

APPROVED AND SIGNED BY THE GOVERNOR

Date April 9, 1981

Time 6:15 pm

No: 1302

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

HOUSE BILL No. 1302

(By Mr. Ballou.....)



Passed March 30,..... 1981

In Effect ninety days from..... Passage



ENROLLED

H. B. 1302

(By MR. BALLOUZ)

[Passed March 30, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, four, eight, nine, eleven, fourteen, fifteen, seventeen and twenty-two, article sixteen-b, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to definitions of licensed pesticide application business and certified public applicators; administration and enforcement; certification requirements; cooperative agreements; unlawful acts or grounds for denial; suspension or revocation of license; imposition of civil penalties; penalties as lien.

Be it enacted by the Legislature of West Virginia:

That sections, three, four, eight, nine, eleven, fourteen, fifteen, seventeen and twenty-two, article sixteen-b, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16B. WEST VIRGINIA PESTICIDE USE AND APPLICATION ACT.

§19-16B-3. Definitions.

- 1 As used in this article:
- 2 "Agricultural commodity" means any plant, or part thereof,
- 3 or animal, or animal product, produced by a person (including
- 4 farmers, ranchers, vineyardists, plant propagators, Christmas
- 5 tree growers, aquaculturists, floriculturists, orchardists, forest-
- 6 ers, or other comparable persons) primarily for sale, con-
- 7 sumption, propagation, or other use by man or animals.

8 “Animal” means all vertebrate and invertebrate species,
9 including but not limited to man and other mammals, birds,
10 fish and shellfish.

11 “Certified applicator” means any person who is certified
12 under this article to use or supervise the use of any restricted
13 use pesticides.

14 “Commercial applicator” means a certified applicator
15 (whether or not he is a private applicator with respect to
16 some uses) who uses or supervises the use of any pesticide
17 which is classified for restricted use for any purpose or on
18 any property other than as defined under the definition of
19 “private applicator.”

20 “Commissioner” means the commissioner of agriculture of
21 the state of West Virginia and his duly authorized representa-
22 tives.

23 “Defoliant” means any substance or mixture of substances
24 intended for causing the leaves of foliage to drop from a
25 plant, with or without causing abscission.

26 “Desiccant” means any substance or mixture of substances
27 intended for artificially accelerating the drying of plant tissue.

28 “Device” means any instrument or contrivance (other than
29 a firearm) which is intended for trapping, destroying, repelling
30 or mitigating any pest or any other form of plant or animal
31 life (other than man and other than bacteria, viruses or
32 other microorganisms on or in living man or other living
33 animals); but not including equipment used for the application
34 of pesticides when sold separately therefrom.

35 “Direct supervision” means that unless otherwise prescribed
36 by its labeling, a pesticide shall be considered to be applied
37 under the direct supervision of a certified applicator if it is
38 applied by a competent person acting under the instructions
39 and control of a certified applicator who is available if and
40 when needed, even though such certified applicator is not
41 physically present at the time and place the pesticide is applied.

42 “Environment” includes water, air, land and all plants
43 and man and other animals living therein, and the interrela-
44 tionships which exist among these.

45 “Fungus” means any nonchlorophyll-bearing thallophytes
46 (that is, any nonchlorophyll-bearing plant of a lower order
47 than mosses and liverworts), as for example, rust, smut,
48 mildew, mold, yeast and bacteria, except those on or in
49 living man or other animals and except those on or in
50 processed food, beverages, or pharmaceuticals.

51 “Insect” means any of the numerous small invertebrate
52 animals generally having the body more or less obviously
53 segmented, for the most part belonging to the class insecta,
54 comprising six-legged, usually winged forms, as for example,
55 beetles, bugs, bees, flies and to other allied classes of arthro-
56 pods whose members are wingless and usually have more than
57 six legs, as for example, spiders, mites, ticks, centipedes and
58 wood lice.

59 “Land” means all land and water areas, including airspace
60 and all plants, animals, structures, buildings, contrivances and
61 machinery, appurtenant thereto or situated thereon, fixed or
62 mobile, including any used for transportation.

