WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1968

ENROLLED

Comm. Sub. Pr

HOUSE BILL No. 259

(By Mr. Originating in the Committee on the Judiciary)

PASSED February 8, 1968

In Effect Thirty days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-16-68
AN ACT to amend chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirteen, relating to findings of the Legislature; authorizing the playing of bingo games; providing definitions, designating the state tax commissioner as the licensing authority; authorizing the licensing authority to exercise certain powers and providing him with certain duties; providing for the promulgation of rules and regulations; authorizing the holding of hearings and the filing of petitions of appeal; authorizing the issuance of licenses
to conduct bingo games to certain organizations; providing for an application for license and a form of license; detailing the persons who shall be permitted to operate and conduct bingo games, and the premises, equipment, expenses and compensation in connection therewith; providing for a statement of receipts and expenses; providing for the payment of a license fee and a percentage of the net proceeds of any bingo game; providing for the forfeiture of license and the enforcement of the article; providing penalties and relating to the severability of the provisions of the article.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article thirteen, to read as follows:

ARTICLE 13. BINGO GAMES.


1 This article shall be known and may be cited and
2 referred to as the "Bingo Law."

1 The Legislature hereby finds, determines and declares that this article is necessary for the raising of revenue, for the regulation of trade and the regulation of social games as hereinafter prescribed and that bingo, when the operation thereof complies with the provisions of this article and the rules and regulations to be promulgated, is not a lottery or gift enterprise.


1 The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(1) "Bingo" means that specific kind of game commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at a meeting at which all of the participants are present.

(2) "Qualified organization" means any bona fide chartered branch or lodge or chapter of a national or state organization, or any bona fide religious, charitable,
labor, fraternal, educational, or veteran's organization
or a nonprofit social club or a volunteer fire depart-
ment which operates without profit to its members.

(3) "Licensee" means any qualified organization to
which a license has been issued by the licensing
authority.

(4) "Dues-paying membership" means those mem-
bers of an organization who pay regular monthly, annual
or other periodic dues or who are excused from paying
such dues by the bylaws, articles of incorporation, or
charter of the organization, and those who contribute
voluntarily to the corporation or organization to which
they belong for the support of such corporation or or-
ganization.

(5) "Licensing authority" means the state tax com-
missioner of West Virginia or his duly authorized
deputy.

(6) "Person" means a natural person, firm, associa-
tion, corporation, or other legal entity.

(7) "Chartered branch or lodge or chapter of a
national or state organization" means any branch or
lodge or chapter of a national or state organization which is a civic or service organization, not for pecuniary profit, and authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a fraternal, civic or service purpose within this state.

(8) "Religious organization" means any organization, church, body of communicants, or group, not for pecuniary profit, gathered in common membership for mutual support and edification in piety, worship and religious observances, or a society, not for pecuniary profit, of individuals united for religious purposes at a definite place or places.

(9) "Charitable organization" means any organization, not for pecuniary profit, which is operated for the relief of poverty, distress, or other condition of public concern within the state.

(10) "Labor organization" means any organization, not for pecuniary profit, within the state which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work,
and which has existed for such purpose and has been
so engaged.

(11) "Fraternal organization" means any organization within the state except college and high school
fraternities, not for pecuniary profit, which is a branch
or lodge or chapter of a national or state organization
and exists for the common business, brotherhood, or
other interests of its members.

(12) "Educational organization" means any organization within the state, not for pecuniary profit, whose
primary purpose is educational in nature and designed
to develop the capabilities of individuals by instruction.

(13) "Veterans' organization" means any organization
within the state, or any branch or lodge or chapter
of a national or state organization within the state, not
for pecuniary profit, the membership of which consists
of individuals who were members of the armed services
or forces of the United States.

(14) "Nonprofit social club" means any corporation
or unincorporated association operated exclusively for
the benefit of its members, which pays no part of its
income to its shareholders or individual members, which
owns or leases a building or other premise to which club
are admitted only duly elected or approved dues paying
members in good standing and their guests.

