

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 568

Representatives Fraizer, Merrin

A BILL

To amend sections 4141.28, 5120.212, 5703.21, and 1
5747.18 and to enact sections 4141.163, 2
4141.287, 4141.288, 4141.302, 4141.34, and 3
4141.60 of the Revised Code to make changes to 4
the Unemployment Compensation Law and to make an 5
appropriation. 6

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

Section 1. That sections 4141.28, 5120.212, 5703.21, and 7
5747.18 be amended and sections 4141.163, 4141.287, 4141.288, 8
4141.302, 4141.34, and 4141.60 of the Revised Code be enacted to 9
read as follows: 10

Sec. 4141.163. (A) For any federal program administered by 11
the director of job and family services in a manner similar to 12
this chapter that provides money payments for loss of 13
remuneration for services performed under any contract of hire 14
that is not employment as defined in section 4141.01 of the 15
Revised Code, the director of job and family services shall 16
establish an income and eligibility verification system for the 17
program that verifies an individual's income using records 18
maintained by the tax commissioner under Chapter 5747. of the 19

Revised Code. 20

(B) The director shall enter a data sharing agreement with 21
the commissioner allowing the director to furnish to the tax 22
commissioner the name and social security number of an 23
individual who applies for payments under a program described in 24
division (A) of this section. The director may request 25
information from the commissioner regarding any remuneration or 26
compensation reported by the individual for the purpose of 27
calculating the tax imposed by section 5747.02 of the Revised 28
Code. The director may request the information for any time 29
period necessary to establish income and eligibility for 30
purposes of the program. 31

On receiving the request, the commissioner shall provide 32
to the director the requested information for the time period 33
specified by the director. If the commissioner is unable to 34
provide any portion of the requested information, the 35
commissioner shall provide the director with a brief written 36
explanation of why the commissioner was unable to provide the 37
information. 38

(C) This section does not apply to a federal program for 39
which income verification is not required. 40

Sec. 4141.28. BENEFITS 41

(A) FILINGS 42

Applications for determination of benefit rights and 43
claims for benefits shall be filed with the director of job and 44
family services. Such applications and claims also may be filed 45
with an employee of another state or federal agency charged with 46
the duty of accepting applications and claims for unemployment 47
benefits or with an employee of the unemployment insurance 48

commission of Canada. 49

When an unemployed individual files an application for 50
determination of benefit rights, the director shall furnish the 51
individual with an explanation of the individual's appeal 52
rights. The explanation shall describe clearly the different 53
levels of appeal and explain where and when each appeal must be 54
filed. 55

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 56

In filing an application, an individual shall furnish the 57
director with the name and address of the individual's most 58
recent separating employer and the individual's statement of the 59
reason for separation from the employer. The director shall 60
promptly notify the individual's most recent separating employer 61
of the filing and request the reason for the individual's 62
unemployment, unless that notice is not necessary under 63
conditions the director establishes by rule. The director may 64
request from the individual or any employer information 65
necessary for the determination of the individual's right to 66
benefits. The employer shall provide the information requested 67
within ten working days after the request is sent. If an 68
employer fails to provide requested information within ten 69
working days, the director shall provide the individual's and 70
employer's names and addresses to the tax commissioner. The tax 71
commissioner shall provide the director information from the 72
most recent return filed by the employer pursuant to section 73
5747.07 of the Revised Code identifying the individual and 74
specifying the amount of remuneration paid to the individual 75
during the period covered by the return. If necessary to ensure 76
prompt determination and payment of benefits, the director shall 77
base the determination on the information that is available. 78

An individual filing an application for determination of benefit rights shall disclose, at the time of filing, whether or not the individual owes child support obligations.

(C) MASS LAYOFFS

An employer who lays off or separates within any seven-day period fifty or more individuals because of lack of work shall furnish notice to the director of the dates of layoff or separation and the approximate number of individuals being laid off or separated. The notice shall be furnished at least three working days prior to the date of the first day of such layoff or separation. In addition, at the time of the layoff or separation the employer shall furnish to the individual and to the director information necessary to determine the individual's eligibility for unemployment compensation.

