

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. S. B. No. 296**

**Senators LaRose, Hottinger**

**Cosponsors: Senators Manning, Hoagland, Thomas, Obhof, Uecker, Oelslager, Beagle, Balderson, Brown, Burke, Coley, Dolan, Eklund, Gardner, Hackett, Huffman, Kunze, Lehner, McColley, O'Brien, Peterson, Schiavoni, Sykes, Terhar, Yuko**

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**A BILL**

To amend section 742.63 and to enact section 1  
124.824 of the Revised Code to revise the 2  
payments that surviving family members receive 3  
from the Ohio Public Safety Officers Death 4  
Benefit Fund and to permit surviving spouses and 5  
children to participate in the health, dental, 6  
and vision benefits offered to state employees 7  
as if the survivors were employees of this 8  
state. 9

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

**Section 1.** That section 742.63 be amended and section 10  
124.824 of the Revised Code be enacted to read as follows: 11

**Sec. 124.824.** (A) As used in this section, "death benefit  
fund recipient" means any recipient of a death benefit paid  
under section 742.63 of the Revised Code except a parent who  
receives a death benefit paid under division (E) of that  
section. 12  
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(B) (1) Except as otherwise provided under division (B) (3) 17  
of this section, a death benefit fund recipient may elect to 18  
participate in any health, medical, hospital, dental, surgical, 19  
or vision benefit the department of administrative services 20  
contracts for under section 124.82 of the Revised Code or 21  
otherwise provides for the benefit of state employees who are 22  
paid directly by warrant of the director of budget and 23  
management. A death benefit fund recipient who elects to 24  
participate in a benefit under this section shall do both of the 25  
following: 26

(a) File a notice with the department of the death benefit 27  
fund recipient's election to participate that specifies the 28  
benefits or combination of benefits in which the recipient 29  
elects to participate. 30

(b) Pay to the department the percentage of the premium or 31  
cost for the applicable benefits that would be paid by a state 32  
employee who elects that coverage. 33

(2) A parent, guardian, custodian, or other person 34  
responsible for the care of a death benefit fund recipient who 35  
is under eighteen years of age or who is a surviving child 36  
entitled to extended benefits under division (H) (3) of section 37  
742.63 of the Revised Code due to disability may file the 38  
election required by division (B) (1) of this section on the 39  
death benefit fund recipient's behalf. 40

(3) A death benefit fund recipient is ineligible to 41  
participate in a health, medical, hospital, dental, surgical, or 42  
vision benefit under division (B) (1) of this section if the 43  
recipient is eligible to enroll in the medicare program 44  
established by Title XVIII of the "Social Security Act," 79 45  
Stat. 291 (1965), 42 U.S.C. 1395c, as amended. 46

(C) For each death benefit fund recipient who participates 47  
in health, medical, hospital, dental, surgical, or vision 48  
benefits under division (B) of this section, the department 49  
shall pay the percentage of the premium or cost for the 50  
applicable benefits that would be paid by a state employer for a 51  
state employee who elects that coverage. 52

(D) The director of administrative services shall 53  
prescribe procedures for the administration of benefits for 54  
death benefit fund recipients under this section, including the 55  
development of required forms for death benefit fund recipients 56  
to enroll, disenroll, or re-enroll in benefits under this 57  
section. 58

(E) The board of trustees of the Ohio police and fire 59  
pension fund shall provide any information to the department 60  
that the department requires to provide benefits under this 61  
section, including information regarding the identities, ages, 62  
and family relationships of death benefit fund recipients. 63

**Sec. 742.63.** The board of trustees of the Ohio police and 64  
fire pension fund shall adopt rules for the management of the 65  
Ohio public safety officers death benefit fund and for 66  
disbursements of benefits as set forth in this section. 67

(A) As used in this section: 68

(1) "Member" means all of the following: 69

(a) A member of the Ohio police and fire pension fund, 70  
including a member of the fund who has elected to participate in 71  
the deferred retirement option plan established under section 72  
742.43 of the Revised Code or a member of or contributor to a 73  
police or firemen's relief and pension fund established under 74  
former Chapter 521. or 741. of the Revised Code; 75

