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HOUSE BILL NO. 1302

Offered January 21, 2016

A *BILL to amend and reenact §§ 18.2-340.27 and 18.2-340.33 of the Code of Virginia, relating to charitable gaming; conduct of bingo games.*

Patron—Hodges

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.27 and 18.2-340.33 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-340.27. Conduct of bingo games; special permits.

A. A qualified organization shall accept only cash or, at its option, checks or debit cards in payment of any charges or assessments for players to participate in bingo games. However, no such organization shall accept postdated checks in payment of any charges or assessments for players to participate in bingo games.

B. No qualified organization or any person on the premises shall extend lines of credit or accept any credit or other electronic fund transfer other than debit cards in payment of any charges or assessments for players to participate in bingo games.

C. Bingo games may be held by qualified organizations no more frequently than ~~two~~ *four* calendar days in any calendar week, except in accordance with subsection E.

D. No more than ~~two sessions of 55~~ bingo games may be held by qualified organizations in any calendar day, ~~nor shall there be more than 55 bingo games per session.~~

E. A special permit may be granted a qualified organization which entitles it to conduct more frequent operations of bingo games during carnivals, fairs and state, federal or religious holidays, which shall be designated in the permit.

F. Any organization may conduct bingo games only in the county, city or town or in any adjoining county, city or town in which they regularly have been in existence or met. The Department may approve exceptions to this requirement where there is a special circumstance or documented need.

§ 18.2-340.33. Prohibited practices.

In addition to those other practices prohibited by this article, the following acts or practices are prohibited:

1. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) reasonable and proper gaming expenses, (ii) reasonable and proper business expenses, (iii) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized, and (iv) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (iv), such expenses may include the expenses of a corporation formed for the purpose of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity is qualified as a tax exempt organization under § 501(c) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Except as provided in § 18.2-340.34:1, no qualified organization shall enter into a contract with or otherwise employ for compensation any person for the purpose of organizing, managing, or conducting any charitable games. However, organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs associated with providing clerical assistance in the management and operation but not the conduct of charitable gaming.

The provisions of this subdivision shall not prohibit the joint operation of bingo games held in accordance with § 18.2-340.29.

3. No person shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of any charitable games, any consideration in excess of the current fair market rental value of such property. Fair market rental value consideration shall not be based upon or determined by reference to a percentage of the proceeds derived from the operation of any charitable games or to the number of people in attendance at such charitable games.

4. No building or other premises shall be utilized in whole or in part for the purpose of conducting charitable gaming more frequently than ~~two~~ *four* calendar days in any one calendar week. ~~However, no building or other premises owned by (i) a qualified organization which is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code or (ii) any county, city or town shall be utilized in whole or in~~

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59 part for the purpose of conducting bingo games more frequently than four calendar days in any one
60 calendar week.

61 The provisions of this subdivision shall not apply to (i) any building or other premises owned by (a)
62 a qualified organization that is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code
63 or (b) any county, city or town or (ii) the playing of bingo games pursuant to a special permit issued in
64 accordance with § 18.2-340.27.

65 5. No person shall participate in the management or operation of any charitable game unless such
66 person is and, for a period of at least 30 days immediately preceding such participation, has been a bona
67 fide member of the organization. For any organization that is not composed of members, a person who
68 is not a bona fide member may volunteer in the conduct of a charitable game as long as that person is
69 directly supervised by a bona fide official member of the organization.

70 The provisions of this subdivision shall not apply to (i) persons employed as clerical assistants by
71 qualified organizations composed of or for deaf or blind persons; (ii) employees of a corporate sponsor
72 of a qualified organization, provided such employees' participation is limited to the management,
73 operation or conduct of no more than one raffle per year; (iii) the spouse or family member of any such
74 bona fide member of a qualified organization provided at least one bona fide member is present; or (iv)
75 persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance
76 with § 18.2-340.16, provided (a) such sales are conducted by no more than two on-duty employees, (b)
77 such employees receive no compensation for or based on the sale of the pull tabs or seal cards, and (c)
78 such sales are conducted in the private social quarters of the organization.

