

As Introduced

131st General Assembly

Regular Session

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S. B. No. 11

Senators Eklund, LaRose

**Cosponsors: Senators Seitz, Cafaro, Patton, Hughes, Jones, Williams, Uecker,
Schiavoni, Beagle, Yuko, Hite, Gardner, Oelslager**

A BILL

To amend section 2329.66 and to enact sections 1
143.01 to 143.11 of the Revised Code to enact 2
the "Jason Gresko Act" to create the Volunteer 3
Peace Officers' Dependents Fund to provide death 4
benefits to survivors of volunteer peace 5
officers killed in the line of duty and 6
disability benefits to disabled volunteer peace 7
officers. 8

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

Section 1. That section 2329.66 be amended and sections 9
143.01, 143.02, 143.03, 143.04, 143.05, 143.06, 143.07, 143.08, 10
143.09, 143.10, and 143.11 of the Revised Code be enacted to 11
read as follows: 12

Sec. 143.01. As used in this chapter: 13

(A) "Killed in the line of duty" means either of the 14
following: 15

(1) Death in the line of duty; 16

(2) Death from injury sustained in the line of duty, 17

including heart attack or other fatal injury or illness caused 18
while in the line of duty. 19

(B) "Totally and permanently disabled" means unable to 20
engage in any substantial gainful employment for a period of not 21
less than twelve months by reason of a medically determinable 22
physical impairment that is permanent or presumed to be 23
permanent. 24

(C) "Volunteer peace officer" means any person who is 25
employed as a police officer, sheriff's deputy, constable, or 26
deputy marshal in a part-time, reserve, or volunteer capacity by 27
a county sheriff's department or the police department of a 28
municipal corporation, township, township police district, or 29
joint police district and is not a member of the public 30
employees retirement system, Ohio police and fire pension fund, 31
state highway patrol retirement system, or the Cincinnati 32
retirement system. 33

Sec. 143.02. (A) There is hereby established the volunteer 34
peace officers dependents fund. 35

Each county, municipal corporation, township, township 36
police district, and joint police district with a police or 37
sheriff's department that employs volunteer peace officers is a 38
member of the volunteer peace officers' dependents fund and 39
shall establish a volunteer peace officers' dependents fund 40
board. Each board shall consist of the following board members: 41

(1) Two board members, elected by the legislative 42
authority of the fund member that maintains the police or 43
sheriff's department; 44

(2) Two board members, elected by the volunteer peace 45
officers of the police or sheriff's department; 46

(3) One board member, elected by the board members elected pursuant to divisions (A) (1) and (2) of this section. The board member must be an elector of the fund member in which the police or sheriff's department is located, but not a public employee, member of the legislative authority, or peace officer of that police or sheriff's department; 47
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(B) The term of office of a board member begins the first day of January and is one year. 53
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(C) (1) The election of the board members specified in division (A) (1) of this section shall be held each year not earlier than the first day of November and not later than the second Monday in December. The election of the member specified in division (A) (3) of this section shall be held each year on or before the thirty-first day of December. 55
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(2) The members specified in division (A) (2) of this section shall be elected on or before the second Monday in December, as follows: 61
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(a) The secretary of the board shall give notice of the election by posting it in a conspicuous place at the headquarters of the police or sheriff's department. Between nine a.m. and nine p.m. on the day designated, each person eligible to vote shall send in writing the name of two persons eligible to be elected to the board who are the person's choices. 64
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(b) All votes cast at the election shall be counted and recorded by the board, which shall announce the result. The two persons receiving the highest number of votes are elected. If there is a tie vote for any two persons, the election shall be decided by lot or in any other way agreed on by the persons for whom the tie vote was cast. 70
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(D) Any vacancy occurring on a board shall be filled at a special election called by the board's secretary. 76
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Sec. 143.03. A volunteer peace officers' dependents fund board shall meet promptly after election of the board's members and organize. The board shall select from among its members a chairperson and a secretary. 78
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The secretary of the board shall keep a complete record of the board's proceedings, which shall be maintained as a permanent file. 82
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Board members shall serve without compensation. 85