63 “Licensed pesticide application business” means any person
64 who owns or manages a pesticide application business which
65 is engaged in the business of applying pesticides upon the
66 lands of another (whether or not such person applies restricted
67 use pesticides) and means each place for which the business
68 of applying pesticides for hire is carried on, including a
69 branch office, franchise location or sub-office of a larger
70 business entity.

71 “Certified public applicator” means a licensed applicator
72 who applies “restricted use pesticides” as an employee of a
73 state agency, municipal corporation or other governmental
74 agency. This term does not include employees who work
75 only under the direct supervision of a certified public appli-
76 cator.

77 “Nematode” means invertebrate animals of the phylum
78 nemathelminthes and class nematoda, that is, unsegmented
79 round worms with elongated, fusiform or sac-like bodies
80 covered with cuticle and inhabiting soil, water, plants or
81 plant parts; may also be called nemas or eelworms.

82 "Permit" means a written certificate, issued by the com-
83 missioner authorizing the use of certain restricted use pesti-
84 cides or state restricted use pesticides.

85 "Person" means any individual, partnership, association,
86 fiduciary, corporation or any organized group of persons
87 whether incorporated or not.

88 "Pest" means any insect, rodent, nematode, fungus, weed;
89 or any other form of terrestrial or aquatic plant or animal
90 life or virus, bacteria, or other microorganism (except viruses,
91 bacteria or other microorganisms on or in living man or
92 other living animals) which is declared to be a pest by the
93 commissioner.

94 "Pesticide" means any substance or mixture of substances
95 intended for preventing, destroying, repelling or mitigating
96 any pest; any substance or mixture of substances intended
97 for use as a plant regulator, defoliant or desiccant.

98 "Pesticide dealer" means any person who sells, wholesales,
99 distributes, offers or exposes for sale, exchanges, barter or
100 gives away within or into this state any restricted use pesticide.

101 "Plant regulator" means any substance or mixture of sub-
102 stances, intended, through physiological action, for accelerating
103 or retarding the rate of growth or rate of maturation, or for
104 otherwise altering the behavior of ornamental or crop plants
105 or the produce thereof, but shall not include substances to
106 the extent that they are intended as plant nutrients, trace
107 elements, nutritional chemicals, plant inoculants or soil amend-
108 ments.

109 "Private applicator" means a certified applicator who uses
110 or supervises the use of any pesticide which is classified for
111 restricted use for purposes of producing any agricultural com-
112 modity on property owned or rented by him or his employer
113 or (if applied without compensation other than trading of
114 personal services between producers of agricultural commodi-
115 ties) on property of another person.

116 "Restricted use pesticide" means any pesticide classified
117 for restricted use by the administrator, United States environ-
118 mental protection agency.

119 “State restricted pesticide use” means any pesticide use
120 which, when used as directed or in accordance with a wide-
121 spread and commonly recognized practice, the commissioner
122 determines, subsequent to a hearing, requires additional re-
123 strictions for that use to prevent unreasonable adverse effects
124 on the environment including man, land, beneficial insects,
125 animals, crops and wildlife, other than pests.

126 “Unreasonable adverse effects on the environment” means
127 any unreasonable risk to man or the environment, taking into
128 account the economic, social and environmental costs and
129 benefits of the use of any pesticide.

130 “Weed” means any plant which grows where not wanted.

131 “Wildlife” means all living things that are neither human,
132 domesticated nor, as defined in this article, pests, including
133 but not limited to mammals, birds and aquatic life.

§19-16B-4. Administration and enforcement of article; adoption of regulations, limitations.

1 (a) The commissioner shall administer and enforce the
2 provisions of this article and shall have authority to issue
3 regulations after a public hearing following due notice to
4 all interested persons in conformance with the provisions of
5 the state administrative procedures set forth in chapter twenty-
6 nine-a of this code to carry out the provisions of this article.
7 Such regulations may prescribe methods to be used in ap-
8 plication of pesticides.

9 (b) In issuing such regulations, the commissioner shall
10 give consideration to pertinent research findings and recom-
11 mendations of other agencies of the state, the federal govern-
12 ment, or other reliable sources.