(b) A member of the state highway patrol retirement system, including a member who is participating in the deferred retirement option plan established under section 5505.50 of the Revised Code;	76 77 78 79
(c) A member of the public employees retirement system who at the time of the member's death was one of the following:	80 81
(i) A county sheriff or deputy sheriff;	82
(ii) A full-time regular police officer in a municipal corporation or township;	83 84
(iii) A full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision;	85 86 87 88
(iv) A full-time park district ranger or patrol trooper;	89
(v) A full-time law enforcement officer of the department of natural resources;	90 91
(vi) A full-time department of public safety enforcement agent;	92 93
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	94 95 96
(viii) A full-time law enforcement officer of a conservancy district;	97 98
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	99 100 101
(x) A state university law enforcement officer;	102

(xi) An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation;	103 104 105
(xii) A drug agent, as defined in section 145.01 of the Revised Code;	106 107
(xiii) A gaming agent, as defined in section 3772.01 of the Revised Code;	108 109
(xiv) An employee of the department of taxation who has been delegated investigation powers pursuant to section 5743.45 of the Revised Code for the enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 5747. of the Revised Code.	110 111 112 113
(d) A member of a retirement system operated by a municipal corporation who at the time of death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.	114 115 116 117
(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation,	118 119 120 121 122 123 124 125 126 127 128 129 130 131

the security force of a conservancy district, the police 132  
department of a township or municipal corporation, and the 133  
police force of a state university. 134

(3) "Firefighter or police officer" includes a state 135  
highway patrol trooper, a county sheriff or deputy sheriff, a 136  
correction officer at an institution under the control of a 137  
county, a group of counties, a municipal corporation, or the 138  
department of rehabilitation and correction, a police officer 139  
employed by a township or municipal corporation, a firefighter 140  
employed by the state, an instrumentality of the state, a 141  
municipal corporation, a township, a joint fire district, or 142  
another political subdivision, a full-time park district ranger 143  
or patrol trooper, a full-time law enforcement officer of the 144  
department of natural resources, a full-time department of 145  
public safety enforcement agent, a full-time law enforcement 146  
officer of parks, waterway lands, or reservoir lands under the 147  
control of a municipal corporation, a full-time law enforcement 148  
officer of a conservancy district, and a state university law 149  
enforcement officer. 150

(4) "Correction officer" includes, in addition to any 151  
correction officer, any correction corporal, sergeant, 152  
lieutenant, or captain, and the equivalents of all such persons. 153

(5) "A park district ranger or patrol trooper" means a 154  
peace officer commissioned to make arrests, execute warrants, 155  
and preserve the peace upon lands under the control of a board 156  
of park commissioners of a metropolitan, county, or township 157  
park district. 158

(6) "Metropolitan, county, or township park district" 159  
means a park district created under the authority of Chapter 160  
511. or 1545. of the Revised Code. 161

(7) "Conservancy district" means a conservancy district 162  
created under the authority of Chapter 6101. of the Revised 163  
Code. 164

(8) "Law enforcement officer" means an officer 165  
commissioned to make arrests, execute warrants, and preserve the 166  
peace upon lands under the control of the governmental entity 167  
granting the commission. 168

(9) "Department of natural resources law enforcement 169  
officer" includes a forest officer designated pursuant to 170  
section 1503.29 of the Revised Code, a preserve officer 171  
designated pursuant to section 1517.10 of the Revised Code, a 172  
wildlife officer designated pursuant to section 1531.13 of the 173  
Revised Code, a park officer designated pursuant to section 174  
1541.10 of the Revised Code, and a state watercraft officer 175  
designated pursuant to section 1547.521 of the Revised Code. 176

