

(1) Death in the line of duty; 15

(2) Death from injury sustained in the line of duty, 16  
including heart attack or other fatal injury or illness caused 17  
while in the line of duty. 18

(B) "Totally and permanently disabled" means unable to engage 19  
in any substantial gainful employment for a period of not less 20  
than twelve months by reason of a medically determinable physical 21  
impairment that is permanent or presumed to be permanent. 22

(C) "Volunteer police officer" means any person who is 23  
employed as a police officer or sheriff's deputy in a part-time, 24  
reserve, or volunteer capacity by a county sheriff's department or 25  
the police department of a municipal corporation, township, 26  
township police district, or joint police district and is not a 27  
member of the public employees retirement system, Ohio police and 28  
fire pension fund, state highway patrol retirement system, or the 29  
Cincinnati retirement system. 30

**Sec. 143.02.** (A) There is hereby established the volunteer 31  
police officers dependents fund. 32

Each county, municipal corporation, township, township police 33  
district, and joint police district with a police or sheriff's 34  
department that employs volunteer police officers is a member of 35  
the volunteer police officers' dependents fund and shall establish 36  
a volunteer police officers' dependents fund board. Each board 37  
shall consist of the following board members: 38

(1) Two board members, elected by the legislative authority 39  
of the fund member that maintains the police or sheriff's 40  
department; 41

(2) Two board members, elected by the volunteer police 42  
officers of the police or sheriff's department; 43

(3) One board member, elected by the board members elected 44  
pursuant to divisions (A)(1) and (2) of this section. The board 45

member must be an elector of the fund member in which the police 46  
or sheriff's department is located, but not a public employee, 47  
member of the legislative authority, or police officer of that 48  
police or sheriff's department. 49

(B) The term of office of a board member begins the first day 50  
of January and is one year. 51

(C)(1) The election of the board members specified in 52  
division (A)(1) of this section shall be held each year not 53  
earlier than the first day of November and not later than the 54  
second Monday in December. The election of the member specified in 55  
division (A)(3) of this section shall be held each year on or 56  
before the thirty-first day of December. 57

(2) The members specified in division (A)(2) of this section 58  
shall be elected on or before the second Monday in December, as 59  
follows: 60

(a) The secretary of the board shall give notice of the 61  
election by posting it in a conspicuous place at the headquarters 62  
of the police or sheriff's department. Between nine a.m. and nine 63  
p.m. on the day designated, each person eligible to vote shall 64  
send in writing the name of two persons eligible to be elected to 65  
the board who are the person's choices. 66

(b) All votes cast at the election shall be counted and 67  
recorded by the board, which shall announce the result. The two 68  
persons receiving the highest number of votes are elected. If 69  
there is a tie vote for any two persons, the election shall be 70  
decided by lot or in any other way agreed on by the persons for 71  
whom the tie vote was cast. 72

(D) Any vacancy occurring on a board shall be filled at a 73  
special election called by the board's secretary. 74

Sec. 143.03. A volunteer police officers' dependents fund 75

board shall meet promptly after election of the board's members 76  
and organize. The board shall select from among its members a 77  
chairperson and a secretary. 78

The secretary of the board shall keep a complete record of 79  
the board's proceedings, which shall be maintained as a permanent 80  
file. 81

Board members shall serve without compensation. 82

The legislative authority of the fund member shall provide 83  
sufficient meeting space and supplies for the board to carry out 84  
its duties. 85

The secretary shall submit all of the following to the 86  
director of commerce: 87

(A) The name and address of each board member and an 88  
indication of the group or authority that elected the member; 89

(B) The names of the chairperson and secretary; 90

(C) A certificate indicating the current assessed property 91  
valuation of the fund member that is prepared by the clerk of the 92  
fund member. 93

**Sec. 143.04.** Each volunteer police officers' dependents fund 94  
board may adopt rules as necessary for handling and processing 95  
claims for benefits. 96

The board shall perform such other duties as are necessary to 97  
implement this chapter. 98

**Sec. 143.05.** The prosecuting attorney of the county in which 99  
a fund member is located shall serve as the legal advisor for the 100  
volunteer police officer's dependents' board. 101