The legislative authority of the fund member shall provide sufficient meeting space and supplies for the board to carry out its duties. 86
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The secretary shall submit all of the following to the director of commerce: 89
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(A) The name and address of each board member and an indication of the group or authority that elected the member; 91
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(B) The names of the chairperson and secretary; 93

(C) A certificate indicating the current assessed property valuation of the fund member that is prepared by the clerk of the fund member. 94
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Sec. 143.04. Each volunteer peace officers' dependents fund board may adopt rules as necessary for handling and processing claims for benefits. 97
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The board shall perform such other duties as are necessary to implement this chapter. 100
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Sec. 143.05. The prosecuting attorney of the county in 102

which a fund member is located shall serve as the legal advisor 103
for the volunteer peace officer's dependents' board. 104

Sec. 143.06. (A) The volunteer peace officers' dependents 105
fund shall be maintained in the state treasury. All investment 106
earnings of the fund shall be collected by the treasurer of 107
state and placed to the credit of the fund. 108

(B) Each fund member shall pay to the treasurer of state, 109
to the credit of the fund, an initial premium as follows: 110

(1) Each member with an assessed property valuation of 111
less than seven million dollars, three hundred dollars; 112

(2) Each member with an assessed property valuation of 113
seven million dollars but less than fourteen million dollars, 114
three hundred fifty dollars; 115

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

(4) Each member with an assessed property valuation of 119
twenty-one million dollars but less than twenty-eight million 120
dollars, four hundred fifty dollars; 121

(5) Each member with an assessed property valuation of 122
twenty-eight million dollars or over, five hundred dollars. 123

Sec. 143.07. The total of all initial premiums collected 124
by the treasurer of state under section 143.06 of the Revised 125
Code is the basic capital account of the volunteer peace 126
officers' dependents fund. No further contributions are required 127
of fund members until claims against the fund have reduced it to 128
ninety-five per cent or less of its basic capital account. In 129
that event, the director of commerce shall cause the following 130

assessments, based on current property valuation, to be made and 131
certified to the legislative authority of each member of the 132
fund: 133

(A) Each member with an assessed property valuation of 134
less than seven million dollars, ninety dollars; 135

(B) Each member with an assessed property valuation of 136
seven million dollars but less than fourteen million dollars, 137
one hundred five dollars; 138

(C) Each member with an assessed property valuation of 139
fourteen million dollars but less than twenty-one million 140
dollars, one hundred twenty dollars; 141

(D) Each member with an assessed property valuation of 142
twenty-one million dollars but less than twenty-eight million 143
dollars, one hundred thirty-five dollars; 144

(E) Each member with an assessed property valuation of 145
twenty-eight million dollars or more, one hundred fifty dollars. 146

Sec. 143.08. (A) If a premium is not paid as provided in 147
section 143.06 of the Revised Code, the director of commerce 148
shall certify the failure as an assessment against the fund 149
member to the auditor of the county within which the member is 150
located. The county auditor shall withhold the amount of the 151
assessment, together with interest at the rate of six per cent 152
from the due date of the premium, from the next ensuing tax 153
settlement due the member and pay the amount to the treasurer of 154
state to the credit of the volunteer peace officers' dependents 155
fund. 156

If the secretary of a volunteer peace officers' dependents 157
fund board fails to submit to the director a certificate of the 158
current assessed property valuation in accordance with section 159

143.03 of the Revised Code, the director shall use division (B) 160
(5) of section 143.06 of the Revised Code as a basis for the 161
assessment. 162

(B) If a fund member does not pay the assessment provided 163
in section 143.07 of the Revised Code within forty-five days 164
after notice, the director shall proceed with collection in 165
accordance with division (A) of this section. 166

Sec. 143.09. (A) A volunteer peace officer who is totally 167
and permanently disabled as a result of discharging the duties 168
of a volunteer peace officer shall receive a benefit from the 169
volunteer peace officers' dependents fund of three hundred 170
dollars per month, except that no payment shall be made to a 171
volunteer peace officer who is receiving the officer's full 172
salary during the time of the officer's disability. 173

