WEST VIRGINIA LEGISLATURE

ENROLLED

Committee Substitute for
SENATE BILL NO. 197

(By Senators Tomblin, Mr. President, and Sproscie, by request of the Executive)

PASSED March 21, 2004

In Effect From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 197
(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed March 21, 2004; in effect from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-4-5a and §5A-4-6; to amend said code by adding thereto a new section, designated §5B-2-3b; to amend and reenact §5B-2-12 of said code; to amend said code by adding thereto a new section, designated §18B-1B-10; and to amend and reenact §29-22A-10 and §29-22A-10b of said code, all relating generally to distribution of net terminal income of racetrack video lottery terminals and the proceeds thereof for funding purposes; creating a 2004 capitol complex parking garage fund, a capitol renovation and improvement fund, a development office promotion fund and a research challenge fund for specified purposes; transferring funds from the tourism promotion fund; prohibiting members of the tourism commission from participating in the discussion of, or action upon, an application for or an award of any grant from the tourism
promotion fund in which the member has a direct financial interest; and reallocating certain percentages of net terminal income.

*Be it enacted by the Legislature of West Virginia:*

That the code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §5A-4-5a and §5A-4-6; that said code be amended by adding thereto a new section, designated §5B-2-3b; that §5B-2-12 of said code be amended and reenacted; that said code be amended by adding thereto a new section, designated §18B-1B-10; and that §29-22A-10 and §29-22A-10b of said code be amended and reenacted, all to read as follows:

**CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

**ARTICLE 4. GENERAL SERVICES DIVISION.**

§5A-4-5a. Construction of parking garage for general public; creation of fund.

1 (a) It is the intent of the Legislature to provide a parking facility for the general public and to direct the secretary of the department of administration to plan and construct a parking garage at the state capitol complex that will provide sufficient and additional parking exclusively for the general public.

(b) There is created in the state treasury to be administered by the department of administration a special fund to be named the “2004 capitol complex parking garage fund” into which shall be deposited funds that are appropriated and funds from other sources to be used for the construction and maintenance of a parking garage on or adjacent to the state capitol complex.

§5A-4-6. Renovation and improvement of capitol building and capitol complex.

1 (a) It is the intent of the Legislature to provide renovation and improvement of the existing state capitol building
and the capitol complex and to direct the secretary of the department of administration to plan and make renova-
tions and improvements of the existing state capitol building and the capitol complex for the purpose of reversing deterioration to existing facilities, securing the safety of the general public and state employees, promoting efficiency of governmental operations and enhancing tourism in the state.

(b) There is created in the state treasury to be adminis-
tered by the department of administration a special fund to be named the “capitol renovation and improvement fund” into which shall be deposited funds that are appro-
priated and funds from other sources to be used for renovations and improvements of the existing state capitol building and the capitol complex.

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-3b. Development office promotion fund.

There is hereby established in the state treasury a special revenue fund known as the “development office promotion fund”. Moneys deposited in this fund shall be administered by the development office and used solely to promote business formation, expansion, recruitment and retention through aggressive marketing and international development and export assistance, which together lead to more and better jobs with higher wages for all geographic regions and communities of the state, including rural areas and urban core areas, and for all residents, including minorities.

§5B-2-12. Tourism promotion fund continued; use of funds.

There is hereby continued in the state treasury the special revenue fund known as the “tourism promotion fund” created under prior enactment of section nine, article one of this chapter.
(a) A minimum of five percent of the moneys deposited in the fund each year shall be used solely for direct advertising for West Virginia travel and tourism: *Provided,* That no less than twenty percent of these funds be expended with the approval of the director of the division of natural resources to effectively promote and market the state's parks, state forests, state recreation areas and wildlife recreational resources. Direct advertising means advertising which is limited to television, radio, mailings, newspaper, magazines and outdoor billboards, or any combination thereof.

