

**As Reported by the Senate Insurance and Financial Institutions
Committee**

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

S. B. No. 288

Senator Eklund

Cosponsors: Senators Beagle, Brown, Gentile, Kearney

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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

<u>chairperson and a secretary.</u>	78
<u>The secretary of the board shall keep a complete record of</u>	79
<u>the board's proceedings, which shall be maintained as a permanent</u>	80
<u>file.</u>	81
<u>Board members shall serve without compensation.</u>	82
<u>The legislative authority of the fund member shall provide</u>	83
<u>sufficient meeting space and supplies for the board to carry out</u>	84
<u>its duties.</u>	85
<u>The secretary shall submit all of the following to the</u>	86
<u>director of commerce:</u>	87
<u>(A) The name and address of each board member and an</u>	88
<u>indication of the group or authority that elected the member;</u>	89
<u>(B) The names of the chairperson and secretary;</u>	90
<u>(C) A certificate indicating the current assessed property</u>	91
<u>valuation of the fund member that is prepared by the clerk of the</u>	92
<u>fund member.</u>	93
<u>Sec. 143.04. Each volunteer police officers' dependents fund</u>	94
<u>board may adopt rules as necessary for handling and processing</u>	95
<u>claims for benefits.</u>	96
<u>The board shall perform such other duties as are necessary to</u>	97
<u>implement this chapter.</u>	98
<u>Sec. 143.05. The prosecuting attorney of the county in which</u>	99
<u>a fund member is located shall serve as the legal advisor for the</u>	100
<u>volunteer police officer's dependents' board.</u>	101
<u>Sec. 143.06. (A) The volunteer police officers' dependents</u>	102
<u>fund shall be maintained in the state treasury. All investment</u>	103
<u>earnings of the fund shall be collected by the treasurer of state</u>	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 132
million dollars but less than fourteen million dollars, one 133

hundred five dollars; 134

(C) Each member with an assessed property valuation of 135
fourteen million dollars but less than twenty-one million dollars, 136
one hundred twenty dollars; 137

(D) Each member with an assessed property valuation of 138
twenty-one million dollars but less than twenty-eight million 139
dollars, one hundred thirty-five dollars; 140

(E) Each member with an assessed property valuation of 141
twenty-eight million dollars or more, one hundred fifty dollars. 142

Sec. 143.08. (A) If a premium is not paid as provided in 143
section 143.06 of the Revised Code, the director of commerce shall 144
certify the failure as an assessment against the fund member to 145
the auditor of the county within which the member is located. The 146
county auditor shall withhold the amount of the assessment, 147
together with interest at the rate of six per cent from the due 148
date of the premium, from the next ensuing tax settlement due the 149
member and pay the amount to the treasurer of state to the credit 150
of the volunteer police officers' dependents fund. 151

If the secretary of a volunteer police officers' dependents 152
fund board fails to submit to the director a certificate of the 153
current assessed property valuation in accordance with section 154
143.03 of the Revised Code, the director shall use division (A)(5) 155
of section 143.06 of the Revised Code as a basis for the 156
assessment. 157

(B) If a fund member does not pay the assessment provided in 158
section 143.07 of the Revised Code within forty-five days after 159
notice, the director shall proceed with collection in accordance 160
with division (A) of this section. 161

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

(a) The name of the police or sheriff's department for which 192
the officer was a volunteer police officer; 193

<u>(b) The date of the injury;</u>	194
<u>(c) Satisfactory medical evidence that the officer is totally and permanently disabled.</u>	195 196
<u>(2) In the case of a surviving spouse or a parent, guardian, or other person in charge of a dependent child, the following:</u>	197 198
<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 the deceased officer was a volunteer police officer;</u>	200 201
<u>(c) The name and address of the surviving spouse, as applicable;</u>	202 203
<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 the person on whose behalf the claim is filed qualifies for other benefits from any of the following based on the officer's service as a volunteer police officer: the public employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, Cincinnati retirement system, or Ohio public safety officers death benefit fund.</u>	206 207 208 209 210 211 212
<u>(E) Initial claims shall be filed with the volunteer police officers' dependents fund board of the fund member in which the officer was a volunteer police officer. Thereafter, on request of the claimant or the board, claims may be transferred to a board near the claimant's current residence, if the boards concerned agree to the transfer.</u>	213 214 215 216 217 218
<u>Sec. 143.10. (A)(1) Not later than five days after receipt of a claim for benefits, a volunteer police officers' dependents fund board shall meet and determine the validity of the claim. If the board determines that the claim is valid, it shall make a</u>	219 220 221 222

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	312
necessary health aids;	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 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,	333 334 335 336 337 338 339 340 341 342 343

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 560
person who claims an exemption; 561

(f) A managing agent of the person who claims an exemption.	562
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	563 564
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	565 566
(D) For purposes of this section, "interest" shall be determined as follows:	567 568
(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;	569 570 571
(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.	572 573 574
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.	575 576 577
Section 2. That existing section 2329.66 of the Revised Code is hereby repealed.	578 579
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 accordance with section 143.02 of the Revised Code, as enacted by	580 581 582 583 584 585 586 587 588 589 590

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