## As Reported by the Senate Environment and Natural Resources Committee

126th General Assembly Regular Session 2005-2006

Sub. H. B. No. 157

Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans, Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick, Allen, Blessing, Book, Chandler, Coley, Collier, Core, DeBose, Dolan, Driehaus, Fende, Flowers, Harwood, Hughes, Kearns, Key, Koziura, Latta, Law, Martin, Miller, Oelslager, Otterman, T. Patton, Reinhard, S. Smith, D. Stewart, J. Stewart, Taylor, Wagoner, Walcher, Williams, Woodard, Yates, Yuko

Senators Grendell, Carey, Mumper, Fedor, Brady, Hagan

## A BILL

To amend section 1541.31 of the Revised Code and to
amend Sections 209.18 and 209.18.03 of Am. Sub.

H.B. 66 of the 126th General Assembly to revise
the Pymatuning Lake Compact, to exempt the
Division of Wildlife from making payments into the
Department of Natural Resources' Central Support
Indirect Fund, and to make an appropriation.

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

Section 1. That section 1541.31 of the Revised Code be	8
amended to read as follows:	9
Sec. 1541.31. That the compact or agreement mentioned below	10
and every article, matter and thing therein is hereby ratified and	11
approved and shall be and hereafter remain in force agreeable to	12

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purposes, under such terms and conditions as the water and power
resources board might determine, in such way or ways as in the
opinion of the said board will not materially interfere with the
primary purpose in said acts of assembly and hereinbefore
specifically referred to, and

Whereas, In view of the fact that a certain part of the lake extends into the state of Ohio, whereby it is necessary and desirable that the use of the lake for the secondary purposes, namely, hunting, fishing, and recreational use, be uniformly provided for, as well as to guard against inconvenience and mischiefs which might hereafter arise from the uncertainty of jurisdiction within and on said lake, to the end that the lake may be adequately policed and conflicts of jurisdiction for the arrest and punishment of offenders be avoided.

Now, then, therefore, in order that law and justice may in 59 all such cases be executed and take effect upon said lake from 60 shore to shore in all parts and places thereof where the lake is a 61 boundary between said states, the said parties hereto do agree for 62 and in behalf of their respective states in the manner following: 63

1. General use. It is hereby agreed that the entire 64 Pymatuning lake or reservoir, subject to the primary use thereof 65 by the commonwealth of Pennsylvania for regulating the flow of the 66 water in the Shenango and Beaver rivers as in paragraph 9 67 hereinafter more specifically mentioned, shall be open for 68 recreational use equally to the citizens of both contracting 69 parties, save as restricted as to hunting, fishing, and boating in 70 this agreement set forth, or hereafter mutually agreed upon by 71 both parties but no person shall be permitted to hunt or fish 72 therein or thereon unless the lawful holder of a fishing or 73 hunting license, authorizing him or her the holder so to do, 74 75 issued by the proper authorities of Pennsylvania or of Ohio.

- 2. Arrest and prosecution of offenders. That each state shall 76 enjoy and exercise a concurrent jurisdiction upon the water (but 77 not upon the dry land), between the shores of said lake, including 78 the islands therein, with respect to the arrest and prosecution of 79 offenders, but in such sort that any boat or vessel fastened to or 80 aground on the shore of either state shall be considered 81 exclusively within the jurisdiction of said state; but that all 82 capital and other offenses, trespasses, or damages committed on or 83 over said lake, the judicial investigation and determination 84 thereof shall be exclusively vested in the state wherein the 85 offender or person charged with such offense shall be first 86 apprehended, arrested, prosecuted, or first brought to trial; it 87 being the intent of this agreement that an offender may be pursued 88 and arrested anywhere on or over said lake or shores thereof or 89 islands therein, regardless of the boundary lines, by any peace 90 officers or persons of either state authorized to make arrests, 91 whether the offenses be committed on or over any part of the lake, 92 on the shores or islands therein, regardless of the state in which 93 the place where the offense was committed lies. 94
- 3. Islands. All islands within the lake shall be considered 95 as part of the state of Pennsylvania. 96
- 4. Pollution of water. The lake shall be forever protected
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  against pollution of its waters by industrial trade waste,
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  individual, or municipal sewage from shore or boat, and the
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  discharge of any noxious or deleterious substance, liquid or
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  solid, into the waters of the lake which is or may become
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  inimical, or injurious, to public health or to animal or aquatic
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  life is hereby expressly forbidden.