(b) The balance of the moneys deposited in the fund shall be used for direct advertising within the state's travel regions as defined by the commission. The funds shall be made available to these districts beginning the first day of July, one thousand nine hundred ninety-five, according to legislative rules authorized for promulgation by the tourism commission.

(c) All advertising expenditures over twenty-five thousand dollars from the tourism promotion fund require prior approval by recorded vote of the commission. No member of the commission or of any committee created by the commission to evaluate applications for advertising or other grants may participate in the discussion of, or action upon, an application for or an award of any grant in which the member has a direct financial interest.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-10. Research challenge.

(a) There is established in the state treasury a special revenue fund known as the "research challenge fund". Moneys deposited in this fund shall be administered by the higher education policy commission.

The moneys deposited in this fund shall be used to fund coal research and development projects at institutions of
higher education located in this state. Research includes, but is not limited to, carbon sequestration and carbon technology research and development projects. The moneys deposited in this fund shall also be used to fund other research and development projects at institutions of higher education in this state.

(b) The policy commission shall use the recommendations of the EPSCoR state advisory council in its allocation of appropriations made to the research challenge fund and in its development of procedures for competitive application and review of proposals for funding. The research challenge is a critical component in the state's strategic plan for economic development and the contribution of higher education in the economic health of the state and the EPSCoR state advisory council is well qualified, by virtue of its research-oriented mission and membership, to advise the policy commission in the allocation of research challenge funding.

The objectives of the research challenge are to:

(1) Increase the research capacity of institutions of higher education and the competitiveness of these institutions to apply for external funding;

(2) Stimulate the development of research and research products that are directly applicable in improving the economic competitiveness of existing West Virginia industries and the development of new business and jobs in the state;

(3) Leverage limited state resources with private and federal funds to support projects and activities directly related to economic development by requiring matching funds and cooperative agreements with external partners;

(4) Increase the production of undergraduate and graduate students of programs in the sciences, technology, engineering and mathematics, with special attention to emerging disciplines such as biometrics; and
(5) Hold institutions more accountable for the success of research projects funded under this program with the expectation that state support will be phased out and the project or activity will be terminated if it is unable to generate ongoing external support.

(c) The priorities for the research challenge shall be:

(1) Research on energy generation, distribution and utilization that builds on the state's existing energy research strengths, related research products and technology transfer programs;

(2) Research, education and outreach conducted by the EPSCoR program. This federal program is recognized by the national science foundation as the state's primary entity for developing the research capacity that is so important to the state's economic and educational development;

(3) Research projects that are related to the economic development of the state, and that have significant potential to attract participation and funding from industrial, federal or foundation partners;

(4) Collaborative projects between higher education and public education to improve science and mathematics education;

(5) Graduate education in science (including medical education), technology, engineering and mathematics. The allocation shall be used for the increase in doctoral students and programs at West Virginia university and Marshall university in these fields; and

(6) Recruitment of eminent scholars to strengthen research capacity and competitiveness for external funding.

(d) The policy commission shall report to the legislative oversight committee on educational accountability annu-
ally on the results of the projects and activities funded by
the research challenge appropriation.

(e) The priorities established in subsection (c) of this
section shall be reviewed biannually by the policy commis-
sion and the EPSCoR state advisory council beginning in
two thousand six. The policy commission shall include
any recommended adjustments in its budget request for
the two thousand seven budget.

CHAPTER 29. MISCELLANEOUS BOARDS
AND OFFICERS.

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

§29-22A-10. Accounting and reporting; commission to provide
communications protocol data; distribution of
net terminal income; remittance through elec-
tronic transfer of funds; establishment of ac-
counts and nonpayment penalties; commission
control of accounting for net terminal income;
settlement of accounts; manual reporting and
payment may be required; request for reports;
examination of accounts and records.

(a) The commission shall provide to manufacturers, or
applicants applying for a manufacturer's permit, the
protocol documentation data necessary to enable the
respective manufacturer's video lottery terminals to
communicate with the commission's central computer for
transmitting auditing program information and for
activation and disabling of video lottery terminals.