**Sec. 143.06.** (A) The volunteer police officers' dependents 102

fund shall be maintained in the state treasury. All investment 103  
earnings of the fund shall be collected by the treasurer of state 104  
and placed to the credit of the fund. 105

(B) Each fund member shall pay to the treasurer of state, to 106  
the credit of the fund, an initial premium as follows: 107

(1) Each member with an assessed property valuation of less 108  
than seven million dollars, three hundred dollars; 109

(2) Each member with an assessed property valuation of seven 110  
million dollars but less than fourteen million dollars, three 111  
hundred fifty dollars; 112

(3) Each member with an assessed property valuation of 113  
fourteen million dollars but less than twenty-one million dollars, 114  
four hundred dollars; 115

(4) Each member with an assessed property valuation of 116  
twenty-one million dollars but less than twenty-eight million 117  
dollars, four hundred fifty dollars; 118

(5) Each member with an assessed property valuation of 119  
twenty-eight million dollars or over, five hundred dollars. 120

**Sec. 143.07.** The total of all initial premiums collected by 121  
the treasurer of state under section 143.06 of the Revised Code is 122  
the basic capital account of the volunteer police officers' 123  
dependents fund. No further contributions are required of fund 124  
members until claims against the fund have reduced it to 125  
ninety-five per cent or less of its basic capital account. In that 126  
event, the director of commerce shall cause the following 127  
assessments, based on current property valuation, to be made and 128  
certified to the legislative authority of each member of the fund: 129

(A) Each member with an assessed property valuation of less 130  
than seven million dollars, ninety dollars; 131

(B) Each member with an assessed property valuation of seven million dollars but less than fourteen million dollars, one hundred five dollars; 132  
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(C) Each member with an assessed property valuation of fourteen million dollars but less than twenty-one million dollars, one hundred twenty dollars; 135  
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(D) Each member with an assessed property valuation of twenty-one million dollars but less than twenty-eight million dollars, one hundred thirty-five dollars; 138  
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(E) Each member with an assessed property valuation of twenty-eight million dollars or more, one hundred fifty dollars. 141  
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**Sec. 143.08.** (A) If a premium is not paid as provided in section 143.06 of the Revised Code, the director of commerce shall certify the failure as an assessment against the fund member to the auditor of the county within which the member is located. The county auditor shall withhold the amount of the assessment, together with interest at the rate of six per cent from the due date of the premium, from the next ensuing tax settlement due the member and pay the amount to the treasurer of state to the credit of the volunteer police officers' dependents fund. 143  
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If the secretary of a volunteer police officers' dependents fund board fails to submit to the director a certificate of the current assessed property valuation in accordance with section 143.03 of the Revised Code, the director shall use division (B)(5) of section 143.06 of the Revised Code as a basis for the assessment. 152  
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(B) If a fund member does not pay the assessment provided in section 143.07 of the Revised Code within forty-five days after notice, the director shall proceed with collection in accordance with division (A) of this section. 158  
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Sec. 143.09. (A) A volunteer police officer who is totally 162  
and permanently disabled as a result of discharging the duties of 163  
a volunteer police officer shall receive a benefit from the 164  
volunteer police officers' dependents fund of three hundred 165  
dollars per month, except that no payment shall be made to a 166  
volunteer police officer who is receiving the officer's full 167  
salary during the time of the officer's disability. 168

(B) Regardless of whether the volunteer police officer 169  
received a benefit under division (A) of this section, death 170  
benefits shall be paid from the fund to the surviving spouse or 171  
dependent children of a volunteer police officer who is killed in 172  
the line of duty. Death benefits shall be paid as follows: 173

(1) To the surviving spouse of a volunteer police officer 174  
killed in the line of duty, an award of one thousand dollars, and 175  
in addition, a benefit of three hundred dollars per month; 176

(2) To the parent, guardian, or other persons on whom a child 177  
of a volunteer police officer killed in the line of duty is 178  
dependent for chief financial support, a benefit of one hundred 179  
twenty-five dollars per month for each dependent child under age 180  
eighteen, or under age twenty-two if attending an institution of 181  
learning or training pursuant to a program designed to complete in 182  
each school year the equivalent of at least two-thirds of the 183  
full-time curriculum requirements of the institution. 184