(D) DETERMINATION OF BENEFIT RIGHTS

The director shall promptly examine any application for determination of benefit rights. On the basis of the information available to the director under this chapter, the director shall determine whether or not the application is valid, and if valid, the date on which the benefit year shall commence and the weekly benefit amount. The director shall promptly notify the applicant, employers in the applicant's base period, and any other interested parties of the determination and the reasons for it. In addition, the determination issued to the claimant shall include the total amount of benefits payable. The determination issued to each chargeable base period employer shall include the total amount of benefits that may be charged to the employer's account.

(E) CLAIM FOR BENEFITS

The director shall examine the first claim and any 108
additional claim for benefits. On the basis of the information 109
available, the director shall determine whether the claimant's 110
most recent separation and, to the extent necessary, prior 111
separations from work, allow the claimant to qualify for 112
benefits. Written notice of the determination granting or 113
denying benefits shall be sent to the claimant, the most recent 114
separating employer, and any other employer involved in the 115
determination, except that written notice is not required to be 116
sent to the claimant if the reason for separation is lack of 117
work and the claim is allowed. 118

If the director identifies an eligibility issue, the 119
director shall immediately send notice to the claimant of the 120
issue identified, specify the week or weeks involved, and 121
identify what the claimant must do to address the issue or who 122
the claimant may contact for more information. The claimant has 123
a minimum of five business days after the notice is sent to 124
respond to the information included in the notice, and after the 125
time allowed as determined by the director, the director shall 126
make a determination. The claimant's response may include a 127
request for a fact-finding interview when the eligibility issue 128
is raised by an informant or source other than the claimant, or 129
when the eligibility issue, if determined adversely, 130
disqualifies the claimant for the duration of the claimant's 131
period of unemployment. 132

When the determination of a continued claim for benefits 133
results in a disallowed claim, the director shall notify the 134
claimant of the disallowance and the reasons for it. 135

(F) ELIGIBILITY NOTICE 136

Any base period or subsequent employer of a claimant who 137

has knowledge of specific facts affecting the claimant's right 138
to receive benefits for any week may notify the director in 139
writing of those facts. The director shall prescribe a form for 140
such eligibility notice, but failure to use the form shall not 141
preclude the director's examination of any notice. 142

To be considered valid, an eligibility notice must: 143
contain in writing, a statement that identifies either a source 144
who has firsthand knowledge of the information or an informant 145
who can identify the source; provide specific and detailed 146
information that may potentially disqualify the claimant; 147
provide the name and address of the source or the informant; and 148
appear to the director to be reliable and credible. 149

An eligibility notice is timely filed if received or 150
postmarked prior to or within forty-five calendar days after the 151
end of the week with respect to which a claim for benefits is 152
filed by the claimant. An employer who timely files a valid 153
eligibility notice shall be an interested party to the claim for 154
benefits which is the subject of the notice. 155

The director shall consider the information contained in 156
the eligibility notice, together with other available 157
information. After giving the claimant notice and an opportunity 158
to respond, the director shall make a determination and inform 159
the notifying employer, the claimant, and other interested 160
parties of the determination. 161

(G) CORRECTED DETERMINATION 162

If the director finds within the fifty-two calendar weeks 163
beginning with the Sunday of the week during which an 164
application for benefit rights was filed or within the benefit 165
year that a determination made by the director was erroneous due 166

to an error in an employer's report or any typographical or 167
clerical error in the director's determination, or as shown by 168
correct remuneration information received by the director, the 169
director shall issue a corrected determination to all interested 170
parties. The corrected determination shall take precedence over 171
and void the prior determination of the director. The director 172
shall not issue a corrected determination when the commission or 173
a court has jurisdiction with respect to that determination. 174

(H) EFFECT OF COMMISSION DECISIONS 175

In making determinations, the director shall follow 176
decisions of the unemployment compensation review commission 177
which have become final with respect to claimants similarly 178
situated. 179

(I) PROMPT PAYMENTS 180

If benefits are allowed by the director, a hearing 181
officer, the commission, or a court, the director shall pay 182
benefits promptly, notwithstanding any further appeal, provided 183
that if benefits are denied on appeal, of which the parties have 184
notice and an opportunity to be heard, the director shall 185
withhold payment of benefits pending a decision on any further 186
appeal. 187