13 (c) For the purpose of uniformity and in order to enter
14 into cooperative agreements, the commissioner shall adopt
15 “restricted use pesticide” classifications as determined by the
16 administrator, United States environmental protection agency.
17 The commissioner may also, by regulations, after a public
18 hearing following due notice, determine “state restricted pesti-
19 cides uses” for the state or for designated areas within the
20 state. If the commissioner determines that the pesticide (when

21 applied in accordance with its directions for use, warnings
22 and cautions, and for uses for which it is registered) may
23 cause, without additional regulatory restrictions, unreasonable
24 adverse effects on the environment, including injury to the
25 applicator or other persons because of acute dermal or in-
26 halation toxicity of the pesticide, the pesticide shall be applied
27 only by or under the direct supervision of a certified appli-
28 cator, or be subject to such other restrictions as the com-
29 missioner may determine.

30 (d) Regulations adopted under this article shall not permit
31 any pesticide use which is prohibited by the Federal Insecti-
32 cide, Fungicide and Rodenticide Act, as amended, and guide-
33 lines or rules issued thereunder.

34 (e) Regulations adopted under this article as to certified
35 applicators of "restricted use pesticides" as designated under
36 the Federal Insecticide, Fungicide and Rodenticide Act, as
37 amended, and regulations adopted as to experimental use
38 permits as authorized by such act shall not be inconsistent
39 with the requirements of the Federal Insecticide, Fungicide
40 and Rodenticide Act, as amended and regulations issued there-
41 under.

42 (f) The commissioner, after notice and opportunity for
43 hearing, is authorized to declare a pest, a form of plant or
44 animal life (other than man and other than bacteria, viruses
45 and other microorganisms on or in living man or other living
46 animals) which is injurious to health or the environment.

47 (g) In order to comply with section four of the Federal
48 Insecticide, Fungicide and Rodenticide Act, the commissioner
49 is authorized to make such reports to the United States environ-
50 mental protection agency in such form and containing such
51 information as that agency may from time to time require.

52 (h) There is hereby created a pesticide advisory board
53 consisting of seven persons including the commissioner of
54 agriculture who shall be chairman, and one of whom shall be
55 from structural pest control, one of whom shall be a
56 qualified environmental health specialist, one of whom shall
57 be employed in the agricultural chemical industry, one of
58 whom shall be knowledgeable in the area of wildlife resources,

59 one of whom shall be a producer of agricultural crops on
60 which pesticides are applied, and one of whom shall be a
61 citizen member who shall be knowledgeable in the field of
62 pesticides. The six members not representing government
63 departments shall be appointed by the commissioner for terms
64 of four years and may serve successive terms: *Provided,*
65 That at the inception two shall be appointed for one year,
66 two for two years, one for three years, and one for four
67 years. The board shall advise the commissioner on problems
68 relating to the use and application of pesticides. The board
69 shall meet at such time and place as called by the chairman
70 or by a majority of the board. Members shall serve without
71 compensation and members not from governmental depart-
72 ments shall be paid expenses at the same rate as paid to em-
73 ployees of the state according to the rules and regulations as
74 promulgated pursuant to the West Virginia code.

75 (i) Except as may be otherwise specifically authorized
76 in this article, the requirements of the commisioner and
77 all regulatory and other exercises of his powers herein
78 shall conform to but be no more stringent than those of the
79 federal environmental protection agency.

§19-16B-8. Licensed pesticide application business license.

1 (a) No person shall engage in the business of applying
2 pesticides to the lands of another at any time without a
3 licensed pesticide application business license issued by the
4 commissioner. The commissioner shall require an annual fee
5 of fifty dollars for each licensed pesticide application business
6 license issued.

7 (b) Application for a licensed pesticide application busi-
8 ness license shall be made in writing to the commissioner on
9 forms approved or supplied by the commissioner. Each
10 application for a license shall contain information regarding
11 the applicant's qualifications and proposed operations, license
12 classification or classifications the applicant is applying for
13 and shall include the following:

14 (1) The full name of the person applying for the license;

15 (2) If different than (1) the full name of the individual
16 qualifying under subsection (c) of this section;

17 (3) If the applicant is a person other than an individual,
18 the full name of each member of the firm or partnership,
19 or the names of the officers of the association, corporation
20 or group;

21 (4) The principal business address of the applicant in the
22 state and elsewhere;