(B) Regardless of whether the volunteer peace officer 174
received a benefit under division (A) of this section, death 175
benefits shall be paid from the fund to the surviving spouse or 176
dependent children of a volunteer peace officer who is killed in 177
the line of duty. Death benefits shall be paid as follows: 178

(1) To the surviving spouse of a volunteer peace officer 179
killed in the line of duty, an award of one thousand dollars, 180
and in addition, a benefit of three hundred dollars per month; 181

(2) To the parent, guardian, or other persons on whom a 182
child of a volunteer peace officer killed in the line of duty is 183
dependent for chief financial support, a benefit of one hundred 184
twenty-five dollars per month for each dependent child under age 185
eighteen, or under age twenty-two if attending an institution of 186
learning or training pursuant to a program designed to complete 187
in each school year the equivalent of at least two-thirds of the 188

full-time curriculum requirements of the institution. 189

(C) An individual eligible for benefits payable under this 190
section shall file a claim for benefits with the appropriate 191
volunteer peace officers' dependents fund board on a form 192
provided by the board. All of the following information shall be 193
submitted with the claim: 194

(1) In the case of a totally and permanently disabled 195
volunteer peace officer, the following: 196

(a) The name of the police or sheriff's department for 197
which the officer was a volunteer peace officer; 198

(b) The date of the injury; 199

(c) Satisfactory medical evidence that the officer is 200
totally and permanently disabled. 201

(2) In the case of a surviving spouse or a parent, 202
guardian, or other person in charge of a dependent child, the 203
following: 204

(a) The full name of the deceased volunteer peace officer; 205

(b) The name of the police or sheriff's department for 206
which the deceased officer was a volunteer peace officer; 207

(c) The name and address of the surviving spouse, as 208
applicable; 209

(d) The names, ages, and addresses of any dependent 210
children; 211

(e) Any other evidence required by the board. 212

(D) All claimants shall certify that neither the claimant 213
nor the person on whose behalf the claim is filed qualifies for 214
other benefits from any of the following based on the officer's 215

service as a volunteer peace officer: the public employees 216
retirement system, Ohio police and fire pension fund, state 217
highway patrol retirement system, Cincinnati retirement system, 218
or Ohio public safety officers death benefit fund. 219

(E) Initial claims shall be filed with the volunteer peace 220
officers' dependents fund board of the fund member in which the 221
officer was a volunteer peace officer. Thereafter, on request of 222
the claimant or the board, claims may be transferred to a board 223
near the claimant's current residence, if the boards concerned 224
agree to the transfer. 225

Sec. 143.10. (A) (1) Not later than five days after receipt 226
of a claim for benefits, a volunteer peace officers' dependents 227
fund board shall meet and determine the validity of the claim. 228
If the board determines that the claim is valid, it shall make a 229
determination of the amount due and certify its determination to 230
the director of commerce for payment. The certificate shall show 231
the name and address of the board, the name and address of each 232
beneficiary, the amount to be received by or on behalf of each 233
beneficiary, and the name and address of the person to whom 234
payments are to be made. 235

(2) If the board determines that a claimant is ineligible 236
for benefits, the board shall deny the claim and issue to the 237
claimant a copy of its order. 238

(B) The board may make a continuing order for monthly 239
payments to a claimant for a period not exceeding three months 240
from the date of the determination. The determination may be 241
modified after issuance to reflect any changes in the claimant's 242
eligibility. If no changes occur at the end of the three-month 243
period, the director may provide for payment if the board 244
certifies that the original certificate is continued for an 245

additional three-month period. 246

Sec. 143.11. The right of an individual to a benefit under 247
this chapter shall not be subject to execution, garnishment, 248
attachment, the operation of bankruptcy or insolvency laws, or 249
other process of law whatsoever, and shall be unassignable 250
except as specifically provided in this chapter and sections 251
3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 3123., 252
and 3125. of the Revised Code. 253