Sec. 4141.287. The director of job and family services 188
shall enter into a data matching agreement with the department 189
of rehabilitation and correction. The agreement shall require 190
the director of rehabilitation and correction to provide the 191
director of job and family services with a searchable list, 192
updated weekly, identifying all persons committed to the several 193
institutions governed by the department of rehabilitation and 194
correction. 195

In addition to other information available, the director of job and family services shall check the list provided under this section when determining whether an application for determination of benefit rights or a claim for benefits is valid. 196
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Sec. 4141.288. The director of job and family services shall enter into a data matching agreement with the director of health under which the director of health shall allow the director of job and family services to search death records in the system of vital statistics established by, and maintained in accordance with, section 3705.02 of the Revised Code. 201
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The director of job and family services shall check the death records in the system of vital statistics when determining whether an application for determination of benefit rights or claim for benefits is valid. 207
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Sec. 4141.302. If the director of job and family services establishes a direct deposit system under which an individual may agree to benefits being disbursed through electronic transfer to an account in a financial institution designated by the individual, the director shall make disbursements only to a financial institution that has a physical location in this state that the individual can access for the purpose of resolving disputes with the institution. This section does not prohibit the director from establishing other systems for disbursing benefits. 211
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Sec. 4141.34. The director of job and family services shall establish and maintain a process for an employer to report that an applicant for or recipient of benefits has failed or is failing to meet any of the eligibility requirements described in division (A) of section 4141.29 of the Revised Code. The process 221
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shall allow an employer to make a complaint through a 226
conspicuous internet link located on the internet web site 227
maintained by the department of job and family services. The 228
director shall review all complaints received through this 229
process in a timely manner. 230

Sec. 4141.60. (A) Beginning on the last day of February 231
that occurs after the effective date of this section, and 232
annually thereafter, the director of job and family services 233
shall prepare and submit a report to the persons listed in 234
division (B) of this section. The director shall include all of 235
the following information in the report with respect to the 236
calendar year preceding the date the report is submitted: 237

(1) The number of calls received from applicants for and 238
recipients of benefits under this chapter at all call centers 239
operated by the director; 240

(2) The total number of claims for benefits filed under 241
this chapter; 242

(3) The number of claims for benefits marked as 243
potentially fraudulent; 244

(4) The number of complaints submitted by applicants for 245
and recipients of benefits under this chapter through the 246
uniform process created by the director under section 4141.13 of 247
the Revised Code; 248

(5) A summary of updates or changes to the technology the 249
director uses to administer this chapter that have occurred 250
during the calendar year covered by the report. 251

(B) The director shall submit the report required under 252
division (A) of this section to the speaker of the house of 253
representatives, president of the senate, the governor, and the 254

members of the unemployment compensation modernization and 255
improvement council. 256

Sec. 5120.212. Notwithstanding division (A) of section 257
5120.21 of the Revised Code, the department of rehabilitation 258
and correction shall share the records described in that 259
division with the director of job and family services to the 260
extent necessary to effectuate the data matching ~~agreement~~ 261
agreements required under ~~section~~ sections 4141.287 and 5101.041 262
of the Revised Code. 263

Sec. 5703.21. (A) Except as provided in divisions (B) and 264
(C) of this section, no agent of the department of taxation, 265
except in the agent's report to the department or when called on 266
to testify in any court or proceeding, shall divulge any 267
information acquired by the agent as to the transactions, 268
property, or business of any person while acting or claiming to 269
act under orders of the department. Whoever violates this 270
provision shall thereafter be disqualified from acting as an 271
officer or employee or in any other capacity under appointment 272
or employment of the department. 273

(B) (1) For purposes of an audit pursuant to section 117.15 274
of the Revised Code, or an audit of the department pursuant to 275
Chapter 117. of the Revised Code, or an audit, pursuant to that 276
chapter, the objective of which is to express an opinion on a 277
financial report or statement prepared or issued pursuant to 278
division (A) (7) or (9) of section 126.21 of the Revised Code, 279
the officers and employees of the auditor of state charged with 280
conducting the audit shall have access to and the right to 281
examine any state tax returns and state tax return information 282
in the possession of the department to the extent that the 283
access and examination are necessary for purposes of the audit. 284

