

HIB 4327

FILED

2008 FEB 28 AM 11:42

OFFICE OF THE  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SECOND REGULAR SESSION, 2008**

---

**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4327**

(By Delegates Fragale and Iaquinta)

---

Passed February 20, 2008

In Effect Ninety Days from Passage

FILED

E N R O L L E D 2008 FEB 28 AM 11:42

OFFICE OF THE SECRETARY  
COMMITTEE SUBSTITUTE SECRETARY OF STATE

FOR

H. B. 4327

(BY DELEGATES FRAGALE AND IAQUINTA)

---

[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.**

- 1       (a) Within the guidelines set forth in subsections (b), (c)
- 2       and (d) of this section, a licensee may pay a salary, the
- 3       minimum of which is the federal minimum wage and the

4 maximum of which is not more than one hundred and twenty  
5 percent of the state minimum wage to operators of bingo  
6 games who are either:

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

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

14 (A) Residents of this state;

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

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

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

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

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

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

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

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

## **ARTICLE 21. CHARITABLE RAFFLES.**

### **§47-21-12. Compensation.**

1       (a) A licensee may pay a salary, the minimum of which  
2 is the federal minimum wage and the maximum of which is  
3 not more than one hundred and twenty percent of the state  
4 minimum wage to operators of charitable raffle games who  
5 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  
9 charitable raffle license or the most recent filing of an  
10 application for renewal of the license; or

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

13       (A) Residents of this state;

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

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

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

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

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

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

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

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

Karen White  
Chairman Senate Committee

J. W. L.  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell Holmer  
Clerk of the Senate

Bugay S. Say  
Clerk of the House of Delegates

Carl Ray Tomlin  
President of the Senate

Speaker of the House of Delegates

The within 14 Appressed this the 28th  
day of February 2008.

E. M. J.  
Governor

PRESENTED TO THE  
GOVERNOR

FEB 22 2008

Time 3:25 pm