(10) "Retirement eligibility date" means the last day of 177  
the month in which a deceased member would have first become 178  
eligible, had the member lived, for the retirement pension 179  
provided under section 145.332, Chapter 145., 521., or 741., 180  
division (C)(1) of section 742.37, or division (A)(1) of section 181  
5505.17 of the Revised Code or provided by a retirement system 182  
operated by a municipal corporation. 183

(11) "Death benefit amount" means an amount equal to the 184  
full monthly salary received by a deceased member prior to 185  
death, ~~minus an amount equal to the benefit received under~~ 186  
~~section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code~~ 187  
~~or the benefit received from a retirement system operated by a~~ 188  
~~municipal corporation,~~ plus any increases in salary that would 189  
have been granted the deceased member. 190

(12) "Killed in the line of duty" means either of the following: 191  
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(a) Death in the line of duty; 193

(b) Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty. 194  
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(13) "Maximum pension eligibility date" means the date on which a deceased member would have become eligible for the maximum annual retirement allowance or pension that may be paid to a member from the member's retirement system, as specified in section 145.33, 145.332, 742.37, or 5505.17 of the Revised Code or as provided by a retirement system operated by a municipal corporation, had the member continued to accrue service credit from that system. 197  
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(B) A spouse of a deceased member shall receive a death benefit each month equal to the full death benefit amount, provided that the deceased member was a firefighter or police officer killed in the line of duty and there are no surviving children eligible for a benefit under this section. The spouse shall receive this benefit during the spouse's natural life until the deceased member's ~~retirement~~maximum pension eligibility date, on which date the benefit provided under this division shall terminate. 205  
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(C) (1) If a member killed in the line of duty as a firefighter or police officer is survived only by a child or children, the child or children shall receive a benefit each month equal to the full death benefit amount. If there is more than one surviving child, the benefit shall be divided equally among these children. 214  
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(2) If the death benefit paid under this division is 220  
divided among two or more surviving children and any of the 221  
children become ineligible to continue receiving a portion of 222  
the benefit as provided in division (H) of this section, the 223  
full death benefit amount shall be paid to the remaining 224  
eligible child or divided among the eligible children so that 225  
the benefit paid to the remaining eligible child or children 226  
equals the full death benefit amount. 227

(3) Notwithstanding divisions (C) (1) and (2) of this 228  
section, all death benefits paid under this division shall 229  
terminate on the deceased member's ~~retirement~~ maximum pension 230  
eligibility date. 231

(D) If a member killed in the line of duty as a 232  
firefighter or police officer is survived by both a spouse and a 233  
child or children, the monthly benefit provided shall be as 234  
follows: 235

(1) (a) If there is a surviving spouse and one surviving 236  
child, the spouse shall receive an amount each month equal to 237  
one-half of the full death benefit amount and the child shall 238  
receive an amount equal to one-half of the full death benefit 239  
amount. 240

(b) If the surviving spouse dies or the child becomes 241  
ineligible as provided in division (H) of this section, the 242  
surviving spouse or child remaining eligible shall receive the 243  
full death benefit amount. 244

(2) (a) If there is a surviving spouse and more than one 245  
child, the spouse shall receive an amount each month equal to 246  
one-third of the full death benefit amount and the children 247  
shall receive an amount, equally divided among them, equal to 248

two-thirds of the full death benefit amount. 249

(b) If a spouse and more than one child each are receiving 250  
a death benefit under division (D) (2) (a) of this section and the 251  
spouse dies, the children shall receive an amount each month, 252  
equally divided among them, equal to the full death benefit 253  
amount. 254

(c) If a spouse and more than one child each are receiving 255  
a benefit under division (D) (2) (a) of this section and any of 256  
the children becomes ineligible to receive a benefit as provided 257  
in division (H) of this section, the spouse and remaining 258  
eligible child or children shall receive a death benefit as 259  
follows: 260

(i) If there are two or more remaining eligible children, 261  
the spouse shall receive an amount each month equal to one-third 262  
of the full death benefit amount and the children shall receive 263  
an amount each month, equally divided among them, equal to two- 264  
thirds of the full death benefit amount; 265