Any information acquired as the result of that access and 285
examination shall not be divulged for any purpose other than as 286
required for the audit or unless the officers and employees are 287
required to testify in a court or proceeding under compulsion of 288
legal process. Whoever violates this provision shall thereafter 289
be disqualified from acting as an officer or employee or in any 290
other capacity under appointment or employment of the auditor of 291
state. 292

(2) For purposes of an internal audit pursuant to section 293
126.45 of the Revised Code, the officers and employees of the 294
office of internal audit in the office of budget and management 295
charged with directing the internal audit shall have access to 296
and the right to examine any state tax returns and state tax 297
return information in the possession of the department to the 298
extent that the access and examination are necessary for 299
purposes of the internal audit. Any information acquired as the 300
result of that access and examination shall not be divulged for 301
any purpose other than as required for the internal audit or 302
unless the officers and employees are required to testify in a 303
court or proceeding under compulsion of legal process. Whoever 304
violates this provision shall thereafter be disqualified from 305
acting as an officer or employee or in any other capacity under 306
appointment or employment of the office of internal audit. 307

(3) As provided by section 6103(d) (2) of the Internal 308
Revenue Code, any federal tax returns or federal tax information 309
that the department has acquired from the internal revenue 310
service, through federal and state statutory authority, may be 311
disclosed to the auditor of state or the office of internal 312
audit solely for purposes of an audit of the department. 313

(4) For purposes of Chapter 3739. of the Revised Code, an 314

agent of the department of taxation may share information with 315
the division of state fire marshal that the agent finds during 316
the course of an investigation. 317

(C) Division (A) of this section does not prohibit any of 318
the following: 319

(1) Divulging information contained in applications, 320
complaints, and related documents filed with the department 321
under section 5715.27 of the Revised Code or in applications 322
filed with the department under section 5715.39 of the Revised 323
Code; 324

(2) Providing information to the office of child support 325
within the department of job and family services pursuant to 326
section 3125.43 of the Revised Code; 327

(3) Disclosing to the motor vehicle repair board any 328
information in the possession of the department that is 329
necessary for the board to verify the existence of an 330
applicant's valid vendor's license and current state tax 331
identification number under section 4775.07 of the Revised Code; 332

(4) Providing information to the administrator of workers' 333
compensation pursuant to sections 4123.271 and 4123.591 of the 334
Revised Code; 335

(5) Providing to the attorney general information the 336
department obtains under division (J) of section 1346.01 of the 337
Revised Code; 338

(6) Permitting properly authorized officers, employees, or 339
agents of a municipal corporation from inspecting reports or 340
information pursuant to section 718.84 of the Revised Code or 341
rules adopted under section 5745.16 of the Revised Code; 342

(7) Providing information regarding the name, account	343
number, or business address of a holder of a vendor's license	344
issued pursuant to section 5739.17 of the Revised Code, a holder	345
of a direct payment permit issued pursuant to section 5739.031	346
of the Revised Code, or a seller having a use tax account	347
maintained pursuant to section 5741.17 of the Revised Code, or	348
information regarding the active or inactive status of a	349
vendor's license, direct payment permit, or seller's use tax	350
account;	351
(8) Releasing invoices or invoice information furnished	352
under section 4301.433 of the Revised Code pursuant to that	353
section;	354
(9) Providing to a county auditor notices or documents	355
concerning or affecting the taxable value of property in the	356
county auditor's county. Unless authorized by law to disclose	357
documents so provided, the county auditor shall not disclose	358
such documents;	359
(10) Providing to a county auditor sales or use tax return	360
or audit information under section 333.06 of the Revised Code;	361
(11) Subject to section 4301.441 of the Revised Code,	362
disclosing to the appropriate state agency information in the	363
possession of the department of taxation that is necessary to	364
verify a permit holder's gallonage or noncompliance with taxes	365
levied under Chapter 4301. or 4305. of the Revised Code;	366
(12) Disclosing to the department of natural resources	367
information in the possession of the department of taxation that	368
is necessary for the department of taxation to verify the	369
taxpayer's compliance with section 5749.02 of the Revised Code	370
or to allow the department of natural resources to enforce	371