No sewage may be discharged into the waters of the lake 104 except after complete treatment and then only upon permit first 105 approved by the health department of both states. 106

Page 5

5. Boats and vessels. No hydroplanes or aquaplanes, nor any	107
type of boat motor person shall operate any watercraft propelled	108
by a single motor, or any combination of motors, that produces a	109
horsepower rating in excess of a ten horsepower rating shall be	110
operated anywhere on said lake, except such on Pymatuning Lake,	111
except a pontoon boat sixteen feet in length or longer propelled	112
by a single motor, or any combination of motors, that produces a	113
horsepower rating of twenty horsepower or less and police or	114
administration motor boats watercraft, to the number of which	115
shall be mutually agreed upon by the parties hereto. Sail boats,	116
row boats, canoes and boats propelled by a motor not in excess of	117
ten horsepower shall be permitted provided the owners	118
No person shall operate a watercraft without first obtain	119
obtaining a license from the respective state of which the owner	120
is a resident under such regulations as each party to this	121
agreement may now or hereafter adopt. Provided nevertheless that	122
the use of any type of <del>boats</del> <u>watercraft</u> equipped with a motor is	123
expressly limited and restricted to that portion of the lake	124
extending from the main dam near Jamestown northwardly to the	125
causeway at or near Linesville, and provided further, that any	126
boat. Watercraft equipped with a motor in excess of ten horsepower	127
rating may be operated on said lake so long as such motor is not	128
used, except for a pontoon boat that is sixteen feet in length or	129
longer. A motor of not more than ten horsepower rating may be	130
attached to the boat and used for propelling the boat on said	131
<del>lake.</del>	132
No person shall ride or attempt to ride upon one or more	133
water skis, surfboards, towed inflatable devices, or similar	134
devices or use or operate any vessel to tow a person thereon.	135
Nothing contained in this subdivision shall be interpreted to	136
effect a change in the level or flow of water as determined or	137
fixed by the department of environmental conservation and natural	138

Being the southerly parts of lots Nos. 79 and 80, Richmond

township; all of lot No. 41, and all of lot No. 42, except the

westerly 1000 feet thereof, in Andover township, Ashtabula county,

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Ohio:

Beginning at a point in the west line of lot No. 79, that is 202 1523 feet south of the north line of lot No. 79; also being the 203 center line of Padanaram road; thence southerly along the county 204 highway along the westerly side of lot No. 79, 1869.5 feet to the 205 north line of Andover township; thence westerly along the 206 northerly line of Andover township, 939.7 feet to the northwest 207 corner of lot No. 41; thence southerly along the highway that 208 marks the westerly line of lot No. 41, 2809.8 feet to the north 209 line of lot No. 42; thence easterly along the north line of lot 210 No. 42, 1000 feet to a point; thence in a southerly direction 211 parallel to and 1000 feet easterly from the westerly line of lot 212 No. 42, 2734 feet, more or less, to the southerly line of lot No. 213 42; thence easterly along the said southerly line of lot No. 42, 214 5180.4 feet to the Ohio and Pennsylvania state line; thence 215 northerly along the said Ohio and Pennsylvania state line, 7297.6 216 feet, more or less, to a point that is 1523 feet southerly from 217 the north line of lot No. 80; thence in a westerly direction, 1523 218 feet southerly from and parallel to the north lines of lots Nos. 219

It is expressly agreed that nothing herein contained shall be
interpreted as entitling the residents of either state, whether
licensed to fish or otherwise, to fish in, hunt, trespass, or
enter upon said sanctuary for any purpose whatsoever. Anyone so
doing shall become amenable to prosecution therefor under the laws
of the state of Ohio applicable thereto.

79 and 80, 5260 feet, more or less, to the place of beginning.