(15) "Gross receipts" means receipts from the sale
of shares, tickets or rights in any manner connected
with participation in a game of bingo or the right to
participate therein including any admission fee or
charge, the sale of equipment or supplies and all other
miscellaneous receipts.

(16) "Net proceeds" means the gross receipts less
such expenses, charges, fees and deductions as are
specifically authorized under this article.

(17) "Premises" means any building, room, hall,
enclosure or outdoor area used for the purpose of playing
a game of bingo.

(18) "Lawful purposes" means educational, charitable,
patriotic, religious or public-spirited purposes, which
terms are defined to be the benefiting of an indefinite
number of persons either by bringing their minds or
hearts under the influence of education or religion, by
relieving their bodies from disease, suffering or constraint, by assisting them in establishing themselves in life, by erecting or maintaining public buildings or works or otherwise lessening the burden of government. Such terms do not include the erection, acquisition, improvement, maintenance or repair of property, real, personal, or mixed, unless such property is and shall be used exclusively for one or more of the purposes stated in this article.

(19) "Lawful use" means the devotion of the entire net proceeds of a game of bingo exclusively to a lawful purpose or to lawful purposes.

(20) "Member" means an individual who has qualified for membership in a qualified organization pursuant to its bylaws, articles of incorporation, charter, rules or other written statement.

(21) "Occasion" means a single gathering or session at which a series of successive bingo games is played, not to exceed thirty-five games in number.

(22) "Equipment" means the receptacle and numbered objects drawn from it, the master board upon
which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them, the boards or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system and all other articles essential to the operation, conduct and playing of bingo.

§61-13-4. Licensing authority; powers; duties.

1 The state tax commissioner is hereby designated as the "licensing authority" of this article. The state tax commissioner shall be the executive in charge of enforcement of the terms and provisions of this article, and as state licensing authority, his powers and duties shall be as follows:

1 (1) To grant or refuse licenses under this article. In addition, the licensing authority shall have the power on his own motion, based on reasonable grounds or on complaint made and after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by the licensing authority for any violation by the licensee
or any officer, director, agent, member or employee of
such licensee of the provisions of this article or any rule
or regulation authorized hereunder. Upon final convic-
tion of a licensee, or any employee thereof acting within
the scope of his employment, of any violation of any
municipal ordinance or statute of the state of West Vir-
ginia relating to the regulation and control of alcoholic
liquors, gambling or the sale, possession or distribution
of narcotics or dangerous drugs, before any justice of
the peace, municipal court or court of record, the licens-
ing authority shall forthwith revoke the licensee's license.
Notice of suspension or revocation, as well as notice of
such hearing, shall be given by certified mail of same
to the licensee at the address contained in such license.
Any license may be temporarily suspended for a period
not to exceed thirty days pending any prosecution, in-
vestigation or public hearing.

(2) It shall be the duty of the licensing authority to
supervise the administration of this article and to adopt,
amend and repeal rules and regulations governing the
holding, operating and conducting of bingo games, the
rental of premises and the purchase of equipment, to the end that bingo games shall be held, operated and conducted only by licensees for the purposes in conformity with the state constitution and the provisions of this article.

(3) To hear and determine at public hearing all complaints against any licensee, and to administer oaths and issue subpoenas to require the presence of persons and production of papers, books and records necessary to the determination of any hearing so held.

(4) To keep records of all actions and transactions of the licensing authority.

(5) To report on request to the governor or the Legislature respecting the administration of this article, and to make such recommendations in regard to legislation as the licensing authority shall deem necessary and proper.

(6) The provisions of chapter twenty-nine-a of this code shall apply to and govern all hearings and proceedings to suspend or to revoke a license brought by the licensing authority and all other matters pertaining to the provisions of this article whether brought by the
licensing authority, the licensee or any other person. The licensing authority may issue an order prohibiting the operation of a bingo game pending hearing, in which case the hearing shall be held within ten days after the licensee is notified of any such order.

(7) The licensing authority shall cause a notice of hearing to be served personally upon an officer of the licensee, or other person, or the member in charge of the conduct of the bingo game, or to be sent by registered or certified mail to the licensee at the address shown in the license or to the last known address of any person other than a licensee.