(C) An individual eligible for benefits payable under this 185  
section shall file a claim for benefits with the appropriate 186  
volunteer police officers' dependents fund board on a form 187  
provided by the board. All of the following information shall be 188  
submitted with the claim: 189

(1) In the case of a totally and permanently disabled 190  
volunteer police officer, the following: 191

<u>(a) The name of the police or sheriff's department for which</u>	192
<u>the officer was a volunteer police officer;</u>	193
<u>(b) The date of the injury;</u>	194
<u>(c) Satisfactory medical evidence that the officer is totally</u>	195
<u>and permanently disabled.</u>	196
<u>(2) In the case of a surviving spouse or a parent, guardian,</u>	197
<u>or other person in charge of a dependent child, the following:</u>	198
<u>(a) The full name of the deceased volunteer police officer;</u>	199
<u>(b) The name of the police or sheriff's department for which</u>	200
<u>the deceased officer was a volunteer police officer;</u>	201
<u>(c) The name and address of the surviving spouse, as</u>	202
<u>applicable;</u>	203
<u>(d) The names, ages, and addresses of any dependent children;</u>	204
<u>(e) Any other evidence required by the board.</u>	205
<u>(D) All claimants shall certify that neither the claimant nor</u>	206
<u>the person on whose behalf the claim is filed qualifies for other</u>	207
<u>benefits from any of the following based on the officer's service</u>	208
<u>as a volunteer police officer: the public employees retirement</u>	209
<u>system, Ohio police and fire pension fund, state highway patrol</u>	210
<u>retirement system, Cincinnati retirement system, or Ohio public</u>	211
<u>safety officers death benefit fund.</u>	212
<u>(E) Initial claims shall be filed with the volunteer police</u>	213
<u>officers' dependents fund board of the fund member in which the</u>	214
<u>officer was a volunteer police officer. Thereafter, on request of</u>	215
<u>the claimant or the board, claims may be transferred to a board</u>	216
<u>near the claimant's current residence, if the boards concerned</u>	217
<u>agree to the transfer.</u>	218
<b><u>Sec. 143.10. (A)(1) Not later than five days after receipt of</u></b>	219
<b><u>a claim for benefits, a volunteer police officers' dependents fund</u></b>	220



board shall meet and determine the validity of the claim. If the 221  
board determines that the claim is valid, it shall make a 222  
determination of the amount due and certify its determination to 223  
the director of commerce for payment. The certificate shall show 224  
the name and address of the board, the name and address of each 225  
beneficiary, the amount to be received by or on behalf of each 226  
beneficiary, and the name and address of the person to whom 227  
payments are to be made. 228

(2) If the board determines that a claimant is ineligible for 229  
benefits, the board shall deny the claim and issue to the claimant 230  
a copy of its order. 231

(B) The board may make a continuing order for monthly 232  
payments to a claimant for a period not exceeding three months 233  
from the date of the determination. The determination may be 234  
modified after issuance to reflect any changes in the claimant's 235  
eligibility. If no changes occur at the end of the three-month 236  
period, the director may provide for payment if the board 237  
certifies that the original certificate is continued for an 238  
additional three-month period. 239

**Sec. 143.11.** The right of an individual to a benefit under 240  
this chapter shall not be subject to execution, garnishment, 241  
attachment, the operation of bankruptcy or insolvency laws, or 242  
other process of law whatsoever, and shall be unassignable except 243  
as specifically provided in this chapter and sections 3105.171, 244  
3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. 245  
of the Revised Code. 246

**Sec. 2329.66.** (A) Every person who is domiciled in this state 247  
may hold property exempt from execution, garnishment, attachment, 248  
or sale to satisfy a judgment or order, as follows: 249