79 6. No person shall receive any remuneration for participating in the management, operation or
80 conduct of any charitable game, except that:

81 a. Persons employed by organizations composed of or for deaf or blind persons may receive
82 remuneration not to exceed \$30 per event for providing clerical assistance in the management and
83 operation but not the conduct of charitable games only for such organizations;

84 b. Persons under the age of 19 who sell raffle tickets for a qualified organization to raise funds for
85 youth activities in which they participate may receive nonmonetary incentive awards or prizes from the
86 organization;

87 c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which
88 such bingo games are played for providing uniformed security for such bingo games even if such officer
89 is a member of the sponsoring organization, provided the remuneration paid to such member is in
90 accordance with off-duty law-enforcement personnel work policies approved by the local
91 law-enforcement official and further provided that such member is not otherwise engaged in the
92 management, operation or conduct of the bingo games of that organization, or to private security
93 services businesses licensed pursuant to § 9.1-139 providing uniformed security for such bingo games,
94 provided that employees of such businesses shall not otherwise be involved in the management,
95 operation, or conduct of the bingo games of that organization;

96 d. A member of a qualified organization lawfully participating in the management, operation or
97 conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for
98 on-premises consumption during the bingo game provided the food and beverages are provided in
99 accordance with Board regulations; and

100 e. Remuneration may be paid to bingo managers or callers who have a current registration certificate
101 issued by the Department in accordance with § 18.2-340.34:1, or who are exempt from such registration
102 requirement. Such remuneration shall not exceed \$100 per session.

103 7. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the
104 conduct, management, or operation of any bingo games; (ii) sell, lease or otherwise provide for
105 consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, or other
106 game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer,
107 distributor or supplier of bingo supplies or equipment be used by the organization.

108 The provisions of this subdivision shall not apply to any qualified organization conducting bingo
109 games on its own behalf at premises owned by it.

110 8. No qualified organization shall enter into any contract with or otherwise employ or compensate
111 any member of the organization on account of the sale of bingo supplies or equipment.

112 9. No organization shall award any bingo prize money or any merchandise valued in excess of the
113 following amounts:

114 a. No bingo door prize shall exceed \$50 for a single door prize or \$250 in cumulative door prizes in
115 any one session;

116 b. No regular bingo or special bingo game prize shall exceed \$100;

117 c. No instant bingo, pull tab, or seal card prize for a single card shall exceed \$1,000;

118 d. Except as provided in subdivision 9, no bingo jackpot of any nature whatsoever shall exceed
119 \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one session exceed \$1,000.
120 Proceeds from the sale of bingo cards and the sheets used for bingo jackpot games shall be accounted

for separately from the bingo cards or sheets used for any other bingo games; and

e. No single network bingo prize shall exceed \$25,000. Proceeds from the sale of network bingo cards shall be accounted for separately from bingo cards and sheets used for any other bingo game.

10. The provisions of subdivision 9 shall not apply to:

Any progressive bingo game, in which (a) a regular or special prize, not to exceed \$100, is awarded on the basis of predetermined numbers or patterns selected at random and (b) a progressive prize, not to exceed \$500 for the initial progressive prize and \$5,000 for the maximum progressive prize, is awarded if the predetermined numbers or patterns are covered when a certain number of numbers is called, provided (i) there are no more than six such games per session per organization, (ii) the amount of increase of the progressive prize per session is no more than \$100, (iii) the bingo cards or sheets used in such games are sold separately from the bingo cards or sheets used for any other bingo games, (iv) the organization separately accounts for the proceeds from such sale, and (v) such games are otherwise operated in accordance with the Department's rules of play.

11. No organization shall award any raffle prize valued at more than \$100,000.

The provisions of this subdivision shall not apply to a raffle conducted no more than once per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501(c) of the Internal Revenue Code for a prize consisting of a lot improved by a residential dwelling where 100 percent of the moneys received from such a raffle, less deductions for the fair market value for the cost of acquisition of the land and materials, are donated to lawful religious, charitable, community, or educational organizations specifically chartered or organized under the laws of the Commonwealth and qualified as a § 501(c) tax-exempt organization.

12. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the management and operation but not the conduct of any charitable games shall conduct such games unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.

13. No person shall participate in the management or operation of any charitable game if he has ever been convicted of any felony or if he has been convicted of any misdemeanor involving fraud, theft, or financial crimes within the preceding five years. No person shall participate in the conduct of any charitable game if, within the preceding 10 years, he has been convicted of any felony or if, within the preceding five years he has been convicted of any misdemeanor involving fraud, theft, or financial crimes. In addition, no person shall participate in the management, operation or conduct of any charitable game if that person, within the preceding five years, has participated in the management, operation, or conduct of any charitable game which was found by the Department or a court of competent jurisdiction to have been operated in violation of state law, local ordinance or Board regulation.

14. Qualified organizations jointly conducting bingo games pursuant to § 18.2-340.29 shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, or any other practice prohibited under this section.

15. A qualified organization shall not purchase any charitable gaming supplies for use in the Commonwealth from any person who is not currently registered with the Department as a supplier pursuant to § 18.2-340.34.

16. Unless otherwise permitted in this article, no part of an organization's charitable gaming gross receipts shall be used for an organization's social or recreational activities.