(b) The gross terminal income of a licensed racetrack
shall be remitted to the commission through the electronic
transfer of funds. Licensed racetracks shall furnish to the
commission all information and bank authorizations
required to facilitate the timely transfer of moneys to the
commission. Licensed racetracks must provide the
commission thirty days' advance notice of any proposed
account changes in order to assure the uninterrupted
electronic transfer of funds. From the gross terminal income remitted by the licensee to the commission, the commission shall deduct an amount sufficient to reimburse the commission for its actual costs and expenses incurred in administering racetrack video lottery at the licensed racetrack and the resulting amount after the deduction is the net terminal income. The amount deducted for administrative costs and expenses of the commission may not exceed four percent of gross terminal income: Provided, That any amounts deducted by the commission for its actual costs and expenses that exceeds its actual costs and expenses shall be deposited into the state lottery fund. For all fiscal years beginning on or after the first day of July, two thousand one, the commission shall not receive an amount of gross terminal income in excess of the amount of gross terminal income received during the fiscal year ending on the thirtieth day of June, two thousand one, but four percent of any amount of gross terminal income received in excess of the amount of gross terminal income received during the fiscal year ending on the thirtieth day of June, two thousand one, shall be deposited into the fund established in section eighteen-a, article twenty-two of this chapter.

(c) Net terminal income shall be divided as set out in this subsection. For all fiscal years beginning on or after the first day of July, two thousand one, any amount of net terminal income received in excess of the amount of net terminal income received during the fiscal year ending on the thirtieth day of June, two thousand one, shall be divided as set out in section ten-b of this article. The licensed racetrack's share is in lieu of all lottery agent commissions and is considered to cover all costs and expenses required to be expended by the licensed racetrack in connection with video lottery operations. The division shall be made as follows:

(1) The commission shall receive thirty percent of net terminal income, which shall be paid into the state lottery fund as provided in section ten-a of this article;
(2) Fourteen percent of net terminal income at a licensed racetrack shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to other amounts provided in article twenty-three, chapter nineteen of this code;

(3) The county where the video lottery terminals are located shall receive two percent of the net terminal income: Provided, That:

(A) Any amount in excess of the two percent received during fiscal year one thousand nine hundred ninety-nine by a county in which a racetrack is located that has participated in the West Virginia thoroughbred development fund since on or before the first day of January, one thousand nine hundred ninety-nine, shall be divided as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipalities of the county shall receive fifty percent of the excess amount, the fifty percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Any amount in excess of the two percent received during fiscal year one thousand nine hundred ninety-nine by a county in which a racetrack other than a racetrack described in paragraph (A) of this proviso is located and where the racetrack has been located in a municipality within the county since on or before the first day of January, one thousand nine hundred ninety-nine, shall be divided, if applicable, as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipality shall receive fifty percent of the excess amount; and
(C) This proviso shall not affect the amount to be received under this subdivision by any county other than a county described in paragraph (A) or (B) of this subdivision;

(4) One half of one percent of net terminal income shall be paid for and on behalf of all employees of the licensed racing association by making a deposit into a special fund to be established by the racing commission to be used for payment into the pension plan for all employees of the licensed racing association;

(5) The West Virginia thoroughbred development fund created under section thirteen-b, article twenty-three, chapter nineteen of this code and the West Virginia greyhound breeding development fund created under section ten of said article shall receive an equal share of a total of not less than one and one-half percent of the net terminal income: Provided, That for any racetrack which does not have a breeder's program supported by the thoroughbred development fund or the greyhound breeding development fund, the one and one-half percent provided in this subdivision shall be deposited in the special fund established by the licensee and used for payment of regular purses in addition to other amounts provided in subdivision (2) of this subsection and article twenty-three, chapter nineteen of this code;

(6) The West Virginia racing commission shall receive one percent of the net terminal income which shall be deposited and used as provided in section thirteen-c, article twenty-three, chapter nineteen of this code;

(7) A licensee shall receive forty-seven percent of net terminal income;

