WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4327

(By Delegates Fragale and Iaquinta)

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Passed February 20, 2008

In Effect Ninety Days from Passage
AN ACT to amend and reenact §47-20-12a of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-21-12 of said code, all relating to charitable bingo and charitable raffles; amending the range of compensation which may be paid to operators of charitable bingo and charitable raffles; and amending the range of compensation which may be paid to concession workers.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 20. CHARITABLE BINGO.

§47-20-12a. Compensation of bingo operator; number of employees.

(a) Within the guidelines set forth in subsections (b), (c) and (d) of this section, a licensee may pay a salary, the minimum of which is the federal minimum wage and the
maximum of which is not more than one hundred and twenty percent of the state minimum wage to operators of bingo games who are either:

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

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

A) Residents of this state;

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

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

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

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

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

(e) If the licensee also possesses a super bingo license, it may pay a salary to not more than fifteen operators during the super bingo occasion.
(f) In the case of a licensee lawfully holding a charitable bingo occasion simultaneously with a charitable raffle occasion, the number of paid charitable bingo operator employees allowed under this limitation for bingo licensees is in addition to the number of charitable raffle operator employees allowed under section fifteen, article twenty-one of this chapter. Licensees holding simultaneous occasions shall pay bingo operators from the proceeds of bingo operations and shall pay raffle operators from the proceeds of raffle operations and the charitable bingo fund and the charitable raffle fund and payments from the funds may not be commingled.

(g) For purposes of the limitations set forth in this section, the term "operator" or "bingo operator" or "raffle operator" does not include concession stand workers. Wages paid to concession workers may not exceed more than one hundred and twenty percent of the state minimum wage.

ARTICLE 21. CHARITABLE RAFFLES.


(a) A licensee may pay a salary, the minimum of which is the federal minimum wage and the maximum of which is not more than one hundred and twenty percent of the state minimum wage to operators of charitable raffle games who are either:

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

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

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

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

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

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

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

(e) In the case of a licensee lawfully holding a charitable
bingo occasion simultaneously with a charitable raffle
occasion, the number of paid charitable raffle operator
employees allowed under this limitation for charitable raffle
licensees is in addition to the number of charitable bingo
operator employees allowed under section twelve-a, article
twenty of this chapter. Licensees holding simultaneous
occasions shall pay bingo operators from the proceeds of
bingo operations and shall pay raffle operators from the
proceeds of raffle operations and the charitable bingo fund
and the charitable raffle fund and payments from the funds
may not be commingled.

(f) For purposes of the limitations set forth in this section,
the term "operator" or "bingo operator" or "raffle operator"
do not include concession stand workers. Wages paid to
concession workers may not exceed more than one hundred
and twenty percent of the state minimum wage.
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 ninety days 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 hereby approved this the 28th day of [illegible] 2008.

Governor
PRESENTED TO THE GOVERNOR

FEB 22 2008

Time 3:25 PM