9. Reservation of Pennsylvania's right to the body of the
water. It is expressly agreed that nothing herein contained shall
operate to deny, limit, or restrict the right of the water and
power resources board of Pennsylvania, or any authority
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established hereafter by said state to exercise such power, to at
any time now or hereafter, raise or draw off so much of the waters
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of the lake	as in its sole judgment	may	be necessary	, tc	maintain	233
	the flow of the Shenange	_	_			234
	of the primary purpose :					235
	and said water and power					236
	or hindrance, have the					237
	derations, to release so		-			238
	to maintain the flow of					239
rivers, irre	espective of its effect (	on t	he level of t	he	lake or use	240
·	other purposes.					241
	<u>.</u>					
Section	<b>2.</b> That existing section	on 1	541.31 of the	e Re	vised Code	242
is hereby re	epealed.					243
Section	3. That Sectons 209.18	and	209.18.03 of	Am	ı. Sub. H.B.	244
66 of the 12	26th General Assembly be	ame	nded to read	as	follows:	245
Sec. 20	9.18. DNR DEPARTMENT OF	NAT	URAL RESOURCE	S		246
General Reve	enue Fund					247
GRF 725-401	Wildlife-GRF Central	\$	1,000,000	\$	1,000,000	248
	Support		1,315,000		1,365,000	
GRF 725-404	Fountain Square Rental	\$	1,025,300	\$	1,092,000	249
	Payments - OBA					
GRF 725-407	Conservation Reserve	\$	1,000,000	\$	1,000,000	250
	Enhancement Program					
GRF 725-413	OPFC Lease Rental	\$	18,699,100	\$	20,962,800	251
	Payments					
GRF 725-423	Stream and Ground	\$	311,910	\$	311,910	252
	Water Gauging					
GRF 725-425	Wildlife License	\$	646,319	\$	646,319	253
	Reimbursement					
GRF 725-456	Canal Lands	\$	332,859	\$	332,859	254
GRF 725-502	Soil and Water	\$	9,836,436	\$	9,836,436	255
	Districts					

GRF 725-903 Natural Resources \$ 25,866,000 \$ 24,359,100	256
General Obligation	
Debt Service	
GRF 727-321 Division of Forestry \$ 8,541,511 \$ 8,541,511	257
GRF 728-321 Division of Geological \$ 1,630,000 \$ 1,630,000	258
Survey	
GRF 729-321 Office of Information \$ 440,895 \$ 440,895	259
Technology	
GRF 730-321 Division of Parks and \$ 37,874,841 \$ 39,874,841	260
Recreation	
GRF 731-321 Office of Coastal \$ 259,707 \$ 259,707	261
Management	
GRF 733-321 Division of Water \$ 3,257,619 \$ 3,207,619	262
GRF 736-321 Division of \$ 3,118,703 \$ 3,118,703	263
Engineering	
GRF 737-321 Division of Soil and \$ 4,074,788 \$ 4,074,788	264
Water	
GRF 738-321 Division of Real \$ 2,291,874 \$ 2,291,874	265
Estate and Land	
Management	
GRF 741-321 Division of Natural \$ 3,009,505 \$ 3,009,505	266
Areas and Preserves	
GRF 744-321 Division of Mineral \$ 3,068,167 \$ 3,068,167	267
Resources Management	
TOTAL GRF General Revenue Fund \$ $\frac{126,285,534}{129,059,034}$	268
<u>126,600,534</u> <u>129,424.034</u>	
General Services Fund Group	269
155 725-601 Departmental Projects \$ 3,135,821 \$ 3,011,726	270
157 725-651 Central Support \$ 6,528,675 \$ 6,528,675	271
Indirect	
204 725-687 Information Services \$ 4,676,627 \$ 4,676,627	272
206 725-689 REALM Support Services \$ 475,000 \$ 475,000	273
207 725-690 Real Estate Services \$ 64,000 \$ 64,000	274