Chapter 1509. of the Revised Code;	372
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.	373 374 375 376 377 378 379 380 381
(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's or sports gaming proprietor's compliance with section 5747.063, 5753.02, or 5753.021 of the Revised Code and sections related thereto;	382 383 384 385 386
(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.	387 388 389 390
(16) Disclosing to the department of development information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the department of development for the purpose of evaluating potential tax credits, tax deductions, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the department of development shall disclose any information provided to the department of	391 392 393 394 395 396 397 398 399 400 401

development by the department of taxation under division (C) (16) 402
of this section except when disclosure of the information is 403
necessary for, and made solely for the purpose of facilitating, 404
the evaluation of potential tax credits, tax deductions, grants, 405
or loans. 406

(17) Disclosing to the department of insurance information 407
in the possession of the department of taxation that is 408
necessary to ensure a taxpayer's compliance with the 409
requirements with any tax credit administered by the department 410
of development and claimed by the taxpayer against any tax 411
administered by the superintendent of insurance. No officer, 412
employee, or agent of the department of insurance shall disclose 413
any information provided to the department of insurance by the 414
department of taxation under division (C) (17) of this section. 415

(18) Disclosing to the division of liquor control 416
information in the possession of the department of taxation that 417
is necessary for the division and department to comply with the 418
requirements of sections 4303.26 and 4303.271 of the Revised 419
Code. 420

(19) Disclosing to the department of education, upon that 421
department's request, information in the possession of the 422
department of taxation that is necessary only to verify whether 423
the family income of a student applying for or receiving a 424
scholarship under the educational choice scholarship pilot 425
program is equal to, less than, or greater than the income 426
thresholds prescribed by section 3310.032 of the Revised Code. 427
The department of education shall provide sufficient information 428
about the student and the student's family to enable the 429
department of taxation to make the verification. 430

(20) Disclosing to the Ohio rail development commission 431

information in the possession of the department of taxation that 432
is necessary to ensure compliance with the laws of this state 433
governing taxation and to verify information reported to the 434
commission for the purpose of evaluating potential grants or 435
loans. Such information shall not include information received 436
from the internal revenue service the disclosure of which is 437
prohibited by section 6103 of the Internal Revenue Code. No 438
member, officer, employee, or agent of the Ohio rail development 439
commission shall disclose any information provided to the 440
commission by the department of taxation under division (C) (20) 441
of this section except when disclosure of the information is 442
necessary for, and made solely for the purpose of facilitating, 443
the evaluation of potential grants or loans. 444

(21) Disclosing to the state racing commission information 445
in the possession of the department of taxation that is 446
necessary for verification of compliance with and for 447
enforcement and administration of the taxes levied by Chapter 448
3769. of the Revised Code. Such information shall include 449
information that is necessary for the state racing commission to 450
verify compliance with Chapter 3769. of the Revised Code for the 451
purposes of issuance, denial, suspension, or revocation of a 452
permit pursuant to section 3769.03 or 3769.06 of the Revised 453
Code and related sections. Unless disclosure is otherwise 454
authorized by law, information provided to the state racing 455
commission under this section remains confidential and is not 456
subject to public disclosure pursuant to section 3769.041 of the 457
Revised Code. 458

(22) Disclosing to the state fire marshal information in 459
the possession of the department of taxation that is necessary 460
for the state fire marshal to verify the compliance of a 461
licensed manufacturer of fireworks or a licensed wholesaler of 462

fireworks with section 3743.22 of the Revised Code. No officer, 463
employee, or agent of the state fire marshal shall disclose any 464
information provided to the state fire marshal by the department 465
of taxation under division (C) (22) of this section. 466

(23) Disclosing to the department of job and family 467
services information in the possession of the department of 468
taxation for either of the following purposes: 469