(8)(A) The tourism promotion fund established in section twelve, article two, chapter five-b of this code shall receive three percent of the net terminal income: Provided, That for the fiscal year beginning the first day of July, two
thousand three, the tourism commission shall transfer from the tourism promotion fund five million dollars of the three percent of the net terminal income described in this section and section ten-b of this article into the fund administered by the West Virginia economic development authority pursuant to section seven, article fifteen, chapter thirty-one of this code, five million dollars into the capitol renovation and improvement fund administered by the department of administration pursuant to section six, article four, chapter five-a of this code and five million dollars into the tax reduction and federal funding increased compliance fund; and

(B) Notwithstanding any provision of paragraph (A) of this subdivision to the contrary, for each fiscal year beginning after the thirtieth day of June, two thousand four, this three percent of net terminal income and the three percent of net terminal income described in paragraph (B), subdivision (8), subsection (a), section ten-b of this article shall be distributed as provided in this paragraph as follows:

(i) 1.375 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the tourism promotion fund created under section twelve, article two, chapter five-b of this code;

(ii) 0.375 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the development office promotion fund created under section three-b, article two, chapter five-b of this code;

(iii) 0.5 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the research challenge fund created under section ten, article one-b, chapter eighteen-b of this code;
(iv) 0.6875 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the capitol renovation and improvement fund administered by the department of administration pursuant to section six, article four, chapter five-a of this code; and

(v) 0.0625 percent of the total amount of net terminal income described in this section and in section ten-b of this article shall be deposited into the 2004 capitol complex parking garage fund administered by the department of administration pursuant to section five-a, article four, chapter five-a of this code; and

(9) The remaining one percent of net terminal income shall be deposited as follows:

(A) For the fiscal year beginning the first day of July, two thousand three, the veterans memorial program shall receive one percent of the net terminal income until sufficient moneys have been received to complete the veterans memorial on the grounds of the state capitol complex in Charleston, West Virginia. The moneys shall be deposited in the state treasury in the division of culture and history special fund created under section three, article one-i, chapter twenty-nine of this code. Provided, that only after sufficient moneys have been deposited in the fund to complete the veterans memorial and to pay in full the annual bonded indebtedness on the veterans memorial, not more than twenty thousand dollars of the one percent of net terminal income provided for in this subdivision shall be deposited into a special revenue fund in the state treasury, to be known as the "John F. 'Jack' Bennett Fund". The moneys in this fund shall be expended by the division of veterans affairs to provide for the placement of markers for the graves of veterans in perpetual cemeteries in this state. The division of veterans affairs shall promulgate legislative rules pursuant to the provisions of article three, chapter twenty-nine-a of this code specifying the manner in which the funds are spent,
determine the ability of the surviving spouse to pay for the
placement of the marker and setting forth the standards to
be used to determine the priority in which the veterans
grave markers will be placed in the event that there are
not sufficient funds to complete the placement of veterans
grave markers in any one year, or at all. Upon payment in
full of the bonded indebtedness on the veterans memorial,
one hundred thousand dollars of the one percent of net
terminal income provided for in this subdivision shall be
deposited in the special fund in the division of culture and
history created under section three, article one-i, chapter
twenty-nine of this code and be expended by the division
of culture and history to establish a West Virginia veterans
memorial archives within the cultural center to serve as a
repository for the documents and records pertaining to the
veterans memorial, to restore and maintain the monu-
ments and memorial on the capitol grounds: Provided,
however, That five hundred thousand dollars of the one
percent of net terminal income shall be deposited in the
state treasury in a special fund of the department of
administration, created under section five, article four,
chapter five-a of this code, to be used for construction and
maintenance of a parking garage on the state capitol
complex; and the remainder of the one percent of net
terminal income shall be deposited in equal amounts in the
capitol dome and improvements fund created under
section two, article four, chapter five-a of this code and
cultural facilities and capitol resources matching grant
program fund created under section three, article one of
this chapter.