23 (5) The address of each branch office or sub-office from
24 which the business of applying pesticides is carried on. Each
25 sub-office shall be licensed;

26 (6) Nonresidents applying for a licensed pesticide applica-
27 tion business license in any separate classification under this
28 article to operate in this state shall file a written power of
29 attorney designating the state auditor as the agent of such
30 nonresident upon whom service of process may be had in
31 the event of any suit against said nonresident person, and
32 such power of attorney shall be so prepared and in such
33 form as to render effective the jurisdiction of the courts of
34 this state over such nonresident applicant, except that any
35 such nonresident who has a duly appointed resident agent
36 upon whom process may be served as provided by law shall
37 not be required to designate the state auditor as such agent.
38 The commissioner shall be furnished with a copy of such
39 designation of the state auditor or of a resident agent, such
40 copy to be duly certified by the state auditor;

41 (7) The name and address of each certified commercial
42 applicator applying pesticides or supervising the application
43 of pesticides for the licensed pesticide application business;
44 and

45 (8) Any other necessary information prescribed by the
46 commissioner.

47 (c) The commissioner shall not issue a licensed pesticide
48 application business license until the owner, manager, partner
49 or corporate officer is qualified by passing an examination to
50 demonstrate to the commissioner his knowledge of the state
51 and federal pesticide laws, safe use and storage of pesticides
52 and the bases of the work to be done under the classification

53 or classifications for which application for license is being
54 made.

55 (d) If the commissioner finds the applicant qualified to
56 apply pesticides in the classifications the applicant has applied
57 for and if the applicant files the financial security required
58 under section fifteen of this article, and if the applicant
59 applying for a license to engage in aerial application of
60 pesticides has met all of the requirements of the federal avia-
61 tion agency, the aeronautics commission of this state, and
62 any other applicable federal or state laws or regulations to
63 operate the equipment described in the application, the com-
64 missioner shall issue a licensed pesticide application business
65 license. The license so issued shall expire at the end of the
66 calendar year of issue, unless it has been revoked or suspended
67 prior thereto by the commissioner for cause, except when
68 the financial security required under section fifteen of this
69 article is dated to expire at an earlier date, in which case
70 said license shall be dated to expire upon expiration date
71 of said financial security. The commissioner may limit the
72 license of the applicant to certain classifications of pest control
73 work, or to certain areas, or to certain types of equipment,
74 or to certain specific pesticides, if the applicant is only so
75 qualified. If a license is not issued as applied for, the com-
76 missioner shall inform the applicant in writing of the reasons
77 therefor.

78 (e) All persons applying pesticides as a licensed pesticide
79 application business, whether or not they are applying restricted
80 use pesticides, must be certified as a commercial applicator
81 in the appropriate category or subcategory, or must be under
82 the direct supervision of a certified commercial applicator.

**§19-16B-9. Application of this article to governmental entities;
public applicator's certification required; liability.**

1 (a) All state agencies, municipal corporations, or any
2 other governmental agency shall be subject to the provisions
3 of this article and rules adopted thereunder concerning the
4 application of pesticides.

5 (b) Public operators for agencies listed in subsection
6 (a) shall be subject to examinations as provided for in

7 section eight of this article. However, the commissioner shall
8 issue a limited license without a fee to such public applicator
9 who has qualified for such certification. The public ap-
10 plicator's certification shall be valid only when such applicator
11 is acting as a certified applicator applying or supervising
12 application of pesticides used by such entities. Individuals
13 certified pursuant to this section shall be certified commercial
14 applicators for the use of restricted use pesticides covered by
15 the applicant's classification.

16 (c) Such governmental agencies and municipal corpora-
17 tions shall be subject to legal recourse by any person damaged
18 by such application of any pesticide, and such action may be
19 brought in the county where the damage or some part thereof
20 occurred.

§19-16B-11. Cooperative agreements.