(ii) If there is one remaining eligible child, the spouse 266  
shall receive an amount each month equal to one-half of the full 267  
death benefit amount, and the child shall receive an amount each 268  
month equal to one-half of the full death benefit amount. 269

(d) If a spouse and more than one child each are receiving 270  
a benefit under division (D) (2) (a) of this section and all of 271  
the children become ineligible to receive a benefit as provided 272  
in division (H) of this section, the spouse shall receive the 273  
full death benefit amount. 274

(3) Notwithstanding divisions (D) (1) and (2) of this 275  
section, death benefits paid under this division to a surviving 276  
spouse shall terminate on the member's ~~retirement~~ maximum 277

pension eligibility date. Death benefits paid to a surviving 278  
child or children shall terminate on the deceased member's 279  
~~retirement~~ maximum pension eligibility date unless earlier 280  
terminated pursuant to division (H) of this section. 281

(E) If a member, on or after January 1, 1980, is killed in 282  
the line of duty as a firefighter or police officer and is 283  
survived by only a parent or parents dependent upon the member 284  
for support, the parent or parents shall receive an amount each 285  
month equal to the full death benefit amount. If there is more 286  
than one surviving parent dependent upon the deceased member for 287  
support, the death benefit amount shall be divided equally among 288  
the surviving parents. On the death of one of the surviving 289  
parents, the full death benefit amount shall be paid to the 290  
other parent. 291

(F) (1) The following shall receive a monthly death benefit 292  
under this division: 293

(a) A surviving spouse whose benefits are terminated in 294  
accordance with division (B) or (D) (3) of this section on the 295  
deceased member's ~~retirement~~ maximum pension eligibility date, 296  
or who would qualify for a benefit under division (B) or (D) of 297  
this section except that the deceased member reached the 298  
member's ~~retirement~~ maximum pension eligibility date prior to 299  
the member's death; 300

(b) A qualified surviving spouse of a deceased member of 301  
or contributor to a police or firemen's relief and pension fund 302  
established under former Chapter 521. or 741. of the Revised 303  
Code who was a firefighter or police officer killed in the line 304  
of duty. 305

(2) The monthly death benefit shall be ~~one-half~~ seventy- 306

five per cent of an amount equal to the monthly salary received 307  
by the deceased member prior to the member's death, plus any 308  
salary increases the deceased member would have received prior 309  
to the member's ~~retirement~~ maximum pension eligibility date. The 310  
benefit shall terminate on the surviving spouse's death. ~~A death-~~ 311  
~~benefit payable under this division shall be reduced by an-~~ 312  
~~amount equal to any allowance or benefit payable to the-~~ 313  
~~surviving spouse under section 742.3714 of the Revised Code.~~ 314

(3) A benefit granted to a surviving spouse under division 315  
(F) (1) (b) of this section shall commence on the first day of the 316  
month immediately following receipt by the board of a completed 317  
application on a form provided by the board and any evidence the 318  
board may require to establish that the deceased spouse was 319  
killed in the line of duty. 320

(G) (1) If there is not a surviving spouse eligible to 321  
receive a death benefit under division (F) of this section or 322  
the surviving spouse receiving a death benefit under that 323  
division dies, a surviving child or children whose benefits 324  
under division (C) or (D) of this section are or have been 325  
terminated pursuant to division (C) (3) or (D) (3) of this section 326  
or who would qualify for a benefit under division (C) or (D) of 327  
this section except that the deceased member reached the 328  
member's ~~retirement~~ maximum pension eligibility date prior to 329  
the member's death shall receive a monthly death benefit under 330  
this division. The monthly death benefit shall be ~~one-half-~~ 331  
seventy-five per cent of an amount equal to the monthly salary 332  
received by the deceased member prior to the member's death, 333  
plus any salary increases the member would have received prior 334  
to the member's ~~retirement~~ maximum pension eligibility date. If 335  
there is more than one surviving child, the benefit shall be 336  
divided equally among the surviving children. 337