(B) For each fiscal year beginning after the thirtieth day
of June, two thousand four:

(i) Five hundred thousand dollars of the one percent of
net terminal income shall be deposited in the state trea-
sury in a special fund of the department of administration,
created under section five, article four, chapter five-a of
this code, to be used for construction and maintenance of
a parking garage on the state capitol complex; and

(ii) The remainder of the one percent of net terminal
income and all of the one percent of net terminal income
described in paragraph (B), subdivision (9), subsection (a),
section ten-b of said article twenty-two-a shall be distrib-
uted as follows: The net terminal income shall be deposited
in equal amounts into the capitol dome and capitol
improvements fund created under section two, article four,
chapter five-a of this code and the cultural facilities and
capitol resources matching grant program fund created
under section three, article one, chapter twenty-nine of
this code until a total of one million five hundred thousand
dollars is deposited into the cultural facilities and capitol
resources matching grant program fund; thereafter, the
remainder shall be deposited into the capitol dome and
capitol improvements fund.

(d) Each licensed racetrack shall maintain in its account
an amount equal to or greater than the gross terminal
income from its operation of video lottery machines, to be
electronically transferred by the commission on dates
established by the commission. Upon a licensed race-
track's failure to maintain this balance, the commission
may disable all of a licensed racetrack's video lottery
terminals until full payment of all amounts due is made.
Interest shall accrue on any unpaid balance at a rate
consistent with the amount charged for state income tax
delinquency under chapter eleven of this code. The
interest shall begin to accrue on the date payment is due to
the commission.

(e) The commission's central control computer shall keep
accurate records of all income generated by each video
lottery terminal. The commission shall prepare and mail
to the licensed racetrack a statement reflecting the gross
terminal income generated by the licensee's video lottery
terminals. Each licensed racetrack shall report to the
commission any discrepancies between the commission's
statement and each terminal's mechanical and electronic
meter readings. The licensed racetrack is solely responsi-
ble for resolving income discrepancies between actual
money collected and the amount shown on the accounting
meters or on the commission's billing statement.

(f) Until an accounting discrepancy is resolved in favor
of the licensed racetrack, the commission may make no
credit adjustments. For any video lottery terminal reflect-
ing a discrepancy, the licensed racetrack shall submit to
the commission the maintenance log which includes
current mechanical meter readings and the audit ticket
which contains electronic meter readings generated by the
terminal's software. If the meter readings and the commis-
sion's records cannot be reconciled, final disposition of the
matter shall be determined by the commission. Any
accounting discrepancies which cannot be otherwise
resolved shall be resolved in favor of the commission.

(g) Licensed racetracks shall remit payment by mail if
the electronic transfer of funds is not operational or the
commission notifies licensed racetracks that remittance by
this method is required. The licensed racetracks shall
report an amount equal to the total amount of cash
inserted into each video lottery terminal operated by a
licensee, minus the total value of game credits which are
cleared from the video lottery terminal in exchange for
winning redemption tickets, and remit the amount as
generated from its terminals during the reporting period.
The remittance shall be sealed in a properly addressed and
stamped envelope and deposited in the United States mail
no later than noon on the day when the payment would
otherwise be completed through electronic funds transfer.

(h) Licensed racetracks may, upon request, receive
additional reports of play transactions for their respective
video lottery terminals and other marketing information
not considered confidential by the commission. The
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303 commission may charge a reasonable fee for the cost of
304 producing and mailing any report other than the billing
305 statements.

306 (i) The commission has the right to examine all accounts,
307 bank accounts, financial statements and records in a
308 licensed racetrack’s possession under its control or in
309 which it has an interest and the licensed racetrack shall
310 authorize all third parties in possession or in control of the
311 accounts or records to allow examination of any of those
312 accounts or records by the commission.

§29-22A-10b. Distribution of excess net terminal income.