(8) When the suspension or revocation proceedings are begun before the licensing authority, it shall hear the matter and make written findings in support of its decision. The licensee or other person involved shall be informed immediately of the decision and in the event of a suspension or revocation, the effective date of the suspension or revocation.

(9) When a license is ordered suspended or revoked, the licensee shall surrender up the license to the licensing
authority on or before the effective date of the suspension or revocation. No license shall be valid beyond the effective date of the suspension or revocation, whether surrendered or not.

(10) Upon the finding of a violation of this article or the rules and regulations promulgated hereunder, or both or all, such as would warrant the suspension or revocation of a license, the licensing authority may, in addition to any other penalties which may be imposed, declare the violator ineligible to conduct a game of bingo and to apply for a license under said laws for a period not exceeding twelve months thereafter. Such declaration of ineligibility may be extended to include, in addition to the violator, any of its subsidiary organizations, its parent organization or otherwise affiliated with the violator when, in the opinion of the licensing authority, the circumstances of the violation warrant such action.

(11) Upon receipt by a licensee or other person involved of a notice of a hearing from the licensing authority, the licensee or other person shall answer said notice and inform the licensing authority whether oral
98 argument is desired and whether the licensee desires
99 to produce witnesses.
100 (12) At the request of any party and for good cause
101 shown, the licensing authority shall issue subpoenas for
102 the attendance of witnesses and the production of books,
103 records and other documents.
104 (13) Whenever oral testimony of witnesses is taken
105 at the hearing, the licensing authority shall have a certi-
106 fied shorthand reporter present to take a stenographic
107 record of the proceedings. The original transcript shall
108 be filed with the licensing authority. Any party shall be
109 entitled to secure a copy from the reporter at his own
110 expense.
111 (14) Hearings may be adjourned by the licensing au-
112 thority from time to time at the request of any party,
113 but only for good cause shown, but hearings shall be
114 held and concluded with reasonable dispatch and without
115 unnecessary delay.
116 (15) The licensing authority shall decide any matter
117 within thirty days after the conclusion of the hearing.
118 (16) Upon the determination of any matter heard, the
licensing authority shall state its findings. All parties shall be notified by the licensing authority of the action of the licensing authority and shall be furnished a copy of the findings.

(17) Applicants for a license or licensee may be represented by counsel.

(18) Any person appearing before the licensing authority in a representative capacity shall be required to show his authority to act in such capacity.

(19) No person shall be excused from testifying or producing any book or document in any investigation or hearing, when ordered so to do by the licensing authority, upon the ground that testimony or documentary evidence required of him may tend to incriminate or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture on account of any matter or thing concerning which he shall, under oath, have testified or produced documentary evidence, except that he shall not be exempt from prosecution or punishment for any perjury committed by him in his testimony.
(20) If a person subpoenaed to attend in any such investigation or hearing fails to obey the command of the subpoena without reasonable cause or if a person in attendance in any such investigation or hearing refuses without lawful cause to be examined or to answer a legal or pertinent question or to exhibit any book, account, record or other document when ordered so to do by the representative of the licensing authority holding such investigation or hearing, the licensing authority may apply to the judge of any circuit court in the state, upon proof by affidavit of the facts, for an order returnable in not less than two nor more than ten days directing such person to show cause before the judge why he should not comply with such subpoena or such order.

(21) Upon return of the order, the judge before whom the matter shall come on for hearing shall examine such person under oath and if the judge shall determine, after giving such person an opportunity to be heard, that he refused without legal excuse to comply with such subpoena or such order of the licensing au-
authority holding such investigation, the judge may order such person to comply therewith forthwith and any failure to obey the order of the judge may be punished as a contempt of the court.

(22) Every witness shall be entitled to be paid for attendance or attendance and travel by the party on whose behalf he is subpoenaed at the rates prescribed by law before being required to testify.