223 725-665 Law Enforcement \$ 2,096,225 \$ 2,096,225 275 Administration  227 725-406 Parks Projects \$ 175,000 \$ 110,000 276 Personnel  4D5 725-618 Recycled Materials \$ 50,000 \$ 50,000 277 489 725-622 NatureWorks Personnel \$ 472,648 \$ 307,648 278 4X8 725-662 Water Resources \$ 125,000 \$ 125,000 279 Council  430 725-671 Canal Lands \$ 797,582 \$ 847,582 280 508 725-684 Natural Resources \$ 157,792 \$ 157,792 281 Publications  510 725-631 Maintenance - \$ 260,849 \$ 260,849 282 State-owned Residences  516 725-620 Water Management \$ 2,442,956 \$ 2,459,120 283 635 725-664 Fountain Square \$ 3,182,223 \$ 3,190,223 284 Facilities Management  697 725-670 Submerged Lands \$ 542,011 \$ 542,011 285  TOTAL GSF General Services  Fund Group \$ 25,182,409 \$ 24,902,478 287  Federal Special Revenue Fund Group  288 383 725-640 Federal Forest \$ 150,000 \$ 150,000 289
227 725-406   Parks Projects   \$ 175,000   \$ 110,000   276
Personnel  4D5 725-618 Recycled Materials \$ 50,000 \$ 50,000 277  4S9 725-622 NatureWorks Personnel \$ 472,648 \$ 307,648 278  4X8 725-662 Water Resources \$ 125,000 \$ 125,000 279
### AD5 725-618 Recycled Materials \$ 50,000 \$ 50,000 277  ### AP5 725-622 NatureWorks Personnel \$ 472,648 \$ 307,648 278  ### AP5 725-622 Water Resources \$ 125,000 \$ 125,000 279
4S9 725-622 NatureWorks Personnel \$ 472,648 \$ 307,648 278 4X8 725-662 Water Resources \$ 125,000 \$ 125,000 279
AX8 725-662   Water Resources   \$ 125,000   \$ 125,000   279
Council  430 725-671 Canal Lands \$ 797,582 \$ 847,582 280  508 725-684 Natural Resources \$ 157,792 \$ 157,792 281  Publications  510 725-631 Maintenance - \$ 260,849 \$ 260,849 282  State-owned Residences  516 725-620 Water Management \$ 2,442,956 \$ 2,459,120 283  635 725-664 Fountain Square \$ 3,182,223 \$ 3,190,223 284  Facilities Management  697 725-670 Submerged Lands \$ 542,011 \$ 542,011 285  TOTAL GSF General Services  Fund Group \$ 25,182,409 \$ 24,902,478 287  Federal Special Revenue Fund Group
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Publications  510 725-631 Maintenance - \$ 260,849 \$ 260,849 282   State-owned Residences  516 725-620 Water Management \$ 2,442,956 \$ 2,459,120 283   635 725-664 Fountain Square \$ 3,182,223 \$ 3,190,223 284   Facilities Management  697 725-670 Submerged Lands \$ 542,011 \$ 542,011 285   TOTAL GSF General Services \$ 25,182,409 \$ 24,902,478 287   Federal Special Revenue Fund Group 288
510 725-631 Maintenance - State-owned Residences       \$ 260,849 \$ 260,849 \$ 260,849 \$ 282         516 725-620 Water Management       \$ 2,442,956 \$ 2,459,120 283         635 725-664 Fountain Square Facilities Management       \$ 3,182,223 \$ 3,190,223 284         697 725-670 Submerged Lands       \$ 542,011 \$ 542,011 285         TOTAL GSF General Services       286         Fund Group       \$ 25,182,409 \$ 24,902,478 287         Federal Special Revenue Fund Group
State-owned Residences  516 725-620 Water Management \$ 2,442,956 \$ 2,459,120 283 635 725-664 Fountain Square \$ 3,182,223 \$ 3,190,223 284 Facilities Management  697 725-670 Submerged Lands \$ 542,011 \$ 542,011 285 TOTAL GSF General Services 286 Fund Group \$ 25,182,409 \$ 24,902,478 287 Federal Special Revenue Fund Group
516       725-620       Water Management       \$ 2,442,956 \$ 2,459,120       283         635       725-664       Fountain Square       \$ 3,182,223 \$ 3,190,223       284         Facilities Management         697       725-670       Submerged Lands       \$ 542,011 \$ 542,011       285         TOTAL GSF General Services       286         Fund Group       \$ 25,182,409 \$ 24,902,478       287         Federal Special Revenue Fund Group       288
635 725-664 Fountain Square \$ 3,182,223 \$ 3,190,223 284 Facilities Management  697 725-670 Submerged Lands \$ 542,011 \$ 542,011 285  TOTAL GSF General Services 286  Fund Group \$ 25,182,409 \$ 24,902,478 287  Federal Special Revenue Fund Group 288
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Fund Group \$ 25,182,409 \$ 24,902,478 287 Federal Special Revenue Fund Group 288
Federal Special Revenue Fund Group 288
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3B3 725-640 Federal Forest \$ 150,000 \$ 150,000 289
Pass-Thru
3B4 725-641 Federal Flood \$ 350,000 \$ 350,000 290
Pass-Thru
3B5 725-645 Federal Abandoned Mine \$ 14,310,497 \$ 14,307,666 291
Lands
3B6 725-653 Federal Land and Water \$ 5,000,000 \$ 5,000,000 292
Conservation Grants
3B7 725-654 Reclamation - \$ 2,107,292 \$ 2,107,291 293
Regulatory
3P0 725-630 Natural Areas and \$ 315,000 \$ 315,000 294
Preserves - Federal
3P1 725-632 Geological Survey - \$ 479,651 \$ 479,651 295