Sec. 2329.66. (A) Every person who is domiciled in this 254
state may hold property exempt from execution, garnishment, 255
attachment, or sale to satisfy a judgment or order, as follows: 256

(1) (a) In the case of a judgment or order regarding money 257
owed for health care services rendered or health care supplies 258
provided to the person or a dependent of the person, one parcel 259
or item of real or personal property that the person or a 260
dependent of the person uses as a residence. Division (A) (1) (a) 261
of this section does not preclude, affect, or invalidate the 262
creation under this chapter of a judgment lien upon the exempted 263
property but only delays the enforcement of the lien until the 264
property is sold or otherwise transferred by the owner or in 265
accordance with other applicable laws to a person or entity 266
other than the surviving spouse or surviving minor children of 267
the judgment debtor. Every person who is domiciled in this state 268
may hold exempt from a judgment lien created pursuant to 269
division (A) (1) (a) of this section the person's interest, not to 270
exceed one hundred twenty-five thousand dollars, in the exempted 271
property. 272

(b) In the case of all other judgments and orders, the 273
person's interest, not to exceed one hundred twenty-five 274
thousand dollars, in one parcel or item of real or personal 275

property that the person or a dependent of the person uses as a residence.	276 277
(c) For purposes of divisions (A)(1)(a) and (b) of this section, "parcel" means a tract of real property as identified on the records of the auditor of the county in which the real property is located.	278 279 280 281
(2) The person's interest, not to exceed three thousand two hundred twenty-five dollars, in one motor vehicle;	282 283
(3) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person, other than personal earnings.	284 285 286 287 288 289
(4)(a) The person's interest, not to exceed five hundred twenty-five dollars in any particular item or ten thousand seven hundred seventy-five dollars in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment that are held primarily for the personal, family, or household use of the person;	290 291 292 293 294 295 296
(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.	297 298 299 300
(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;	301 302 303 304

(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;	305 306 307
(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;	308 309 310
(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;	311 312 313
(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;	314 315 316 317
(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.	318 319 320 321
(7) The person's professionally prescribed or medically necessary health aids;	322 323
(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;	324 325 326
(9) The person's interest in the following:	327
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	328 329
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	330 331

(c) Unemployment compensation benefits, as exempted by 332
section 4141.32 of the Revised Code; 333

(d) Cash assistance payments under the Ohio works first 334
program, as exempted by section 5107.75 of the Revised Code; 335

(e) Benefits and services under the prevention, retention, 336
and contingency program, as exempted by section 5108.08 of the 337
Revised Code; 338

(f) Disability financial assistance payments, as exempted 339
by section 5115.06 of the Revised Code; 340

(g) Payments under section 24 or 32 of the "Internal 341
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 342

(10) (a) Except in cases in which the person was convicted 343
of or pleaded guilty to a violation of section 2921.41 of the 344
Revised Code and in which an order for the withholding of 345
restitution from payments was issued under division (C) (2) (b) of 346
that section, in cases in which an order for withholding was 347
issued under section 2907.15 of the Revised Code, in cases in 348
which an order for forfeiture was issued under division (A) or 349
(B) of section 2929.192 of the Revised Code, and in cases in 350
which an order was issued under section 2929.193 or 2929.194 of 351
the Revised Code, and only to the extent provided in the order, 352
and except as provided in sections 3105.171, 3105.63, 3119.80, 353
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 354
person's rights to or interests in a pension, benefit, annuity, 355
retirement allowance, or accumulated contributions, the person's 356
rights to or interests in a participant account in any deferred 357
compensation program offered by the Ohio public employees 358
deferred compensation board, a government unit, or a municipal 359
corporation, or the person's other accrued or accruing rights or 360

interests, as exempted by section 143.11, 145.56, 146.13, 361
148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised 362
Code, and the person's rights to or interests in benefits from 363
the Ohio public safety officers death benefit fund; 364