(23) The decision of the licensing authority in suspending or revoking any license under this article or adversely affecting any licensee or other parties shall be subject to review. Any licensee or other person aggrieved by any such decision may, within thirty days after receipt of a copy of the decision of the licensing authority, file a petition seeking review of the decision of the licensing authority in either the circuit court of Kanawha county, West Virginia, or with the judge thereof in vacation, or in the circuit courts of the counties in which the petitioners or any one of the petitioners reside or do business, or with the judge thereof in vacation. A copy of the petition shall be served on the licensing authority and all other parties of record by registered or
certified mail. Any such circuit court shall have jurisdiction to hear and determine said petition and to affirm, reverse, vacate or modify the order of the licensing authority complained of if, upon consideration of the record, such court is of the opinion that such order was unlawful or unreasonable. In any such petition, the petitioner shall be denominated as petitioner and the licensing authority shall be denominated as respondent. The petition shall set forth the errors complained of. Upon such service of a petition being made, the licensing authority, within twenty days thereafter or within such further time as the court may grant, shall serve an answer or other pleading on petitioner and on all other parties of record in the manner provided in the West Virginia rules of civil procedure for those courts of record, and with its answer, the licensing authority shall serve a transcript of the records and orders of the licensing authority and a transcript of all papers and of all evidence adduced upon the hearing before the licensing authority in the proceedings complained of. No proceeding to vacate, reverse or modify any final order rendered by
the licensing authority shall operate to stay the execution or effect of such final order unless the court or the judge thereof, on application and three days' notice to the licensing authority, shall allow such stay. In the event a stay is ordered, the petitioner shall be required to execute his bond in such sum as the court or judge may prescribe with sufficient surety to be approved by the judge or clerk of the court, which bond shall be conditioned upon the faithful performance by such petitioner of his obligation as a licensee, and upon the prompt payment of all damages arising from or caused by the delay in the taking effect of or enforcement of the order complained of, and for all costs that may be assessed or required to be paid in connection with such proceeding.

§61-13-5. Organizations entitled to licenses.

1 (1) Any bona fide chartered branch or lodge or chapter of a national or state organization or any bona fide religious, charitable, labor, fraternal, educational or veterans' organization, any nonprofit social club, or a volunteer fire department which operated without profit to its members and has had dues-paying members engaged in carrying out the objects of said
corporation or organization shall be eligible for license to be issued by the licensing authority hereunder.

In the event any license is revoked the licensee and holder thereof shall not be eligible to apply for another license hereunder until after the expiration of the period of one year from the date of such revocation.

(2) The licenses issued pursuant to the provisions of this article shall be issued by the licensing authority to applicants qualified under this article upon payment of a fee of twenty-five dollars: Provided, however, That a special license shall be issued hereunder to an applicant to conduct not more than fifteen occasions of operation hereunder in any calendar year, the fee for such special license shall be five dollars. The licenses shall expire at the end of the calendar year in which they were issued by the licensing authority and may be renewed by the licensing authority upon the filing of an application and the payment of the fee of twenty-five dollars for such renewal. No license granted under this article or any renewal thereof shall be transferrable.

(1) Each applicant for a license to be issued under the provisions of this article shall file with the licensing authority a written application in duplicate in the form prescribed by the licensing authority, duly executed and verified, and in which shall be stated (a) the name and address of the applicant; (b) sufficient facts relating to its incorporation and organization to enable the licensing authority to determine whether or not it is a bona fide chartered branch or lodge or chapter of a national or state organization or a bona fide religious, charitable, labor, fraternal, educational or veterans' organization, a nonprofit social club or a volunteer fire department which operates without profit to its members and has dues-paying members engaged in carrying out the objectives of said applicant; (c) the names and addresses of its officers; (d) the specific details of the bingo games intended to be held, operated and conducted by the applicant; (e) the place or places where such bingo games are intended to be held, operated and conducted by the applicant under the license applied
21 for; the items of expense intended to be incurred or
22 paid in connection with the holding, operating and con-
23 ducting of such bingo games and the names and addresses
24 of the persons to whom and the purposes for which
25 they are to be paid; (f) a statement that no commission,
26 salary, compensation, reward or recompense will be
27 paid to any person for holding, operating or conducting
28 such bingo games or for assisting therein except as in
29 this article otherwise provided; (g) and such other
30 information as shall be deemed advisable by the
31 licensing authority to insure that the applicant falls
32 within the restrictions set forth by the constitution
33 of the state, this article and the rules and regulations
34 promulgated hereunder.
35
36 (2) In each application there shall be designated an
37 active member or members of the applicant organiza-
38 tion under whom the bingo games described in the
39 application are to be held, operated and conducted and
40 to the application shall be appended a statement signed
41 and verified by the applicant and by the member or
42 members so designated that he or they will be respon-
sible for the holding, operation and conduct of such bingo games in accordance with the terms of the license and the provisions of this article and the rules and regulations promulgated hereunder.