(1)(a) In the case of a judgment or order regarding money 250

owed for health care services rendered or health care supplies 251  
provided to the person or a dependent of the person, one parcel or 252  
item of real or personal property that the person or a dependent 253  
of the person uses as a residence. Division (A)(1)(a) of this 254  
section does not preclude, affect, or invalidate the creation 255  
under this chapter of a judgment lien upon the exempted property 256  
but only delays the enforcement of the lien until the property is 257  
sold or otherwise transferred by the owner or in accordance with 258  
other applicable laws to a person or entity other than the 259  
surviving spouse or surviving minor children of the judgment 260  
debtor. Every person who is domiciled in this state may hold 261  
exempt from a judgment lien created pursuant to division (A)(1)(a) 262  
of this section the person's interest, not to exceed one hundred 263  
twenty-five thousand dollars, in the exempted property. 264

(b) In the case of all other judgments and orders, the 265  
person's interest, not to exceed one hundred twenty-five thousand 266  
dollars, in one parcel or item of real or personal property that 267  
the person or a dependent of the person uses as a residence. 268

(c) For purposes of divisions (A)(1)(a) and (b) of this 269  
section, "parcel" means a tract of real property as identified on 270  
the records of the auditor of the county in which the real 271  
property is located. 272

(2) The person's interest, not to exceed three thousand two 273  
hundred twenty-five dollars, in one motor vehicle; 274

(3) The person's interest, not to exceed four hundred 275  
dollars, in cash on hand, money due and payable, money to become 276  
due within ninety days, tax refunds, and money on deposit with a 277  
bank, savings and loan association, credit union, public utility, 278  
landlord, or other person, other than personal earnings. 279

(4)(a) The person's interest, not to exceed five hundred 280  
twenty-five dollars in any particular item or ten thousand seven 281

hundred seventy-five dollars in aggregate value, in household	282
furnishings, household goods, wearing apparel, appliances, books,	283
animals, crops, musical instruments, firearms, and hunting and	284
fishing equipment that are held primarily for the personal,	285
family, or household use of the person;	286
(b) The person's aggregate interest in one or more items of	287
jewelry, not to exceed one thousand three hundred fifty dollars,	288
held primarily for the personal, family, or household use of the	289
person or any of the person's dependents.	290
(5) The person's interest, not to exceed an aggregate of two	291
thousand twenty-five dollars, in all implements, professional	292
books, or tools of the person's profession, trade, or business,	293
including agriculture;	294
(6)(a) The person's interest in a beneficiary fund set apart,	295
appropriated, or paid by a benevolent association or society, as	296
exempted by section 2329.63 of the Revised Code;	297
(b) The person's interest in contracts of life or endowment	298
insurance or annuities, as exempted by section 3911.10 of the	299
Revised Code;	300
(c) The person's interest in a policy of group insurance or	301
the proceeds of a policy of group insurance, as exempted by	302
section 3917.05 of the Revised Code;	303
(d) The person's interest in money, benefits, charity,	304
relief, or aid to be paid, provided, or rendered by a fraternal	305
benefit society, as exempted by section 3921.18 of the Revised	306
Code;	307
(e) The person's interest in the portion of benefits under	308
policies of sickness and accident insurance and in lump sum	309
payments for dismemberment and other losses insured under those	310
policies, as exempted by section 3923.19 of the Revised Code.	311

(7) The person's professionally prescribed or medically necessary health aids;	312 313
(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;	314 315 316
(9) The person's interest in the following:	317
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	318 319
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	320 321
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	322 323
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	324 325
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	326 327 328
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	329 330
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	331 332
(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, 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 section 2929.193 or 2929.194 of the Revised Code, and	333 334 335 336 337 338 339 340 341

only to the extent provided in the order, and except as provided 342  
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 343  
and 3123.06 of the Revised Code, the person's rights to or 344  
interests in a pension, benefit, annuity, retirement allowance, or 345  
accumulated contributions, the person's rights to or interests in 346  
a participant account in any deferred compensation program offered 347  
by the Ohio public employees deferred compensation board, a 348  
government unit, or a municipal corporation, or the person's other 349  
accrued or accruing rights or interests, as exempted by section 350  
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 351  
5505.22 of the Revised Code, and the person's rights to or 352  
interests in benefits from the Ohio public safety officers death 353  
benefit fund; 354