1 (a) The commissioner may cooperate, receive grants-in-
2 aid, and enter into agreements with any agency of the federal
3 government, of this state or its subdivisions, or with any
4 agency of another state, to obtain assistance in the implementa-
5 tion of this article in order to:

6 (1) Secure uniformity of regulations;

7 (2) Cooperate in the enforcement of federal pesticide
8 control laws through the use of state and/or federal en-
9 forcement personnel and facilities and to implement coopera-
10 tive enforcement programs;

11 (3) Develop and administer state plans for training and
12 for certification of licensed applicators consistent with federal
13 standards;

14 (4) Contract for training with educational institutions or
15 with other agencies for the purpose of training certified ap-
16 plicators;

17 (5) Contract for monitoring pesticides for the national
18 plan;

19 (6) Prepare and submit state plans to meet federal certi-
20 fication standards, as provided for in section four of the

21 Federal Insecticide, Fungicide and Rodenticide Act, as
22 amended; and

23 (7) Regulate certified applicators.

**§19-16B-14. Unlawful acts or grounds for denial, suspending or
revocation of a license, permit or certification; civil
penalties.**

1 The commissioner shall notify any licensee of violations
2 of this article by the licensee, and after inquiry, including
3 opportunity for a hearing, may deny, suspend, revoke or
4 modify any provision of any license, permit or certification
5 issued under this article or he may impose a civil penalty as
6 provided in section twenty-two of this article, if he finds that
7 the applicant or the holder of a license, permit or certification
8 has committed any of the following acts, each of which is
9 declared to be a violation of this article:

10 (1) Made false or fraudulent claims through any media
11 misrepresenting the effect of pesticides or methods to be
12 utilized;

13 (2) Made a pesticide use recommendation or application
14 inconsistent with the labeling as registered by the United
15 States environmental protection agency or commissioners'
16 state registration for that pesticide, or in violation of the
17 United States environmental protection agency or commis-
18 sioners' state restrictions for the use of that pesticide;

19 (3) Applied unknown ineffective or improper pesticides;

20 (4) Operated faulty or unsafe equipment;

21 (5) Operated in a faulty, careless or negligent manner;

22 (6) Neglected or, after notice, refused to comply with
23 the provisions of this article, the rules adopted hereunder,
24 or of any lawful order of the commissioner;

25 (7) Refused or neglected to keep and maintain the
26 records required by this article, or to make reports when
27 and as required;

28 (8) Made false or fraudulent records, invoices or re-
29 ports;

30 (9) Engaged in the business of applying a pesticide on
31 the lands of another without having a licensed pesticide appli-
32 cation business license;

33 (10) Engaged in the business of applying a restricted
34 use pesticide on the lands of another without having a
35 licensed certified applicator in direct supervision;

36 (11) Used fraud or misrepresentation in making an ap-
37 plication for, or renewal of, a license, permit or certification;

38 (12) Refused or neglected to comply with any limitations
39 or restrictions on or in a duly issued license, permit or certifi-
40 cation;

41 (13) Aided or abetted a licensed or an unlicensed person
42 to evade the provisions of this article or allowed one's
43 license, permit or certification to be used by another per-
44 son;

45 (14) Made false or misleading statements during or after
46 an inspection concerning any infestation or infection of pests
47 found on land;

48 (15) Impersonated any federal, state, county or city
49 inspector or official; or

50 (16) Failed to comply with any provision of this article
51 or any regulation issued thereunder.

**§19-16B-15. Financial security required of licensed pesticide ap-
plication business licensee.**

1 (a) The commissioner shall not issue a licensed pesticide
2 application business license as required in section eight of
3 this article until the applicant has filed evidence of financial
4 security with the commissioner which may consist of a surety
5 bond or liability insurance policy or certification thereof in
6 an amount no less than twenty-five thousand dollars protect-
7 ing persons who may suffer legal damages as a result of the
8 operations of the applicant or applicant's employees. Such
9 financial security need not apply to damages or injury to
10 agricultural crops, plants or land being worked upon by the
11 applicant.