(b) Except as provided in sections 3119.80, 3119.81, 365
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 366
rights to receive or interests in receiving a payment or other 367
benefits under any pension, annuity, or similar plan or 368
contract, not including a payment or benefit from a stock bonus 369
or profit-sharing plan or a payment included in division (A) (6) 370
(b) or (10) (a) of this section, on account of illness, 371
disability, death, age, or length of service, to the extent 372
reasonably necessary for the support of the person and any of 373
the person's dependents, except if all the following apply: 374

(i) The plan or contract was established by or under the 375
auspices of an insider that employed the person at the time the 376
person's rights or interests under the plan or contract arose. 377

(ii) The payment is on account of age or length of 378
service. 379

(iii) The plan or contract is not qualified under the 380
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 381
amended. 382

(c) Except for any portion of the assets that were 383
deposited for the purpose of evading the payment of any debt and 384
except as provided in sections 3119.80, 3119.81, 3121.02, 385
3121.03, and 3123.06 of the Revised Code, the person's rights or 386
interests in the assets held in, or to directly or indirectly 387
receive any payment or benefit under, any individual retirement 388
account, individual retirement annuity, "Roth IRA," "529 plan," 389

or education individual retirement account that provides 390
payments or benefits by reason of illness, disability, death, 391
retirement, or age or provides payments or benefits for purposes 392
of education, to the extent that the assets, payments, or 393
benefits described in division (A)(10)(c) of this section are 394
attributable to or derived from any of the following or from any 395
earnings, dividends, interest, appreciation, or gains on any of 396
the following: 397

(i) Contributions of the person that were less than or 398
equal to the applicable limits on deductible contributions to an 399
individual retirement account or individual retirement annuity 400
in the year that the contributions were made, whether or not the 401
person was eligible to deduct the contributions on the person's 402
federal tax return for the year in which the contributions were 403
made; 404

(ii) Contributions of the person that were less than or 405
equal to the applicable limits on contributions to a Roth IRA or 406
education individual retirement account in the year that the 407
contributions were made; 408

(iii) Contributions of the person that are within the 409
applicable limits on rollover contributions under subsections 410
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 411
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 412
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 413

(iv) Contributions by any person into any plan, fund, or 414
account that is formed, created, or administered pursuant to, or 415
is otherwise subject to, section 529 of the "Internal Revenue 416
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 417

(d) Except for any portion of the assets that were 418

deposited for the purpose of evading the payment of any debt and 419
except as provided in sections 3119.80, 3119.81, 3121.02, 420
3121.03, and 3123.06 of the Revised Code, the person's rights or 421
interests in the assets held in, or to receive any payment 422
under, any Keogh or "H.R. 10" plan that provides benefits by 423
reason of illness, disability, death, retirement, or age, to the 424
extent reasonably necessary for the support of the person and 425
any of the person's dependents. 426

(e) The person's rights to or interests in any assets held 427
in, or to directly or indirectly receive any payment or benefit 428
under, any individual retirement account, individual retirement 429
annuity, "Roth IRA," "529 plan," or education individual 430
retirement account that a decedent, upon or by reason of the 431
decedent's death, directly or indirectly left to or for the 432
benefit of the person, either outright or in trust or otherwise, 433
including, but not limited to, any of those rights or interests 434
in assets or to receive payments or benefits that were 435
transferred, conveyed, or otherwise transmitted by the decedent 436
by means of a will, trust, exercise of a power of appointment, 437
beneficiary designation, transfer or payment on death 438
designation, or any other method or procedure. 439

(f) The exemptions under divisions (A) (10) (a) to (e) of 440
this section also shall apply or otherwise be available to an 441
alternate payee under a qualified domestic relations order 442
(QDRO) or other similar court order. 443

(g) A person's interest in any plan, program, instrument, 444
or device described in divisions (A) (10) (a) to (e) of this 445
section shall be considered an exempt interest even if the plan, 446
program, instrument, or device in question, due to an error made 447
in good faith, failed to satisfy any criteria applicable to that 448

plan, program, instrument, or device under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 449
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(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents; 451
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(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following: 455
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(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code; 458
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(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents; 461
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(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent; 465
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(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents. 474
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(13) Except as provided in sections 3119.80, 3119.81, 478
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 479
earnings of the person owed to the person for services in an 480
amount equal to the greater of the following amounts: 481