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 355  
3121.03, and 3123.06 of the Revised Code, the person's rights to 356  
receive or interests in receiving a payment or other benefits 357  
under any pension, annuity, or similar plan or contract, not 358  
including a payment or benefit from a stock bonus or 359  
profit-sharing plan or a payment included in division (A)(6)(b) or 360  
(10)(a) of this section, on account of illness, disability, death, 361  
age, or length of service, to the extent reasonably necessary for 362  
the support of the person and any of the person's dependents, 363  
except if all the following apply: 364

(i) The plan or contract was established by or under the 365  
auspices of an insider that employed the person at the time the 366  
person's rights or interests under the plan or contract arose. 367

(ii) The payment is on account of age or length of service. 368

(iii) The plan or contract is not qualified under the 369  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 370  
amended. 371

(c) Except for any portion of the assets that were deposited 372

for the purpose of evading the payment of any debt and except as 373  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 374  
3123.06 of the Revised Code, the person's rights or interests in 375  
the assets held in, or to directly or indirectly receive any 376  
payment or benefit under, any individual retirement account, 377  
individual retirement annuity, "Roth IRA," "529 plan," or 378  
education individual retirement account that provides payments or 379  
benefits by reason of illness, disability, death, retirement, or 380  
age or provides payments or benefits for purposes of education, to 381  
the extent that the assets, payments, or benefits described in 382  
division (A)(10)(c) of this section are attributable to or derived 383  
from any of the following or from any earnings, dividends, 384  
interest, appreciation, or gains on any of the following: 385

(i) Contributions of the person that were less than or equal 386  
to the applicable limits on deductible contributions to an 387  
individual retirement account or individual retirement annuity in 388  
the year that the contributions were made, whether or not the 389  
person was eligible to deduct the contributions on the person's 390  
federal tax return for the year in which the contributions were 391  
made; 392

(ii) Contributions of the person that were less than or equal 393  
to the applicable limits on contributions to a Roth IRA or 394  
education individual retirement account in the year that the 395  
contributions were made; 396

(iii) Contributions of the person that are within the 397  
applicable limits on rollover contributions under subsections 219, 398  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 399  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 400  
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 401

(iv) Contributions by any person into any plan, fund, or 402  
account that is formed, created, or administered pursuant to, or 403  
is otherwise subject to, section 529 of the "Internal Revenue Code 404

of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 405

(d) Except for any portion of the assets that were deposited 406  
for the purpose of evading the payment of any debt and except as 407  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 408  
3123.06 of the Revised Code, the person's rights or interests in 409  
the assets held in, or to receive any payment under, any Keogh or 410  
"H.R. 10" plan that provides benefits by reason of illness, 411  
disability, death, retirement, or age, to the extent reasonably 412  
necessary for the support of the person and any of the person's 413  
dependents. 414

(e) The person's rights to or interests in any assets held 415  
in, or to directly or indirectly receive any payment or benefit 416  
under, any individual retirement account, individual retirement 417  
annuity, "Roth IRA," "529 plan," or education individual 418  
retirement account that a decedent, upon or by reason of the 419  
decedent's death, directly or indirectly left to or for the 420  
benefit of the person, either outright or in trust or otherwise, 421  
including, but not limited to, any of those rights or interests in 422  
assets or to receive payments or benefits that were transferred, 423  
conveyed, or otherwise transmitted by the decedent by means of a 424  
will, trust, exercise of a power of appointment, beneficiary 425  
designation, transfer or payment on death designation, or any 426  
other method or procedure. 427

(f) The exemptions under divisions (A)(10)(a) to (e) of this 428  
section also shall apply or otherwise be available to an alternate 429  
payee under a qualified domestic relations order (QDRO) or other 430  
similar court order. 431

(g) A person's interest in any plan, program, instrument, or 432  
device described in divisions (A)(10)(a) to (e) of this section 433  
shall be considered an exempt interest even if the plan, program, 434  
instrument, or device in question, due to an error made in good 435  
faith, failed to satisfy any criteria applicable to that plan, 436

program, instrument, or device under the "Internal Revenue Code of 437  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 438