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		Federal					
3P2	725-642	Oil and Gas-Federal	\$	362,933	\$	367,912	296
3P3	725-650	Coastal Management -	\$	1,592,923	\$	1,607,686	297
		Federal					
3P4	725-660	Water - Federal	\$	419,766	\$	420,525	298
3R5	725-673	Acid Mine Drainage	\$	2,225,000	\$	2,225,000	299
		Abatement/Treatment					
3Z5	725-657	REALM-Federal	\$	1,578,871	\$	1,578,871	300
328	725-603	Forestry Federal	\$	1,813,827	\$	2,228,081	301
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	302
		Grant					
TOTA	AL FED Fe	deral Special Revenue					303
Fund	d Group		\$	30,963,862	\$	31,395,785	304
Stat	te Specia	l Revenue Fund Group					305
4J2	725-628	Injection Well Review	\$	93,957	\$	79,957	306
4M7	725-631	Wildfire Suppression	\$	100,000	\$	100,000	307
4U6	725-668	Scenic Rivers	\$	407,100	\$	407,100	308
		Protection					
<u>5BV</u>	725-683	Soil and Water	\$	1,850,000	<u>\$</u>	1,850,000	309
		<u>Districts</u>					
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	310
<del>5BV</del>	<del>725-683</del>	Soil and Water	\$	1,850,000	\$	1,850,000	311
		<del>Districts</del>					
5P2	725-634	Wildlife Boater Angler	\$	4,200,000	\$	3,500,000	312
		Administration					
509	725-602	State Forest	\$	2,291,664	\$	2,591,664	313
511	725-646	Ohio Geological	\$	549,310	\$	549,310	314
		Mapping					
512	725-605	State Parks Operations	\$	26,814,288	\$	26,814,288	315
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	316
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	612,075	\$	657,113	317
518	725-643	Oil and Gas Permit	\$	2,674,377	\$	2,674,378	318