(3) In the event any premises are to be leased or rented in connection with the holding, operating or conducting any bingo games under this article, a written statement shall accompany the application signed and verified by such person stating his or its address and the amount of rent which will be paid for said premises, and that such person, or its officers and directors if a corporation, is of good moral character and has not been convicted of any crime involving moral turpitude.

§61-13-7. Form of license; display of license.

1 Each license shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom such bingo games will be held, operated or conducted, and the place or places where such bingo games are to be held. Each license issued for the conduct of any such bingo game or games shall be conspicuously dis-
§61-13-8. Persons who shall be permitted to operate and conduct bingo games; premises; equipment; expenses; compensation.

(1) No person shall hold, operate or conduct any bingo game or games under any license issued under this article except an active member of the organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any bingo game or games under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided. No item of expense shall be incurred or paid in connection with the holding, operating or conducting of any bingo game held, operated or con-
ducted pursuant to any license issued under this article except bona fide expenses in reasonable amount for goods, wares and merchandise furnished or services rendered reasonably necessary for the holding, operating or conducting thereof. No such bingo game or games shall be conducted with any equipment except such as shall be owned by the licensee.

(2) The officers of a licensee shall designate a bona fide, active member of the licensee to be in charge and primarily responsible for the conduct of the bingo games on each occasion. The member in charge shall supervise all activities on the occasion for which he is in charge and shall be responsible for the making of the required report thereof. The member in charge shall be familiar with the provisions of the state laws, the rules and regulations of the licensing authority and the provisions of the license. He shall be present on the premises continuously during the bingo games and for a period of at least thirty minutes after the last bingo game.

(3) The officers of a licensee shall designate an
officer to be in full charge and primarily responsible for the proper utilization of the entire net proceeds of any game in accordance with the state law.

(4) The entire net proceeds of any bingo game shall be devoted to a lawful use or uses.

(5) Each license issued for the conduct of bingo games shall be conspicuously displayed at the place where any bingo game is being conducted at all times during the conduct of the game and for at least thirty minutes after the last game has been concluded.

(6) The premises where any bingo game is being held, operated or conducted, or where it is intended that any bingo game shall be held, operated or conducted or where it is intended that any equipment be used shall at all times be open to inspection by the licensing authority, its agents and employees, members of the department of public safety, sheriffs or deputy sheriffs of the county and by police officers of the municipality if the premises are located in one.

(7) No licensee may hold, operate or conduct a bingo game more often than on ninety-six occasions in any
calendar year, and in no case shall a bingo game be con-
ducted from twelve midnight on Saturday to twelve mid-
night on Sunday.

(8) When any merchandise prize is awarded in a
game of bingo, its value shall be its current retail price.
No merchandise prize shall be redeemable or convertible
into cash directly or indirectly.

(9) Equipment, prizes and supplies for games of
bingo shall not be purchased or sold at prices in excess
of the usual price thereof.

(10) The net profits derived from the holding of
bingo games shall be devoted within one year to the
lawful purposes of the organization permitted to con-
duct the same. Any organization desiring to hold
the net profits of bingo games for a period in excess
of one year shall apply to the licensing authority for
special permission and upon good cause shown, the
authority may grant any such request.

