

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4107

(By Delegates Long, Perry, Caruth,
R. M. Thompson and Frederick)



Passed March 13, 2004

In Effect from Passage

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OFFICE WEST VIRGINIA
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E N R O L L E D

H. B. 4107

(BY DELEGATES LONG, PERRY, CARUTH,
R. M. THOMPSON AND FREDERICK)

[Passed March 13, 2004; in effect from passage.]

AN ACT to amend and reenact §47-20-11, §47-20-12a and §47-20-16 of the code of West Virginia, 1931, as amended; and to amend and reenact §47-21-12 and §47-21-16 of said code, all relating to charitable bingo and charitable raffles; allowing certain employees to operate bingo and raffle games; allowing game proceeds to be transferred, by check, between raffle and bingo accounts to offset losses; and allowing certain residents of other states to be employed by charitable bingo and charitable raffle operations.

Be it enacted by the Legislature of West Virginia:

That §47-20-11, §47-20-12a and §47-20-16 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that §47-21-12 and §47-21-16 of said code be amended and reenacted, all to read as follows:

ARTICLE 20. CHARITABLE BINGO.

§47-20-11. Operator of bingo games and related concessions.

1 (a) Except as provided in sections thirteen and twenty-two
2 of this article, the only persons, as defined in section two of this
3 article, that may participate in any manner in the conduct of any
4 bingo game or operate any concession in conjunction with a
5 bingo occasion are either:

6 (1) Residents of this state and who are active members of
7 the licensee organization or its authorized auxiliary organiza-
8 tion and who have been active members in good standing of the
9 licensee organization or its authorized auxiliary for at least two
10 years prior to the date of filing of the application for a charita-
11 ble bingo license or the most recent filing of an application for
12 renewal of the license; or

13 (2) Employees of the licensee organization or its authorized
14 auxiliary organization who are:

15 (A) Residents of this state;

16 (B) Residents of a state bordering this state if the county of
17 his or her residence is contiguous to the county in this state in
18 which the bingo operation is conducted; or

19 (C) Residents of a bordering state who reside within thirty-
20 five miles of the county in which the bingo operation is
21 conducted.

22 (b) Notwithstanding anything contained in this article to the
23 contrary, no individual under the age of eighteen years may
24 directly or indirectly participate in the conduct of a bingo game,
25 except for junior firefighters, in accordance with the provisions
26 of this article.

**§47-20-12a. Compensation of bingo operator; number of employ-
ees.**

1 (a) Within the guidelines set forth in subsections (b), (c)
2 and (d) of this section, a licensee may pay a salary, the mini-
3 mum of which is the federal minimum wage and the maximum
4 of which is six dollars and fifty cents per hour, to operators of
5 bingo games who are either:

6 (1) Active members of the licensee organization and who
7 have been active members in good standing for at least two
8 years prior to the date of filing of the application for a charita-
9 ble bingo license or the most recent filing of an application for
10 renewal of the license; or

11 (2) Employees of the licensee organization or its authorized
12 auxiliary organization who are:

13 (A) Residents of this state;

14 (B) Residents of a state bordering this state if the county of
15 his or her residence is contiguous to the county in this state in
16 which the bingo operation is conducted; or

17 (C) Residents of a bordering state who reside within thirty-
18 five miles of the county in which the bingo operation is
19 conducted.

20 (b) If the licensee's gross receipts from bingo occasions
21 equal or exceed one hundred thousand dollars for the licensee's
22 most recently filed annual financial report, a salary may be paid
23 to not more than eight operators.

24 (c) If the licensee's gross receipts from bingo occasions are
25 less than one hundred thousand dollars, but equal or exceed
26 fifty thousand dollars for the licensee's most recently filed
27 annual financial report, a salary may be paid to not more than
28 five operators.

29 (d) If the licensee's gross receipts from bingo occasions are
30 less than fifty thousand dollars for the licensee's most recently
31 filed annual financial report, a salary may be paid to not more
32 than three operators.

33 (e) If the licensee also possesses a super bingo license, it
34 may pay a salary to not more than fifteen operators during the
35 super bingo occasion.

36 (f) In the case of a licensee lawfully holding a charitable
37 bingo occasion simultaneously with a charitable raffle occasion,
38 the number of paid charitable bingo operator employees
39 allowed under this limitation for bingo licensees is in addition
40 to the number of charitable raffle operator employees allowed
41 under section fifteen, article twenty-one of this chapter.
42 Licensees holding simultaneous occasions shall pay bingo
43 operators from the proceeds of bingo operations and shall pay
44 raffle operators from the proceeds of raffle operations and the
45 charitable bingo fund and the charitable raffle fund and
46 payments from the funds may not be commingled.

47 (g) For purposes of the limitations set forth in this section,
48 the term "operator" or "bingo operator" or "raffle operator"
49 does not include concession stand workers. Wages paid to
50 concession workers may not exceed six dollars and fifty cents
51 per hour.

§47-20-16. Records; commissioner audit.