(2) If two or more surviving children each are receiving a 338  
benefit under this division and any of those children becomes 339  
ineligible to continue receiving a benefit as provided in 340  
division (H) of this section, the remaining eligible child or 341  
children shall receive an amount equal to ~~one-half~~ seventy-five 342  
per cent of the monthly salary received by the deceased member 343  
prior to death, plus any salary increases the deceased member 344  
would have received prior to the ~~retirement~~ member's maximum 345  
pension eligibility date. If there is more than one remaining 346  
eligible child, the benefit shall be divided equally among the 347  
eligible children. 348

~~(3) A death benefit, or portion of a death benefit, 349  
payable to a surviving child under this division shall be 350  
reduced by an amount equal to any allowance or benefit payable 351  
to that child under section 742.3714 of the Revised Code, but 352  
the reduction in that child's benefit shall not affect the 353  
amount payable to any other surviving child entitled to a 354  
portion of the death benefit. 355~~

(H) (1) Except as provided in division (H) (3) of this 356  
section, before January 1, 2017, a death benefit paid to a 357  
surviving child under division (C), (D), or (G) of this section 358  
shall terminate on the earlier of the death of the child or the 359  
child attaining age eighteen, unless the child is unmarried, 360  
under age twenty-two, and is attending an institution of 361  
learning or training pursuant to a program designed to complete 362  
in each school year the equivalent of at least two-thirds of the 363  
full-time curriculum requirements of the institution, as 364  
determined by the trustees of the fund. 365

(2) Except as provided in division (H) (3) of this section, 366  
effective January 1, 2017, a death benefit paid to a surviving 367

child under division (C), (D), or (G) of this section shall 368  
terminate on the earlier of the death of the child, the child 369  
attaining twenty-two years of age, or marriage. 370

Benefits to a surviving child who is at least eighteen 371  
years of age but under twenty-two years of age that under a 372  
former version of this section never commenced or were 373  
terminated due to a lack of attendance at an institution of 374  
learning or training and not commenced or resumed before January 375  
1, 2017, shall commence or resume on the first day of the month 376  
immediately following receipt by the board of an application on 377  
a form provided by the board if the application is received on 378  
or before December 31, 2017. These benefits terminate on the 379  
child attaining twenty-two years of age. 380

(3) If, regardless of age, a surviving child who at the 381  
time of the member's death because of physical or mental 382  
disability is totally dependent upon the deceased member for 383  
support at the time of death, the death benefit shall terminate 384  
on the child's death or when the child has recovered from the 385  
disability. 386

(I) Acceptance of any death benefit under this section 387  
does not prohibit a spouse or child from receiving other 388  
benefits provided under the Ohio police and fire pension fund, 389  
the state highway patrol retirement system, the public employees 390  
retirement system, or a retirement system operated by a 391  
municipal corporation. 392

(J) No person shall receive a benefit under this section 393  
if any of the following occur: 394

~~(1) The person fails to exercise the right to a monthly 395  
survivor benefit under division (A) or (B) of section 145.45, 396~~

~~division (D), (E), or (F) of section 742.37, or division (A)(3),  
(4), or (6) of section 5505.17 of the Revised Code; to a monthly  
survivor benefit from a retirement system operated by a  
municipal corporation; or to a retirement allowance under  
section 742.3714 of the Revised Code.~~

~~(2)~~The member's accumulated contributions under this  
chapter or Chapter 145. or 5505. of the Revised Code are  
refunded unless the member had been a member of the public  
employees retirement system and had fewer than eighteen months  
of total service credit at the time of death.

~~(3)~~(2) In the case of a full-time park district ranger or  
patrol trooper, a full-time law enforcement officer of the  
department of natural resources, a full-time law enforcement  
officer of parks, waterway lands, or reservoir lands under the  
control of a municipal corporation, a full-time law enforcement  
officer of a conservancy district, a correction officer at an  
institution under the control of a county, group of counties, or  
municipal corporation, or a member of a retirement system  
operated by a municipal corporation who at the time of the  
member's death was a full-time law enforcement officer of parks,  
waterway lands, or reservoir lands under the control of the  
municipal corporation, the member died prior to April 9, 1981,  
in the case of a benefit under division (B), (C), or (D) of this  
section, or prior to January 1, 1980, in the case of a benefit  
under division (E) of this section.

~~(4)~~(3) In the case of a full-time department of public  
safety enforcement agent who prior to June 30, 1999, was a  
liquor control investigator of the department of public safety,  
the member died prior to December 23, 1986;

~~(5)~~(4) In the case of a full-time department of public

safety enforcement agent other than an enforcement agent who, 427  
prior to June 30, 1999, was a liquor control investigator, the 428  
member died prior to June 30, 1999. 429

(K) A surviving spouse whose benefit was terminated prior 430  
to June 30, 1999, due to remarriage shall receive a benefit 431  
under division (B), (D), or (F) of this section beginning on the 432  
first day of the month following receipt by the board of an 433  
application on a form provided by the board. The benefit amount 434  
shall be determined as of that date. 435

(1) If the benefit will begin prior to the deceased 436  
member's ~~retirement~~maximum pension eligibility date, it shall 437  
be paid under division (B) or (D) of this section and shall 438  
terminate as provided in those divisions. A benefit paid to a 439  
surviving spouse under division (D) of this section shall be 440  
determined in accordance with that division, even if benefits 441  
paid to surviving children are reduced as a result. 442

(2) If the benefit will begin on or after the deceased 443  
member's ~~retirement~~maximum pension eligibility date, it shall 444  
be paid under division (F) of this section and shall terminate 445  
as provided in that division. A benefit paid to a surviving 446  
spouse under division (F) of this section shall be determined in 447  
accordance with that division, even if benefits paid to 448  
surviving children are terminated as a result. 449

(L) (1) If both of the following apply, death benefit 450  
payments to a surviving spouse or surviving child under division 451  
(B) or (C) of this section that under a former version of this 452  
section terminated before the effective date of this amendment 453  
shall resume in accordance with division (L) (2) of this section: 454

(a) Death benefit payments under the applicable division 455



terminated on the deceased member's retirement eligibility date 456  
under division (B), (C), or (D) (3) of this section as it existed 457  
at the time of the benefit termination; 458

(b) The deceased member's maximum pension eligibility date 459  
is after the effective date of this amendment. 460

(2) A surviving spouse or surviving child's death benefit 461  
payment that resumes under division (L) of this section shall be 462  
paid as provided in division (B) or (C) of this section, as 463  
applicable. The benefit shall continue until the deceased 464  
member's maximum pension eligibility date, at which time the 465  
benefit shall terminate. 466

A surviving spouse or surviving child is not entitled to 467  
any additional payment under this division for the time between 468  
the deceased member's retirement eligibility date under a former 469  
version of this section and the effective date of this 470  
amendment. 471

(3) Any monthly death benefit a surviving spouse or 472  
surviving child receives under division (F) of this section 473  
ceases during the time that the spouse or child receives benefit 474  
payments under division (L) (2) of this section. The monthly 475  
death benefit payable under division (F) of this section shall 476  
resume following the deceased member's maximum pension 477  
eligibility date in the manner specified in that division. 478

**Section 2.** That existing section 742.63 of the Revised 479  
Code is hereby repealed. 480

**Section 3.** Section 742.63 of the Revised Code is presented 481  
in this act as a composite of the section as amended by both Am. 482  
Sub. H.B. 520 and Sub. S.B. 293 of the 131st General Assembly. 483  
The General Assembly, applying the principle stated in division 484

(B) of section 1.52 of the Revised Code that amendments are to 485  
be harmonized if reasonably capable of simultaneous operation, 486  
finds that the composite is the resulting version of the section 487  
in effect prior to the effective date of the section as 488  
presented in this act. 489