12 (b) The commissioner, taking into consideration the dif-
13 ferent classifications or categories of licensed pesticide appli-
14 cation business licenses, shall establish the amount and kind
15 of financial security for property damage and public liability,
16 each separately, and including loss of damage arising out of
17 the actual use of any pesticide which each classification of
18 licensed licensee requires. Such financial security shall be
19 maintained at not less than that sum at all times during the
20 licensed period. The commissioner shall be notified forty-five
21 days prior to any reduction at the request of the applicant or
22 cancellation of such surety bond or liability insurance by
23 the surety or insurer. The total and aggregate of the surety
24 or insurer for all claims shall be limited to the face of the
25 bond or liability insurance policy. The commissioner may
26 accept a liability insurance policy or surety bond in the
27 proper sum which has a deductible clause in the amount not
28 exceeding that which the commissioner shall establish sepa-
29 rately for aerial applicators and for other commercial appli-
30 cators for the total amount of financial security required herein.
31 If the applicant has not satisfied the requirement of the
32 deductible amount in any prior legal claim such deductible
33 clause shall not be accepted by the commissioner unless such
34 applicant furnishes the commissioner with a surety bond or
35 liability insurance which shall satisfy the amount of the deduc-
36 tible as to all claims that may arise in his application of pesti-
37 cides.

38 Should the surety furnished become unsatisfactory, said
39 applicant shall upon notice immediately establish new evidence
40 of financial security and should he fail to do so, it shall be
41 unlawful thereafter for such person to engage in said business
42 of applying pesticides until the financial security is brought
43 into compliance with the requirements as established by the
44 commissioner and the person's license is reinstated.

45 (c) Nothing in this article shall be construed to relieve
46 any person from liability for any damage to the person or
47 lands of another caused by the use of pesticides even though
48 such use conforms to the rules and regulations of the com-
49 missioner.

§19-16B-17. Licensee or certified commercial applicators to keep records; duration; submission to commissioner.

1 The commissioner shall require licensed pesticide applica-
2 tion businesses to maintain records with respect to applications
3 of any pesticide. Certified commercial applicators shall main-
4 tain records with respect to applications of restricted use
5 pesticides. Such relevant information as the commissioner
6 may deem necessary may be specified by regulation. Such
7 records shall be kept for a period of three years from the date
8 of the application of the pesticide to which such records refer,
9 and the commissioner shall, upon request in writing, be furn-
10 ished with a copy of such records forthwith by the licensee
11 or certified commercial applicator. No regulation issued by
12 the commissioner for carrying out provisions of this article
13 shall require any private applicator to maintain any records
14 or file any reports or other documents.

§19-16B-22. Penalties.

1 (a) Any person violating any provisions of this article or
2 regulations adopted hereunder shall be guilty of a misdemeanor,
3 and, upon conviction thereof, shall be fined not less than
4 one hundred dollars nor more than five hundred dollars, and
5 for the second offense, shall be guilty of a misdemeanor, and,
6 upon conviction thereof, shall be fined not less than five
7 hundred nor more than one thousand dollars, or imprisoned
8 in the county jail not more than six months, or both fined
9 and imprisoned. Magistrates shall have concurrent jurisdic-
10 tion with circuit courts to enforce the provisions of this article.

11 (b) No state court shall allow the recovery of damages
12 for administrative action taken if the court finds that there was
13 probable cause for such action.

14 (c) In addition to proceeding under any other remedy
15 available at law or in equity for a violation of a provision
16 of this act or a rule or regulation adopted thereunder, or
17 any order issued pursuant to, the commissioner may, after
18 hearing, assess a civil penalty not to exceed two hundred
19 dollars upon a person other than a private applicator for
20 such violation. The civil penalty shall be payable to the

21 state of West Virginia and shall be collectible in any manner
22 now or hereafter provided for collection of debt. If any
23 person liable to pay such civil penalty neglects or refuses to
24 pay the same, the amount of the civil penalty, together with
25 interest at ten percent, shall be a lien in favor of the state of
26 West Virginia upon the property, both real, and personal,
27 of such a person after the same has been entered and docketed
28 to record in the county where such property is situated. The
29 county clerk of the county, upon receipt of the certified copy
30 of such, shall enter same to record without requiring the pay-
31 ment of costs as a condition precedent to such recording.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]

Chairman Senate Committee

[Handwritten Signature]

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

[Handwritten Signature]

Clerk of the Senate

[Handwritten Signature]

Clerk of the House of Delegates

[Handwritten Signature]

President of the Senate

[Handwritten Signature]

Speaker House of Delegates

The within *is approved* this the *9* day of *April*, 1981.

[Handwritten Signature]
Governor

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OFFICE OF THE GOVERNOR

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OFFICE STATE
SECY. OF STATE