(a) If paid weekly, thirty times the current federal 482
minimum hourly wage; if paid biweekly, sixty times the current 483
federal minimum hourly wage; if paid semimonthly, sixty-five 484
times the current federal minimum hourly wage; or if paid 485
monthly, one hundred thirty times the current federal minimum 486
hourly wage that is in effect at the time the earnings are 487
payable, as prescribed by the "Fair Labor Standards Act of 488
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 489

(b) Seventy-five per cent of the disposable earnings owed 490
to the person. 491

(14) The person's right in specific partnership property, 492
as exempted by the person's rights in a partnership pursuant to 493
section 1776.50 of the Revised Code, except as otherwise set 494
forth in section 1776.50 of the Revised Code; 495

(15) A seal and official register of a notary public, as 496
exempted by section 147.04 of the Revised Code; 497

(16) The person's interest in a tuition unit or a payment 498
under section 3334.09 of the Revised Code pursuant to a tuition 499
payment contract, as exempted by section 3334.15 of the Revised 500
Code; 501

(17) Any other property that is specifically exempted from 502
execution, attachment, garnishment, or sale by federal statutes 503
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 504
11 U.S.C.A. 101, as amended; 505

(18) The person's aggregate interest in any property, not 506

to exceed one thousand seventy-five dollars, except that 507
division (A) (18) of this section applies only in bankruptcy 508
proceedings. 509

(B) On April 1, 2010, and on the first day of April in 510
each third calendar year after 2010, the Ohio judicial 511
conference shall adjust each dollar amount set forth in this 512
section to reflect any increase in the consumer price index for 513
all urban consumers, as published by the United States 514
department of labor, or, if that index is no longer published, a 515
generally available comparable index, for the three-year period 516
ending on the thirty-first day of December of the preceding 517
year. Any adjustments required by this division shall be rounded 518
to the nearest twenty-five dollars. 519

The Ohio judicial conference shall prepare a memorandum 520
specifying the adjusted dollar amounts. The judicial conference 521
shall transmit the memorandum to the director of the legislative 522
service commission, and the director shall publish the 523
memorandum in the register of Ohio. (Publication of the 524
memorandum in the register of Ohio shall continue until the next 525
memorandum specifying an adjustment is so published.) The 526
judicial conference also may publish the memorandum in any other 527
manner it concludes will be reasonably likely to inform persons 528
who are affected by its adjustment of the dollar amounts. 529

(C) As used in this section: 530

(1) "Disposable earnings" means net earnings after the 531
garnishee has made deductions required by law, excluding the 532
deductions ordered pursuant to section 3119.80, 3119.81, 533
3121.02, 3121.03, or 3123.06 of the Revised Code. 534

(2) "Insider" means: 535

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

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

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

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

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

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or

indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C) (2) (d) (i) of this section applies.

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

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

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C) (2) (d) (i), (ii), (iii), or (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. This act shall be referred to as the "Jason Gresko Act."

Section 4. (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 peace 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 this act.

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

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

(2) Count and record all votes cast at the election and 622
announce the result. The two persons receiving the highest 623
number of votes are elected. If there is a tie vote for any two 624
persons, the election shall be decided by lot or in any other 625
way agreed on by the persons for whom the tie vote was cast. 626

Section 5. This act shall have no impact on the Public 627
Employees Retirement System, Ohio Police and Fire Pension Fund, 628
or State Highway Patrol Retirement System. 629

Section 6. Section 2329.66 of the Revised Code is 630
presented in this act as a composite of the section as amended 631
by both Sub. H.B. 479 and Sub. S.B. 343 of the 129th General 632
Assembly. The General Assembly, applying the principle stated in 633
division (B) of section 1.52 of the Revised Code that amendments 634
are to be harmonized if reasonably capable of simultaneous 635
operation, finds that the composite is the resulting version of 636
the section in effect prior to the effective date of the section 637
as presented in this act. 638