(11) The person's right to receive spousal support, child 439  
support, an allowance, or other maintenance to the extent 440  
reasonably necessary for the support of the person and any of the 441  
person's dependents; 442

(12) The person's right to receive, or moneys received during 443  
the preceding twelve calendar months from, any of the following: 444

(a) An award of reparations under sections 2743.51 to 2743.72 445  
of the Revised Code, to the extent exempted by division (D) of 446  
section 2743.66 of the Revised Code; 447

(b) A payment on account of the wrongful death of an 448  
individual of whom the person was a dependent on the date of the 449  
individual's death, to the extent reasonably necessary for the 450  
support of the person and any of the person's dependents; 451

(c) Except in cases in which the person who receives the 452  
payment is an inmate, as defined in section 2969.21 of the Revised 453  
Code, and in which the payment resulted from a civil action or 454  
appeal against a government entity or employee, as defined in 455  
section 2969.21 of the Revised Code, a payment, not to exceed 456  
twenty thousand two hundred dollars, on account of personal bodily 457  
injury, not including pain and suffering or compensation for 458  
actual pecuniary loss, of the person or an individual for whom the 459  
person is a dependent; 460

(d) A payment in compensation for loss of future earnings of 461  
the person or an individual of whom the person is or was a 462  
dependent, to the extent reasonably necessary for the support of 463  
the debtor and any of the debtor's dependents. 464

(13) Except as provided in sections 3119.80, 3119.81, 465  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 466  
earnings of the person owed to the person for services in an 467



amount equal to the greater of the following amounts: 468

(a) If paid weekly, thirty times the current federal minimum 469  
hourly wage; if paid biweekly, sixty times the current federal 470  
minimum hourly wage; if paid semimonthly, sixty-five times the 471  
current federal minimum hourly wage; or if paid monthly, one 472  
hundred thirty times the current federal minimum hourly wage that 473  
is in effect at the time the earnings are payable, as prescribed 474  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 475  
U.S.C. 206(a)(1), as amended; 476

(b) Seventy-five per cent of the disposable earnings owed to 477  
the person. 478

(14) The person's right in specific partnership property, as 479  
exempted by the person's rights in a partnership pursuant to 480  
section 1776.50 of the Revised Code, except as otherwise set forth 481  
in section 1776.50 of the Revised Code; 482

(15) A seal and official register of a notary public, as 483  
exempted by section 147.04 of the Revised Code; 484

(16) The person's interest in a tuition unit or a payment 485  
under section 3334.09 of the Revised Code pursuant to a tuition 486  
payment contract, as exempted by section 3334.15 of the Revised 487  
Code; 488

(17) Any other property that is specifically exempted from 489  
execution, attachment, garnishment, or sale by federal statutes 490  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 491  
U.S.C.A. 101, as amended; 492

(18) The person's aggregate interest in any property, not to 493  
exceed one thousand seventy-five dollars, except that division 494  
(A)(18) of this section applies only in bankruptcy proceedings. 495

(B) On April 1, 2010, and on the first day of April in each 496  
third calendar year after 2010, the Ohio judicial conference shall 497

adjust each dollar amount set forth in this section to reflect any 498  
increase in the consumer price index for all urban consumers, as 499  
published by the United States department of labor, or, if that 500  
index is no longer published, a generally available comparable 501  
index, for the three-year period ending on the thirty-first day of 502  
December of the preceding year. Any adjustments required by this 503  
division shall be rounded to the nearest twenty-five dollars. 504

The Ohio judicial conference shall prepare a memorandum 505  
specifying the adjusted dollar amounts. The judicial conference 506  
shall transmit the memorandum to the director of the legislative 507  
service commission, and the director shall publish the memorandum 508  
in the register of Ohio. (Publication of the memorandum in the 509  
register of Ohio shall continue until the next memorandum 510  
specifying an adjustment is so published.) The judicial conference 511  
also may publish the memorandum in any other manner it concludes 512  
will be reasonably likely to inform persons who are affected by 513  
its adjustment of the dollar amounts. 514

(C) As used in this section: 515

(1) "Disposable earnings" means net earnings after the 516  
garnishee has made deductions required by law, excluding the 517  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 518  
3121.03, or 3123.06 of the Revised Code. 519