1 Any licensee which holds a bingo occasion as provided by
2 this article shall maintain a separate checking account and
3 separate book-keeping procedure for its bingo operations:
4 *Provided*, That nothing in this article restricts a licensee from
5 transferring moneys in the account from a bingo occasion to an
6 account created under section sixteen, article twenty-one of this
7 chapter in an amount not to exceed the actual loss of the raffle

8 occasion receiving the transfer: *Provided, however,* That money
9 transferred shall be withdrawn only by checks having
10 preprinted consecutive numbers and made payable to the
11 account created under section sixteen, article twenty-one of this
12 code. Money for expenses shall be withdrawn only by checks
13 having preprinted consecutive numbers and made payable to a
14 specific person, firm or corporation and at no time shall a check
15 be made payable to cash. A licensee shall maintain all records
16 required by this article for at least three years and the records
17 shall be open to the commissioner for reasonable inspection.
18 Whenever the tax commissioner has reasonable cause to believe
19 a licensee has violated any of the provisions of this article, he
20 or she may perform or cause to be performed an audit of the
21 licensee's books and records: *Provided further,* That the tax
22 commissioner shall perform or cause to be performed an audit
23 of the books and records of any licensee that has awarded total
24 prizes in excess of one hundred seventy-five thousand dollars.
25 The tax commissioner shall file a copy of the completed audit
26 with the county commission of the county wherein the licensee
27 holds bingo occasions.

ARTICLE 21. CHARITABLE RAFFLES.

§47-21-12. Compensation.

1 (a) A licensee may pay a salary, the minimum of which is
2 the federal minimum wage and the maximum of which is six
3 dollars and fifty cents per hour, to operators of charitable raffle
4 games who are either:

5 (1) Active members of the licensee organization and who
6 have been active members in good standing for at least two
7 years prior to the date of filing of the application for a charita-
8 ble raffle license or the most recent filing of an application for
9 renewal of the license; or

10 (2) Employees of the licensee organization or its authorized
11 auxiliary organization who are:

12 (A) Residents of this state;

13 (B) Residents of a state bordering this state if the county of
14 his or her residence is contiguous to the county in this state in
15 which the raffle operation is conducted; or

16 (C) Residents of a bordering state who reside within thirty-
17 five miles of the county in which the raffle operation is con-
18 ducted.

19 (b) If the licensee's gross receipts from raffle occasions
20 equal or exceed one hundred thousand dollars for the licensee's
21 most recently filed annual financial report, a salary may be paid
22 to not more than eight operators.

23 (c) If the licensee's gross receipts from charitable raffle
24 occasions are less than one hundred thousand dollars, but equal
25 or exceed fifty thousand dollars for the licensee's most recently
26 filed annual financial report, a salary may be paid to not more
27 than five operators.

28 (d) If the licensee's gross receipts from charitable raffle
29 occasions are less than fifty thousand dollars for the licensee's
30 most recently filed annual financial report, a salary may be paid
31 to no more than three operators.

32 (e) In the case of a licensee lawfully holding a charitable
33 bingo occasion simultaneously with a charitable raffle occasion,
34 the number of paid charitable raffle operator employees allowed
35 under this limitation for charitable raffle licensees is in addition
36 to the number of charitable bingo operator employees allowed
37 under section twelve-a, article twenty of this chapter. Licensees
38 holding simultaneous occasions shall pay bingo operators from
39 the proceeds of bingo operations and shall pay raffle operators

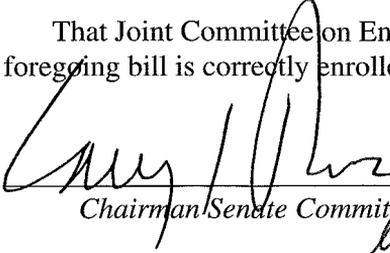
40 from the proceeds of raffle operations and the charitable bingo
41 fund and the charitable raffle fund and payments from the funds
42 may not be commingled.

43 (f) For purposes of the limitations set forth in this section,
44 the term “operator” or “bingo operator” or “raffle operator” do
45 not include concession stand workers. Wages paid to conces-
46 sion workers may not exceed six dollars and fifty cents per
47 hour.

§47-21-16. Records; commissioner audit.

1 Any licensee which holds a raffle occasion as provided by
2 this article shall maintain a separate account and separate book-
3 keeping procedure for its raffle operations: *Provided*, That
4 nothing in this article restricts a licensee from transferring
5 moneys in the account from a raffle occasion to an account
6 created under section sixteen, article twenty of this chapter in
7 an amount not to exceed the actual loss of the bingo occasion
8 receiving the transfer: *Provided, however*, That money trans-
9 ferred shall be withdrawn only by checks having preprinted
10 consecutive numbers and made payable to the account created
11 under section sixteen, article twenty of this code. All records
12 required by this article shall be maintained for at least three
13 years and shall be open to the commissioner for reasonable
14 inspection. Whenever the commissioner has reasonable cause
15 to believe a licensee has violated any of the provisions of this
16 article, he may perform or cause to be performed an audit of the
17 licensee’s books and records.

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

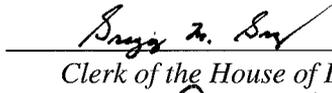

Chairman Senate Committee

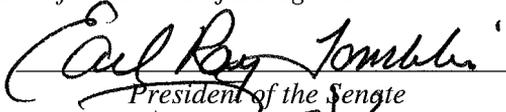

Chairman House Committee

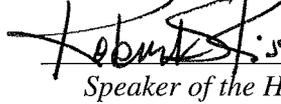
Originating in the House.

In effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 15th
day of April, 2004.


Governor

no 3/26/04
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