(11) Any licensee which does not report during
any one-year period net profits shall be required to
show cause before the licensing authority why its right
to conduct games of bingo should not be revoked.
(12) No person shall assist in the holding, operating or conducting of a bingo game under any license except bona fide active members of the licensee, active members of any organization which is an auxiliary to the licensee, active members of an organization of which the licensee is an auxiliary, or active members of an organization which is affiliated with the licensee by being with it auxiliary to another organization.

(13) No prize greater in the amount or value than one hundred dollars shall be offered or given in any single game of bingo conducted under any such license and the aggregate amount of all prizes offered or given in all games played on a single occasion shall not exceed three hundred dollars.

(14) The equipment used in the playing of bingo and the method of play shall be such that each card shall have an equal opportunity to be a winner. The objects or balls to be drawn shall be essentially the same as to size, color, shape, weight, balance and all other characteristics that may influence their selection.

All objects or balls shall be present in the receptacle
before each game is begun. All numbers announced shall be plainly and clearly audible to all the players present. Where more than one room is used for any one game, the receptacle and the caller must be present in the room where the greatest number of players is present, and all numbers announced shall be plainly audible to the players in the aforesaid room and also audible to the players in the other room or rooms. The cards or sheets of the players shall be part of a deck, group or series of cards, no two of which shall be alike, and which deck, group or series shall not be so prepared or arranged as to prefer any card.

(15) The receptacle and the caller must be visible to all the players at all times except where more than one room is used for any one game wherein the provisions of subsection fourteen shall prevail.

(16) The particular arrangement of numbers required to be covered in order to win the game and the amount of the prize shall be clearly and audibly described and announced to the players immediately before each game is begun.
(17) Any player shall be entitled to call for a verification of all numbers drawn at the time a winner is determined and for a verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the member designated to be in charge of the occasion, but if such member be also the caller, then in the immediate presence of an officer of the licensee.

(18) No game of any kind other than bingo, whether lawful or unlawful and whether any separate or additional charge or wager is required or not, shall be conducted or allowed on any occasion when bingo is played.

(19) In the playing of bingo, no person who is not physically present on the premises where the game is actually conducted shall be allowed to participate as a player in the game.

(20) No person shall act as a caller or assistant caller in the conduct of any game of bingo unless he has been a member in good standing of the licensee conducting such game or one of its licensed auxiliaries.
for at least one year immediately prior to the date of such game unless he is of good moral character and never been convicted of a felony.

(21) No owner, co-owner or lessee of premises, or if a corporation is the owner of the premises, any officer, director or stockholder owning more than ten percent of the outstanding stock shall be a person responsible for or assisting in the holding, operating or conducting of any game of bingo.


(1) On or before April fifteen, July fifteen, October fifteen and January fifteen of each year, the licensee shall file with the licensing authority upon forms prescribed by the licensing authority a duly verified statement covering the preceding calendar quarter showing the amount of the gross receipts derived during said periods from bingo games, the expenses incurred or paid, and a brief description of the classification of such expenses, the name and address of each person to whom has been paid three hundred dollars or more and the purpose of such expenditure, the net proceeds derived from each such bingo game, and the uses to which such net proceeds
have been or are to be applied; and it shall be the duty
of each licensee to maintain and keep such books and
records as may be necessary to substantiate the par-
ticulars of each such report.

(2) If a licensee fails to file reports within the time
required or if reports are not properly verified or not
fully, accurately and truthfully completed, any existing
license may be suspended until such time as the de-
fault has been corrected.

(3) All moneys collected or received from the sale of
admission, extra regular cards, special game cards, sale
of supplies and all other receipts from the games of
bingo shall be deposited in a special account of the licensee
which shall contain only such money. All expenses for
said game shall be withdrawn from said account by con-
secutively numbered checks duly signed by a specified
officer or officers of the licensee and payable to a specific
person or organization. There shall also be written on
the check the nature of the expense for which the check
is drawn. No check shall be drawn to "cash" or a fic-
titious payee.
(4) No part of the net profits after they have been given over to another organization shall be used by the donee organization to pay any person for services rendered or materials purchased in connection with the conducting of bingo by the donor organization.