1 (a) Any amount of net terminal income generated
2 annually by a licensed racetrack in excess of the amount
3 of net terminal income generated by that licensed race-
4 track during the fiscal year ending on the thirtieth day of
5 June, two thousand one, shall be divided as follows:

6 (1) The commission shall receive forty-one percent of net
7 terminal income, which the commission shall deposit in
8 the state excess lottery revenue fund created in section
9 eighteen-a, article twenty-two of this chapter;

10 (2) Eight percent of net terminal income at a licensed
11 racetrack shall be deposited in the special fund established
12 by the licensee and used for payment of regular purses in
13 addition to other amounts provided for in article twenty-
14 three, chapter nineteen of this code;

15 (3) The county where the video lottery terminals are
16 located shall receive two percent of the net terminal
17 income: Provided, That:

18 (A) Any amount by which the total amount under this
19 section and subdivision (3), subsection (c), section ten of
20 this article is in excess of the two percent received during
21 fiscal year one thousand nine hundred ninety-nine by a
22 county in which a racetrack is located that has partici-
23 pated in the West Virginia thoroughbred development
fund since on or before the first day of January, one thousand nine hundred ninety-nine, shall be divided as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipalities of the county shall receive fifty percent of the excess amount, the fifty percent to be divided among the municipalities on a per capita basis as determined by the most recent decennial United States census of population; and

(B) Any amount by which the total amount under this section and subdivision (3), subsection (c), section ten of this article is in excess of the two percent received during fiscal year one thousand nine hundred ninety-nine by a county in which a racetrack other than a racetrack described in paragraph (A) of this proviso is located and where the racetrack has been located in a municipality within the county since on or before the first day of January, one thousand nine hundred ninety-nine, shall be divided, if applicable, as follows:

(i) The county shall receive fifty percent of the excess amount; and

(ii) The municipality shall receive fifty percent of the excess amount; and

(C) This proviso shall not affect the amount to be received under this subdivision by any county other than a county described in paragraph (A) or (B) of this proviso;

(4) One half of one percent of net terminal income shall be paid for and on behalf of all employees of the licensed racing association by making a deposit into a special fund to be established by the racing commission to be used for payment into the pension plan for all employees of the licensed racing association;
(5) The West Virginia thoroughbred development fund created under section thirteen-b, article twenty-three, chapter nineteen of this code and the West Virginia greyhound breeding development fund created under section ten, article twenty-three, chapter nineteen of this code shall receive an equal share of a total of not less than one and one-half percent of the net terminal income: Provided, That for any racetrack which does not have a breeder's program supported by the thoroughbred development fund or the greyhound breeding development fund, the one and one-half percent provided for in this subdivision shall be deposited in the special fund established by the licensee and used for payment of regular purses, in addition to other amounts provided for in subdivision (2) of this subsection and article twenty-three, chapter nineteen of this code;

(6) The West Virginia racing commission shall receive one percent of the net terminal income which shall be deposited and used as provided in section thirteen-c, article twenty-three, chapter nineteen of this code;

(7) A licensee shall receive forty-two percent of net terminal income;

(8) The tourism promotion fund established in section twelve, article two, chapter five-b of this code shall receive three percent of the net terminal income: Provided, That for each fiscal year beginning after the thirtieth day of June, two thousand four, this three percent of net terminal income shall be distributed pursuant to the provisions of paragraph (B), subdivision (8), subsection (c), section ten of this article; and

(9)(A) One percent of the net terminal income shall be deposited in equal amounts in the capitol dome and improvements fund created under section two, article four, chapter five-a of this code and cultural facilities and capitol resources matching grant program fund created under section three, article one of this chapter; and
(B) Notwithstanding any provision of paragraph (A) of this subdivision to the contrary, for each fiscal year beginning after the thirtieth day of June, two thousand four, this one percent of net terminal income shall be distributed pursuant to the provisions of subparagraph (ii), paragraph (B), subdivision (9), subsection (c), section ten of this article.

(b) The commission may establish orderly and effective procedures for the collection and distribution of funds under this section in accordance with the provisions of this section and section ten of this article.
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The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 
Day of April, 2004.

[Signature]
Governor