(a) Making a determination under section 4141.28 of the 470
Revised Code; 471

(b) Verifying an individual's income and eligibility for a 472
federal program described in section 4141.163 of the Revised 473
Code. 474

Sec. 5747.18. The tax commissioner shall enforce and 475
administer this chapter. In addition to any other powers 476
conferred upon the commissioner by law, the commissioner may: 477

(A) Prescribe all forms required to be filed pursuant to 478
this chapter; 479

(B) Adopt such rules as the commissioner finds necessary 480
to carry out this chapter; 481

(C) Appoint and employ such personnel as are necessary to 482
carry out the duties imposed upon the commissioner by this 483
chapter. 484

Any information gained as the result of returns, 485
investigations, hearings, or verifications required or 486
authorized by this chapter is confidential, and no person shall 487
disclose such information, except for official purposes, or as 488
provided by section 3125.43, 4123.271, 4123.591, 4141.163, 489
4141.28, 4507.023, 5101.182, or 5703.21 of the Revised Code, or 490

in accordance with a proper judicial order. The tax commissioner 491
may furnish the internal revenue service with copies of returns 492
or reports filed and may furnish the officer of a municipal 493
corporation charged with the duty of enforcing a tax subject to 494
Chapter 718. of the Revised Code with the names, addresses, and 495
identification numbers of taxpayers who may be subject to such 496
tax. A municipal corporation shall use this information for tax 497
collection purposes only. This section does not prohibit the 498
publication of statistics in a form which does not disclose 499
information with respect to individual taxpayers. 500

Section 2. That existing sections 4141.28, 5120.212, 501
5703.21, and 5747.18 of the Revised Code are hereby repealed. 502

Section 3. All items in this act are hereby appropriated 503
as designated out of any moneys in the state treasury to the 504
credit of the designated fund. For all operating appropriations 505
made in this act, those in the first column are for fiscal year 506
2022 and those in the second column are for fiscal year 2023. 507
The operating appropriations made in this act are in addition to 508
any other operating appropriations made for the FY 2022-FY 2023 509
biennium. 510

Section 4. 511

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A JFS DEPARTMENT OF JOB AND FAMILY SERVICES

B Dedicated Purpose Fund Group

C 5CV3 655454 Unemployment \$45,000,000 \$0

Compensation - ARPA

D	TOTAL DPF Dedicated Purpose Fund Group	\$45,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS	\$45,000,000	\$0

UNEMPLOYMENT COMPENSATION - ARPA 513

The foregoing appropriation item 655454, Unemployment 514
Compensation - ARPA, shall be used for a new unemployment system 515
to replace the current Ohio Job Insurance benefits system. 516

On July 1, 2022, or as soon as possible thereafter, the 517
Director of Job and Family Services shall certify to the 518
Director of Budget and Management the unexpended, unencumbered 519
balance of the foregoing appropriation item 655454, Unemployment 520
Compensation - ARPA, at the end of fiscal year 2022 to be 521
reappropriated to fiscal year 2023. The amount certified is 522
hereby reappropriated to the same appropriation item for fiscal 523
year 2023. 524

Section 5. Within the limits set forth in this act, the 525
Director of Budget and Management shall establish accounts 526
indicating the source and amount of funds for each appropriation 527
made in this act, and shall determine the form and manner in 528
which appropriation accounts shall be maintained. Expenditures 529
from operating appropriations contained in this act shall be 530
accounted for as though made in H.B. 110 of the 134th General 531
Assembly. The operating appropriations made in this act are 532
subject to all provisions of H.B. 110 of the 134th General 533
Assembly that are generally applicable to such appropriations. 534

Section 6. Section 5703.21 of the Revised Code is 535
presented in this act as a composite of the section as amended 536

by H.B. 29, H.B. 74, H.B. 110, and H.B. 172 of the 134th General 537
Assembly and H.B. 166 of the 133rd General Assembly. The General 538
Assembly, applying the principle stated in division (B) of 539
section 1.52 of the Revised Code that amendments are to be 540
harmonized if reasonably capable of simultaneous operation, 541
finds that the composite is the resulting version of the section 542
in effect prior to the effective date of the section as 543
presented in this act. 544