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	Fees					
518 725-677	Oil and Gas Well	\$	1,200,000	\$	1,200,000	319
	Plugging					
521 725-627	Off-Road Vehicle	\$	143,490	\$	143,490	320
	Trails					
522 725-656	Natural Areas Checkoff	\$	1,550,670	\$	1,550,670	321
	Funds					
526 725-610	Strip Mining	\$	1,932,492	\$	1,932,492	322
	Administration Fee					
527 725-637	Surface Mining	\$	2,312,815	\$	2,322,702	323
	Administration					
529 725-639	Unreclaimed Land Fund	\$	623,356	\$	631,257	324
531 725-648	Reclamation Forfeiture	\$	2,061,861	\$	2,062,237	325
532 725-644	Litter Control and	\$	7,100,000	\$	7,100,000	326
	Recycling					
586 725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	327
615 725-661	Dam Safety	\$	365,223	\$	365,223	328
TOTAL SSR St	ate Special Revenue					329
Fund Group		\$	60,487,768	\$	60,136,971	330
Clean Ohio F	'und Group					331
061 725-405	Clean Ohio Operating	\$	155,000	\$	155,000	332
TOTAL CLF Cl	ean Ohio Fund Group	\$	155,000	\$	155,000	333
Wildlife Fun	nd Group					334
015 740-401	Division of Wildlife	\$	49,447,500	\$	50,447,500	335
	Conservation					
815 725-636	Cooperative Management	\$	120,449	\$	120,449	336
	Projects					
816 725-649	Wetlands Habitat	\$	966,885	\$	966,885	337
817 725-655	Wildlife Conservation	\$	5,000,000	\$	5,000,000	338
	Checkoff Fund					
818 725-629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	339
	Research					

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819 725-685	Ohio River Management	\$	128,584	\$	128,584	340
TOTAL WLF Wi	ldlife Fund Group	\$	57,163,418	\$	58,163,418	341
Waterways Sa	fety Fund Group					342
086 725-414	Waterways Improvement	\$	3,792,343	\$	3,792,343	343
086 725-418	Buoy Placement	\$	52,182	\$	52,182	344
086 725-501	Waterway Safety Grants	\$	137,867	\$	137,867	345
086 725-506	Watercraft Marine	\$	576,153	\$	576,153	346
	Patrol					
086 725-513	Watercraft Educational	\$	366,643	\$	366,643	347
	Grants					
086 739-401	Division of Watercraft	\$	20,027,909	\$	20,086,681	348
5AW 725-682	Watercraft Revolving	\$	3,000,000	\$	1,000,000	349
	Loans					
TOTAL WSF Wa	terways Safety Fund					350
Group		\$	27,953,097	\$	26,011,869	351
Holding Acco	ount Redistribution Fund	Gro	oup			352
R17 725-659	Performance Cash Bond	\$	374,263	\$	374,263	353
	Refunds					
R43 725-624	Forestry	\$	2,500,000	\$	1,500,000	354
TOTAL 090 Holding Account						355
Redistributi	on Fund Group	\$	2,874,263	\$	1,874,263	356
Accrued Leav	re Liability Fund Group					357
4M8 725-675	FOP Contract	\$	20,844	\$	20,844	358
TOTAL ALF AC	crued Leave					359
Liability Fu	nd Group	\$	20,844	\$	20,844	360
TOTAL ALL BU	DGET FUND GROUPS	\$	331,086,195	\$	331,719,662	361
			331,401,195		332,084,662	
Sec. 209.18.03. CENTRAL SUPPORT INDIRECT						363
With the exception of the Division of Wildlife, whose direct						364
and indirect central support charges shall be paid out of the						365
General Revenue Fund from the foregoing appropriation item						366
General Revenue Fund from the foregoing appropriation item						

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725-401, Wildlife-GRF Central Support, the Department of Natural	367					
Resources, with approval of the Director of Budget and Management,	368					
shall utilize a methodology for determining each division's	369					
payments into the Central Support Indirect Fund (Fund 157). The	370					
methodology used shall contain the characteristics of	371					
administrative ease and uniform application in compliance with	372					
federal grant requirements. It may include direct cost charges for	373					
specific services provided. Payments to the Central Support						
Indirect Fund (Fund 157) shall be made using an intrastate						
transfer voucher.	376					
Section 4. That existing Sections 209.18 and 209.18.03 of Am.	377					
Sub. H.B. 66 of the 126th General Assembly are hereby repealed.	378					
Section 5. Sections 3, 4, and 5 of this act, and the items of	379					
law of which such sections are composed, are not subject to the	380					
referendum. Therefore, under Ohio Constitution, Article II,	381					
Section 1d and section 1.471 of the Revised Code, such sections,	382					
and the items of law of which such sections are composed, go into	383					
immediate effect when this act becomes law.	384					