(2) "Insider" means: 520

(a) If the person who claims an exemption is an individual, a 521  
relative of the individual, a relative of a general partner of the 522  
individual, a partnership in which the individual is a general 523  
partner, a general partner of the individual, or a corporation of 524  
which the individual is a director, officer, or in control; 525

(b) If the person who claims an exemption is a corporation, a 526  
director or officer of the corporation; a person in control of the 527  
corporation; a partnership in which the corporation is a general 528

partner; a general partner of the corporation; or a relative of a 529  
general partner, director, officer, or person in control of the 530  
corporation; 531

(c) If the person who claims an exemption is a partnership, a 532  
general partner in the partnership; a general partner of the 533  
partnership; a person in control of the partnership; a partnership 534  
in which the partnership is a general partner; or a relative in, a 535  
general partner of, or a person in control of the partnership; 536

(d) An entity or person to which or whom any of the following 537  
applies: 538

(i) The entity directly or indirectly owns, controls, or 539  
holds with power to vote, twenty per cent or more of the 540  
outstanding voting securities of the person who claims an 541  
exemption, unless the entity holds the securities in a fiduciary 542  
or agency capacity without sole discretionary power to vote the 543  
securities or holds the securities solely to secure to debt and 544  
the entity has not in fact exercised the power to vote. 545

(ii) The entity is a corporation, twenty per cent or more of 546  
whose outstanding voting securities are directly or indirectly 547  
owned, controlled, or held with power to vote, by the person who 548  
claims an exemption or by an entity to which division (C)(2)(d)(i) 549  
of this section applies. 550

(iii) A person whose business is operated under a lease or 551  
operating agreement by the person who claims an exemption, or a 552  
person substantially all of whose business is operated under an 553  
operating agreement with the person who claims an exemption. 554

(iv) The entity operates the business or all or substantially 555  
all of the property of the person who claims an exemption under a 556  
lease or operating agreement. 557

(e) An insider, as otherwise defined in this section, of a 558  
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 559

(iv) of this section applies, as if the person or entity were a person who claims an exemption;

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

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

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

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

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

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

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

**Section 2.** That existing section 2329.66 of the Revised Code is hereby repealed.

**Section 3.** (A) Not later than thirty days after the effective date of this section, the legislative authority of the fund member described in section 143.02 of the Revised Code, as enacted by this act, that maintains the police or sheriff's department shall hold the initial election of members to a volunteer police officers dependents' fund board. A board member shall serve an initial term of office beginning on the day after the member is elected to the board and ending on the thirty-first day of December of the year in which the member is elected. Thereafter,

members shall be elected to the board and serve terms of office in 589  
accordance with section 143.02 of the Revised Code, as enacted by 590  
this act. 591

(B) For the initial election of board members specified in 592  
division (A)(2) of section 143.02 of the Revised Code, the 593  
legislative authority of the fund member that maintains the police 594  
or sheriff's department shall do both of the following: 595

(1) Give notice of the election by posting it in a 596  
conspicuous place at the headquarters of the police or sheriff's 597  
department. Between nine a.m. and nine p.m. on the day designated, 598  
each person eligible to vote shall send in writing the name of two 599  
persons eligible to be elected to the board who are the person's 600  
choices. 601

(2) Count and record all votes cast at the election and 602  
announce the result. The two persons receiving the highest number 603  
of votes are elected. If there is a tie vote for any two persons, 604  
the election shall be decided by lot or in any other way agreed on 605  
by the persons for whom the tie vote was cast. 606

**Section 4.** Section 2329.66 of the Revised Code is presented 607  
in this act as a composite of the section as amended by both Sub. 608  
H.B. 479 and Sub. S.B. 343 of the 129th General Assembly. The 609  
General Assembly, applying the principle stated in division (B) of 610  
section 1.52 of the Revised Code that amendments are to be 611  
harmonized if reasonably capable of simultaneous operation, finds 612  
that the composite is the resulting version of the section in 613  
effect prior to the effective date of the section as presented in 614  
this act. 615