(5) No items of expense shall be incurred or paid in connection with the holding, operating or conducting any bingo game pursuant to any license except bona fide expenses of a reasonable amount. Expenses may be incurred for only the following purposes: (a) The purchase of goods, wares and merchandise furnished; (b) payment for services rendered which are reasonably necessary for repairs of equipment, operating or conducting the game of bingo; (c) for rent if the premises are rented or for janitorial services if not rented; (d) for accountant’s fees; (e) license fees.

For this purpose, the following terms shall have the following meanings: “Goods, wares and merchandise” means prizes, equipment as defined in section three, articles of a minor nature such as pencils, crayons, tickets, envelopes, paper clips and coupons necessary to the
55 conduct of bingo games; "services rendered" means repair to equipment, reasonable compensation to a bookkeeper and/or accountant, for services in preparing financial reports for an amount not exceeding the total amount of fifteen dollars for each occasion, rental of premises not exceeding the amount of twenty-five dollars for each occasion except upon prior approval of a greater amount by the licensing authority, and a reasonable amount for janitorial services not exceeding a total amount of fifteen dollars for each occasion. On the day the statement of receipts is filed, as provided for in subsection (1) of this section, the licensee shall pay to the state licensing authority an amount equal to three percent of the net proceeds of any bingo game held, operated or conducted under the provisions of this article, which funds together with all administrative receipts, including license fees, collected by the state under this article shall be deposited in the general fund.

§61-13-10. Examination of books and records.

1 The licensing authority and its agents shall have power to examine or cause to be examined the books and records
of any licensee to which any such license is issued so far as they may relate to any transactions connected with the holding, operating and conducting of any bingo game.

§61-13-11. Forfeiture of license; ineligibility to apply for license.

Any person who shall make any false statement in any application for any such license or in any statement annexed thereto, or shall fail to keep sufficient books and records to substantiate the quarterly reports required hereunder, or shall falsify any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any bingo game under any such license or shall violate any of the provisions of this article or of any term of such license shall, if convicted, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under this article and shall be ineligible to apply for a license under this article for at least one year thereafter.

1 It shall be the duty of all sheriffs, constables, police
2 officers and members of the department of public safety
3 to enforce the provisions of this article and to arrest
4 and complain against any person violating any provisions
5 of this article. It shall be the duty of the prosecuting
6 attorney of the respective counties of the state to prose-
7 cute all violations of this article in the manner and
8 form as is now provided by law for the prosecutions
9 of crimes and misdemeanors and it shall be a violation
10 of this article for any such person or persons knowingly
11 to fail to perform his or her duty under this section.
12 Except as otherwise provided in this article, all pro-
13 visions of article twelve, chapter eleven of this code
14 with respect to the collection and payment of license
15 taxes shall likewise, so far as appropriate, be applicable to
16 the collection and payment of the license fees imposed by
17 this article and of the portion of the proceeds of any
18 bingo game required to be paid to the state licensing
19 authority under the provisions of section nine of this
20 article.

1 Every licensee and every officer, agent or employee
2 of the licensee and every other person or corporation
3 who wilfully violates or who procures, aids or abets in
4 the wilful violation of this article or the rules and regu-
5 lations promulgated thereunder shall be deemed guilty
6 of a misdemeanor, and, upon conviction, shall be pun-
7 ished by a fine of not more than one thousand dollars
8 or imprisonment in the county jail for not more than
9 three months, or both, in the discretion of the court.


1 If any provision of this article or the application
2 thereof to any person or circumstance is held invalid,
3 such invalidity shall not affect other provisions or appli-
4 cations of the article which can be given effect without
5 the invalid provision or application, and to this end
6 the provisions of this article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tappan
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Lamar Traylor
Clerk of the Senate

P.A. Blankenship
Clerk of the House of Delegates

Howard W. Crenshaw
President of the Senate

H. Bahan White
Speaker of the House of Delegates

The within disapproved this the 16

day of February, 1968.

Hulet C. Smith
Governor
PRESENTED TO THE
GOVERNOR

Date 2/13/68
Time 3:45 P.M.

FEB 13 11:13 PM '68
OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA