

972069180

## SENATE BILL NO. 757

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws  
on February 12, 1997)

(Patron Prior to Substitute—Senator Colgan)

*A BILL to amend and reenact §§ 2.1-1.5, 2.1-1.9, 2.1-20.4, 2.1-51.27, 2.1-342, 9-6.25:3, 18.2-334.2, 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22, 18.2-340.23, 18.2-340.25, 18.2-340.26, 18.2-340.28, and 18.2-340.30 through 18.2-340.34 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 8 of Title 18.2 an article numbered 1.1:2, consisting of sections numbered 18.2-340.39 through 18.2-340.52; and to repeal Article 1.1:1 (§§ 18.2-340.15 through 18.2-340.38) of Chapter 8 of Title 18.2 of the Code of Virginia, relating to charitable gaming; penalties.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 18.2-340.16, 18.2-340.18, 18.2-340.19, 18.2-340.20, 18.2-340.22, 18.2-340.23, 18.2-340.25, 18.2-340.26, 18.2-340.28, and 18.2-340.30 through 18.2-340.34 of the Code of Virginia are amended and reenacted as follows:**

§ 18.2-340.16. Definitions.

As used in this article unless the context requires a different meaning:

"Bingo" means a specific game of chance played with individual cards having randomly numbered squares ranging from one to seventy-five *or Commission-approved electronic devices which display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called*, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random. Such cards shall have five columns headed respectively by the letters B.I.N.G.O., with each column having five randomly numbered squares; ~~except the center column which shall contain one free space.~~

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles and games of chance explicitly authorized by this article.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards *and seal cards*, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games.

"Commission" means the Charitable Gaming Commission.

"Gross receipts" means the total amount of money received by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo" means a specific game of chance played by the random selection of one or more individually prepacked cards, made completely of paper or paper products, with winners being determined by the preprinted appearance of concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card which conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game, exclusive of a "winner-take-all" bingo game, in which (i) all numbers on the card are covered, each number being selected at random, and with no more than one free space and (ii) the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, or employee thereof, which owns and leases, or leases any premise devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Organization" means any one of the following:

1. A ~~voluntary~~ *volunteer* fire department or rescue squad or auxiliary unit thereof which has been recognized by an ordinance or resolution of the political subdivision where the ~~voluntary~~ *volunteer* fire department or rescue squad is located as being a part of the safety program of such political subdivision;

2. An organization operated exclusively for religious, charitable, community or educational purposes;

3. An association of war veterans or auxiliary units thereof organized in the United States; ~~or~~

4. A fraternal association or corporation operating under the lodge system; *or*

5. A *local chamber of commerce*.

"Qualified organization" means any organization to which a valid permit has been issued by the Commission to conduct charitable gaming or any organization which is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or

60 prearranged number of one or more persons purchasing chances or (ii) a random contest in which the  
61 winning name or preassigned number of one or more persons purchasing chances is determined by a  
62 race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

63 For the purpose of this article, "raffle" shall include the use of individually prepackaged cards made  
64 completely of paper or paper products, with winners being determined by the appearance of preprinted  
65 concealed letters, numbers or symbols that must be exposed by the player to determine wins and losses,  
66 such cards being commonly referred to as "pull tabs" or "seal cards." Such cards may be dispensed by  
67 electronic or mechanical equipment.

68 "Supplier" means any person who offers to sell, sells or otherwise provides charitable gaming  
69 supplies to any qualified organization.

70 § 18.2-340.18. Powers and duties of the Commission.

71 The Commission shall have all powers and duties necessary to carry out the provisions of this article  
72 and to exercise the control of charitable gaming as set forth in § 18.2-340.15. Such powers and duties  
73 shall include but not be limited to the following:

74 1. The Commission is vested with jurisdiction and supervision over all charitable gaming authorized  
75 under the provisions of this article and including all persons that conduct or provide goods, services or  
76 premises used in the conduct of charitable gaming. It may employ such persons as are necessary to  
77 ensure that charitable gaming is conducted in conformity with the provisions of this article and the  
78 regulations of the Commission. The Commission may designate such agents and employees as it deems  
79 necessary and appropriate to be vested with like power to enforce the provisions of this article and the  
80 criminal laws of the Commonwealth as is vested in the chief law-enforcement officer of any county, city  
81 or town.

82 2. The Commission, its agents and employees and any law-enforcement officers charged with the  
83 enforcement of charitable gaming laws shall have free access to the offices, facilities or any other place  
84 of business of any organization, including any premises devoted in whole or in part to the conduct of  
85 charitable gaming. These individuals may enter such places or premises for the purpose of carrying out  
86 any duty imposed by this article, securing records required to be maintained by an organization,  
87 investigating complaints, or conducting audits.

88 3. The Commission may compel the production of any books, documents, records, or memoranda of  
89 any organizations or supplier for the purpose of satisfying itself that this article and its regulations are  
90 strictly complied with. In addition, the Commission may require the production of an annual balance  
91 sheet and operating statement of any person granted a permit pursuant to the provisions of this article  
92 and may require the production of any contract to which such person is or may be a party.

93 4. The Commission shall promulgate regulations under which charitable gaming shall be conducted  
94 in the Commonwealth and all such other regulations that it deems necessary and appropriate to effect  
95 the purposes of this article. Such regulations may include penalties for violations. The regulations shall  
96 be subject to the Administrative Process Act (§ 9-6.14:1 et seq.).

97 5. The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths,  
98 and compel production of records or other documents and testimony of such witnesses whenever, in the  
99 judgment of the Commission, it is necessary to do so for the effectual discharge of its duties.

100 6. The Commission may compel any person holding a permit to file with the Commission such  
101 documents, information or data as shall appear to the Commission to be necessary for the performance  
102 of its duties.

103 7. The Commission may enter into arrangements with any governmental agency of this or any other  
104 state or any locality in the Commonwealth for the purposes of exchanging information or performing  
105 any other act to better ensure the proper conduct of charitable gaming.

106 8. The Commission may issue interim certification of tax-exempt status and collect a fee therefor in  
107 accordance with subsection B of § 18.2-340.24.

108 9. The Commission shall report annually to the Governor and the General Assembly, which report  
109 shall include a financial statement of the operation of the Commission and any recommendations for  
110 legislation applicable to charitable gaming in the Commonwealth.

111 10. The Commission, its agents and employees may conduct such audits, in addition to those  
112 required by § 18.2-340.31, as they deem necessary and desirable.

113 11. The Commission may limit the number of organizations for which a person may manage, operate  
114 or conduct charitable games.

115 12. The Commission may report any alleged criminal violation of this article to the appropriate  
116 attorney for the Commonwealth for appropriate action.

117 13. *The Commission may, by regulation, approve variations to the card formats for bingo games*  
118 *provided such variations result in bingo games which are conducted in a manner consistent with the*  
119 *provisions of this article. Commission-approved variations may include, but are not limited to such*  
120 *bingo games commonly referred to as player selection games and 90-number bingo.*

121 § 18.2-340.19. Regulations of the Commission.

The Commission shall adopt regulations which:

1. Require, as a condition of receiving a permit, that the applicant use a predetermined percentage of its gross receipts for (i) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community or educational purposes. The regulation may provide for a graduated scale of percentages of gross receipts to be used in the foregoing manner based upon factors the Commission finds appropriate to and consistent with the purpose of charitable gaming.

2. Require the organization to have at least fifty percent of its membership consist of residents of the Commonwealth and specify the conditions under which a complete list of the organization's ~~membership~~ *members who participate in the management, operation or conduct of charitable gaming*, may be required in order for the Commission to ascertain the percentage of Virginia residents; however, if an organization (i) does not consist of bona fide members and (ii) is exempt under § 501 (c) (3) of the United States Internal Revenue Code, the Commission shall exempt such organizations from the regulations adopted pursuant to this subdivision.

Membership lists furnished to the Commission in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.1-340 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with § 18.2-340.30.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming.

6. *Establish conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation or conduct of bingo and (ii) permit members who participate in the management, operation or conduct of bingo to play bingo.*

7. *Prescribe the conditions under which persons who are bona fide members of a qualified organization or the child of a bona fide member of such organization may participate in the conduct or operation of bingo, so that any child above the age of 11 is not stopped from participating in the operation or conduct of bingo.*

8. *Shall not limit by age the playing of bingo.*

§ 18.2-340.20. Denial, suspension or revocation of permit; hearings and appeals.

A. The Commission may deny, suspend or revoke the permit of any organization found not to be in strict compliance with the provisions of this article and the regulations of the Commission. *The action of the Commission in denying, suspending, or revoking any permit shall be subject to the Administrative Process Act (§ 9-6.14:1 et seq.).*

B. *Except as provided in §§ 18.2-340.30 and 18.2-340.36, no permit to conduct charitable gaming shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for the hearing. At the discretion of the Commission, hearings may be conducted by hearing officers who shall be selected from the list prepared by the Executive Secretary of the Supreme Court. After a hearing on the issues, the Commission may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article or the regulations of the Commission.*

C. Any person aggrieved by a refusal of the Commission to issue any permit, the suspension or revocation of a permit, or any other action of the Commission, may seek review of such action in accordance with Article 4 (§ 9-6.14:15 et seq.) of the Administrative Process Act.

§ 18.2-340.22. Only raffles, bingo and instant bingo games permitted; prizes not gaming contracts.

A. This article permits qualified organizations ~~and organizations exempted under § 18.2-340.23 from obtaining a permit~~ to conduct raffles, bingo and instant bingo games. All games not explicitly authorized by this article *or Commission regulations adopted in accordance with § 18.2-340.18* are prohibited.

B. The award of any prize money for any charitable game shall not be deemed to be part of any gaming contract within the purview of § 11-14.

C. Nothing in this article shall prohibit an organization from using the State Lottery Department's Pick-3 number or any number or other designation selected by the State Lottery Department in connection with any lottery, as the basis for determining the winner of a raffle.

§ 18.2-340.23. Organizations exempt from certain permit, financial reporting and audit requirements.

A. Any organization that reasonably expects to realize gross receipts of \$25,000 or less in any twelve-month period and a volunteer fire department or rescue squad or auxiliary unit thereof which has been recognized by an ordinance or resolution of the political subdivision where the [ ~~voluntary~~ *volunteer* ] fire department or rescue squad is located as being a part of the safety program of such political subdivision shall be exempt from the requirements of § 18.2-340.25 if, prior to conducting

charitable gaming, it notifies the Commission, on a form prescribed by the Commission, that it will conduct charitable gaming. Any such organizations also shall be exempt from the financial reporting and audit requirements of this article and the payment of audit fees but shall file with the Commission, at such time or times as may be required by the Commission, a resolution of its board of directors stating that the organization has complied with the provisions of this article. If any of the organization's actual gross receipts for the twelve-month period exceed \$25,000, the Commission may require the organization to file by a specified date the report required by § 18.2-340.30. ~~Nothing in this section shall prevent the Commission from conducting any investigation or audit it deems appropriate to ensure the organization's compliance with the provisions of this article or the Commission's regulations.~~

*B. No organization that reasonably expects to realize gross receipts of \$25,000 or less in any twelve-month period shall be required to (i) notify the Commission of its intention to conduct charitable gaming, (ii) file a resolution of its board of directors as required by subsection A, or (iii) comply with Commission regulations.*

*C. Nothing in this section shall prevent the Commission from conducting any investigation or audit it deems appropriate to ensure an organization's compliance with the provisions of this article or the Commission's regulations.*

§ 18.2-340.25. Annual permit required; application fee; form of application.

A. Except as provided for in § 18.2-340.23, prior to the commencement of any charitable game, an organization shall obtain an annual permit from the Commission.

B. All *complete* applications for a permit shall be acted upon by the Commission within ~~sixty~~ *thirty* days from the filing thereof. Upon compliance by the applicant with the provisions of this article, and at the discretion of the Commission, a permit may be issued. All permits when issued shall be valid for the period specified in the permit unless it is sooner suspended or revoked. The application shall be a matter of public record.

All permits shall be subject to regulation by the Commission to ensure the public safety and welfare in the operation of charitable games. The permit shall only be granted after a reasonable investigation has been conducted by the Commission.

C. In no case shall an organization receive more than one permit allowing it to conduct charitable gaming; however, nothing in this section shall be construed to prohibit granting special permits pursuant to § 18.2-340.27.

D. Application for a charitable gaming permit shall be made on forms prescribed by the Commission and shall be accompanied by payment of the fee for processing the application.

§ 18.2-340.26. Sale of raffle tickets; drawings.

A qualified organization may sell raffle tickets both in and out of the jurisdiction designated in its permit and shall conduct the drawing within the Commonwealth; however, ~~pull-tab devices~~ *pull-tabs or seal-cards* used as part of a raffle as defined in § 18.2-340.16 may be sold only upon the premises owned or exclusively leased by the organization and at such times as the portion of the premises in which the ~~pull-tab devices~~ *pull-tabs or seal-cards* are sold is open only to members and their guests.

§ 18.2-340.28. Conduct of instant bingo.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article may play instant bingo as a part of such bingo game and only at such location and at such times as designated in the permit for regular bingo games.

~~B. The gross receipts in the course of a reporting year from the playing of instant bingo shall not exceed fifty percent of the gross receipts of an organization's bingo operation.~~

C. Any organization conducting instant bingo shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such instant bingo supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this subsection. Instant bingo supplies shall be paid for only by check drawn on an account of the organization. ~~During the conduct of instant bingo, the supplier's invoice, or a legible true copy thereof, for the instant bingo supplies being used shall be maintained by the organization on the premises where the instant bingo is being conducted.~~

~~D.C.~~ No qualified organization shall sell any instant bingo card to any individual under eighteen years of age.

§ 18.2-340.30. Reports of gross receipts and disbursements required; form of reports; failure to file.

A. Each qualified organization shall keep a complete record of all receipts from its charitable gaming operation and all disbursements related to such operation. ~~Each~~ *Except as provided in § 18.2-340.23,* each qualified organization shall file at least annually, on a form prescribed by the Commission, a report of all such receipts and disbursements, the amount of money on hand attributable to charitable gaming as of the end of the period covered by the report and any other information related to its charitable gaming operation that the Commission may require. In addition, the Commission, by regulation, may require any qualified organization whose receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. All reports filed per this section

shall be a matter of public record.

B. All reports required by this section shall be acknowledged in the presence of a notary public and filed on or before the date prescribed by the Commission.

C. The *annual* financial report shall be accompanied by a certificate, verified under oath, by the board of directors or the executive committee, if any, of the organization stating that the proceeds of charitable gaming have been used only for those purposes specified in § 18.2-340.19 and that the operation of the charitable games has been in accordance with the provisions of this article.

D. Any qualified organization having annual gross receipts from charitable gaming in excess of \$250,000, as shown on its annual financial report, shall attach to such report an opinion of a licensed independent certified public accountant that in all material respects (i) the annual financial report fairly presents beginning cash, receipts, operating costs, use of proceeds, and ending cash; (ii) the proceeds of all charitable games have been used for those purposes specified in § 18.2-340.19; and (iii) the gross receipts have been used in accordance with the provisions of this article. The opinion required by this subsection shall be in addition to any other opinion that may be required by the Commission.

E. *D. Except as provided in § 18.2-340.23, each qualified organization shall designate an individual who shall be responsible for filing an annual, and, if required, quarterly, financial report if the organization goes out of business or otherwise ceases to conduct charitable gaming activities. The Commission shall require such reports as it deems necessary until all proceeds of any charitable gaming have been used for the purposes specified in § 18.2-340.19 or have been disbursed in a manner approved by the Commission.*

F. *E. Each qualified organization shall maintain (i) for three years (i) a written record of the dates on which bingo games are played, the number of people in attendance on each date and the amount of the gross receipts and prizes paid on each day; (ii) a record of the name and address of each individual to whom a regular or special bingo game prize or jackpot from the playing of bingo is awarded, as well as the amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.*

G. *F. The failure to file reports when due and, when required, the opinion of a licensed independent certified public accountant in accordance with subsection D, shall cause the automatic revocation of the permit, and no organization shall conduct any bingo game or raffle thereafter until the report or the opinion is properly filed and a new permit is obtained. The Commission may grant an extension of the permit for no more than 45 days when an organization has contacted the Commission to request an extension and files the required documents and reports within 15 days of requesting the extension. The permit, if an extension is granted, shall not terminate and if the Commission approves, no new permit shall be required. The organization shall be allowed to continue to conduct charitable gaming under their permit during the extension.*

§ 18.2-340.31. Audit of reports; exemption; fee.

A. Except as provided in § 18.2-340.23, all reports filed pursuant to § 18.2-340.30 shall be subject to audit by the Commission in accordance with Commission regulations. *The Commission may engage the services of an independent certified public accountant to perform any audits deemed necessary to fulfill the Commission's responsibilities under this article.*

B. The Commission shall prescribe a reasonable audit fee ~~not to exceed the actual cost of the audit if the audit is conducted by an independent auditor or accountant, or if the audit is conducted by the Commission, two~~ to be paid by all organizations conducting charitable gaming under a permit issued by the Commission. *Such fee shall not exceed one percent of (i) the gross receipts which an organization reports pursuant to § 18.2-340.30 and (ii) the interest income on money the organization has received from charitable gaming operations. The audit fee shall accompany each annual report or shall accompany a three-month report if such report is required by the Commission pursuant to § 18.2-340.30.*

C. The audit fee shall be payable to the Commission. All audit fees received by the Commission shall be separately accounted for and shall be used only for the purposes of auditing and regulating charitable gaming.

§ 18.2-340.32. Authority of local governments; proceeds exempt from local taxation.

A. The governing body of any county, city or town may adopt an ordinance consistent with this article and the regulations of the Commission which (i) prohibits the playing of instant bingo and (ii) establishes reasonable hours during which bingo games may be played within such jurisdiction. If the governing body of any town adopts an ordinance pursuant to the provisions of this section, such town shall not be subject to any ordinance adopted by the county within which such town lies.

B. *No governing body of any county, city or town may impose a gross receipts, entertainment, admission or any other tax based on revenues of qualified organizations derived from the conduct of charitable gaming.*

*The provisions of this subsection shall not apply to any local governing body located within the*

306 *Hampton Roads Planning District, and any such tax imposed shall not be considered part of the gross*  
307 *receipts of a qualified organization for the purposes of subdivision 1 of § 18.2-340.19 and subdivision 1*  
308 *of § 18.2-340.33.*

309 § 18.2-340.33. Prohibited practices.

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

312 1. No part of the gross receipts derived by a qualified organization may be used for any purpose  
313 other than (i) reasonable and proper operating costs, (ii) publicizing the time and date of charitable  
314 gaming, (iii) prizes, (iv) those lawful religious, charitable, community or educational purposes for which  
315 the organization is specifically chartered or organized, and (v) expenses relating to the acquisition,  
316 construction, maintenance, or repair of any interest in the real property involved in the operation of the  
317 organization and used for lawful religious, charitable, community or educational purposes. *For the*  
318 *purposes of clause (v), such expenses may include the expenses of a corporation formed for the purpose*  
319 *of serving as the real estate holding entity of a qualified organization, provided (a) such holding entity*  
320 *is qualified as a tax exempt organization under § 501 (c) (3), (7) or (10) of the Internal Revenue Code*  
321 *and (b) the membership of the qualified organization is identical to such holding entity.*

322 2. No qualified organization shall enter into a contract with, or otherwise employ for compensation  
323 any person for the purpose of organizing, managing, or conducting any charitable games. However,  
324 organizations composed of or for deaf or blind persons may use a part of their gross receipts for costs  
325 associated with providing clerical assistance in the conduct of charitable gaming.

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

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

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

339 The provisions of this subdivision shall not apply to the playing of bingo games pursuant to a special  
340 permit issued in accordance with § 18.2-340.27.

341 5. No person shall participate in the management, operation or conduct of any charitable game unless  
342 such person is and, for a period of at least ~~ninety~~ thirty days immediately preceding such participation,  
343 has been a bona fide member of the organization; however, the provisions of this subdivision shall not  
344 apply to (i) persons employed as clerical assistants by qualified organizations composed of or for deaf or  
345 blind persons; (ii) employees of a corporate sponsor of a qualified organization, provided such  
346 employees' participation is limited to the management, operation or conduct of no more than one raffle  
347 per year; or (iii) the spouse *or family members* of any such bona fide member of a qualified  
348 organization provided at least one bona fide member is present.

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

351 a. Persons employed by organizations composed of or for deaf or blind persons may receive  
352 remuneration not to exceed thirty dollars per event for providing clerical assistance in the conduct of  
353 charitable games only for such organizations;

354 b. Persons under the age of nineteen who sell raffle tickets for a qualified organization to raise funds  
355 for youth activities in which they participate may receive nonmonetary incentive awards or prizes from  
356 the organization; ~~and~~

357 c. Remuneration may be paid to off-duty law-enforcement officers from the jurisdiction in which  
358 such bingo games are played for providing uniformed security for such bingo games even if such officer  
359 is a member of the sponsoring organization, provided the remuneration paid to such member is in  
360 accordance with off-duty law-enforcement personnel work policies approved by the local  
361 law-enforcement official and further provided that such member is not otherwise engaged in the  
362 management, operation or conduct of the bingo games of that organization; *and*

363 d. *A member of a qualified organization lawfully participating in the management, operation or*  
364 *conduct of a bingo game may be provided food and nonalcoholic beverages by such organization for*  
365 *on-premises consumption during the bingo game.*

366 7. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the  
367 conduct, management, or operation of any bingo games; (ii) sell, lease or otherwise provide for

consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards, markers, or other game pieces; or (iii) require as a condition of the lease or by contract that a particular manufacturer, distributor or supplier of bingo supplies or equipment be used by the organization. If equipment or services are included by a landlord in any lease or contract, the lease or contract shall itemize the amount attributable to the rent of the premises, equipment, and each service to be provided by the landlord.

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

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

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

- a. No bingo door prize shall exceed \$25;
- b. No regular bingo or special bingo game prize shall exceed \$100;
- c. No instant bingo prize for a single card shall exceed \$500; and
- d. No bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one calendar day exceed \$1,000.

The provisions of this subdivision shall not apply to any bingo game in which all the gross receipts from players for that game, *up to \$1,000*, are paid as prize money back to the players, provided there is no more than one such game per calendar day of play and the prize money from any such game does not exceed \$1,000, such games being commonly referred to as "winner-take-all" games.

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

The provisions of this subdivision shall not apply to (i) a raffle conducted no more than once per calendar year by a qualified organization qualified as a tax-exempt organization pursuant to § 501 (c) (3) 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) (3) tax-exempt organization or (ii) ~~pull-tab devices~~ *pull-tabs or seal-cards* when played as permitted in § 18.2-340.26, which prize award for a single card shall not exceed \$500.

11. No qualified organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in 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.

12. No person shall participate in the management, operation or conduct of any charitable game if, within the preceding five years, he has been convicted of a felony or crime of moral turpitude. 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 Commission or a court of competent jurisdiction to have been operated in violation of state law, local ordinance or Commission regulation.

13. 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.

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

§ 18.2-340.34. Suppliers of charitable gaming supplies; registration; qualification; suspension, revocation or refusal to renew certificate; maintenance, production, and release of records.

A. No person shall offer to sell, sell or otherwise provide charitable gaming supplies to any qualified organization unless and until such person has made application for and has been issued a registration certificate by the Commission. An application for registration shall be made on forms prescribed by the Commission and shall be accompanied by a fee in the amount of \$500. Each registration certificate shall remain valid for a period of one year from the date of issuance. Application for renewal of a registration certificate shall be accompanied by a fee in the amount of \$500 and shall be made on forms prescribed by the Commission.

B. The Commission shall have authority to prescribe by regulation reasonable criteria consistent with the provisions of this article for the registration of suppliers. The Commission may refuse to register any supplier who has, or which has any officer, director, partner, or owner who has (i) been convicted of or pleaded nolo contendere to a felony in any state or federal court or has been convicted of any offense

429 which, if committed in the Commonwealth, would be a felony; (ii) been convicted of or pleaded nolo  
430 contendere to a crime involving gambling; (iii) had any license, permit, certificate or other authority  
431 related to activities defined as charitable gaming in the Commonwealth suspended or revoked in the  
432 Commonwealth or in any other jurisdiction; or (iv) failed to file or has been delinquent in excess of one  
433 year in the filing of any tax returns or the payment of any taxes due the Commonwealth.

434 C. The Commission may suspend, revoke or refuse to renew the registration certificate of any  
435 supplier for any conduct described in subsection B or for any violation of this article or regulation of  
436 the Commission. Before taking any such action, the Commission shall give the supplier a written  
437 statement of the grounds upon which it proposes to take such action and an opportunity to be heard.  
438 *Every hearing in a contested case shall be conducted in accordance with the Administrative Process Act*  
439 *(§ 9-6.14:1 et seq.).*

440 D. Each supplier shall document each sale of charitable gaming supplies to a qualified organization  
441 on an invoice which clearly shows (i) the name and address of the qualified organization to which the  
442 supplies were sold; (ii) the date of the sale; (iii) the name or form and serial number of each deal of  
443 instant bingo cards and pull-tab raffle cards, the quantity of deals sold and the price per deal paid by the  
444 qualified organization; (iv) the serial number of the top sheet in each packet of bingo paper, the serial  
445 number for each series of uncollated bingo paper, and the cut, color and quantity of bingo paper sold;  
446 and (v) any other information with respect to items of charitable gaming supplies as the Commission  
447 may prescribe by regulation. A legible copy of the invoice shall accompany the charitable gaming  
448 supplies when delivered to the qualified organization.

449 E. Each supplier shall maintain a legible copy of each invoice required by subsection D for a period  
450 of three years from the date of sale. Each supplier shall make such documents immediately available for  
451 inspection and copying to any agent or employee of the Commission upon request made during normal  
452 business hours. This subsection shall not limit the right of the Commission to require the production of  
453 any other documents in the possession of the supplier which relate to its transactions with qualified  
454 organizations. *All documents and other information of a proprietary nature furnished to the Commission*  
455 *in accordance with this subsection shall not be a matter of public record and shall be exempt from*  
456 *disclosure under the provisions of the Freedom of Information Act (§ 2.1-340 et seq.).*

457 **2. That §§ 2.1-1.5, 2.1-1.9, 2.1-20.4, 2.1-51.27, 2.1-342, 9-6.25:3, and 18.2-334.2 of the Code of**  
458 **Virginia are amended and reenacted and that the Code of Virginia is amended by adding in**  
459 **Chapter 8 of Title 18.2 an article numbered 1.1:2, consisting of sections numbered 18.2-340.39**  
460 **through 18.2-340.52, as follows:**

461 § 2.1-1.5. Entities not subject to standard nomenclature.

462 The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics  
463 or the enabling legislation of the entities:

464 Authorities

465 Assistive Technology Loan Fund Authority.  
466 Medical College of Virginia Hospitals Authority.  
467 Richmond Eye and Ear Hospital Authority.  
468 Small Business Financing Authority.  
469 State Education Assistance Authority.  
470 Virginia Agriculture Development Authority.  
471 Virginia College Building Authority.  
472 Virginia Economic Development Partnership.  
473 Virginia Education Loan Authority.  
474 Virginia Housing Development Authority.  
475 Virginia Information Providers Network Authority.  
476 Virginia Innovative Technology Authority.  
477 Virginia Port Authority.  
478 Virginia Public Building Authority.  
479 Virginia Public School Authority.  
480 Virginia Resources Authority.  
481 Virginia Student Assistance Authorities.

482 Boards

483 Board of Commissioners, Virginia Agriculture Development Authority.  
484 Board of Commissioners, Virginia Port Authority.  
485 Board of Directors, Assistive Technology Loan Fund Authority.  
486 Board of Directors, Medical College of Virginia Hospitals Authority.  
487 Board of Directors, Richmond Eye and Ear Hospital Authority.  
488 Board of Directors, Small Business Financing Authority.  
489 Board of Directors, Virginia Economic Development Partnership.  
490 Board of Directors, Virginia Student Assistance Authorities.



491 Board of Directors, Virginia Innovative Technology Authority.  
 492 Board of Directors, Virginia Resources Authority.  
 493 Board of Regents, Gunston Hall Plantation.  
 494 Board of Regents, James Monroe Memorial Law Office and Library.  
 495 Board of Trustees, Family and Children's Trust Fund.  
 496 Board of Trustees, Frontier Culture Museum of Virginia.  
 497 Board of Trustees, Jamestown-Yorktown Foundation.  
 498 Board of Trustees, Miller School of Albemarle.  
 499 Board of Trustees, Rural Virginia Development Foundation.  
 500 Board of Trustees, The Science Museum of Virginia.  
 501 Board of Trustees, Virginia Museum of Fine Arts.  
 502 Board of Trustees, Virginia Museum of Natural History.  
 503 Board of Trustees, Virginia Outdoor Foundation.  
 504 Board of the Virginia Higher Education Tuition Trust Fund.  
 505 Board of Visitors, Christopher Newport University.  
 506 Board of Visitors, The College of William and Mary in Virginia.  
 507 Board of Visitors, George Mason University.  
 508 Board of Visitors, Gunston Hall Plantation.  
 509 Board of Visitors, James Madison University.  
 510 Board of Visitors, Longwood College.  
 511 Board of Visitors, Mary Washington College.  
 512 Board of Visitors to Mount Vernon.  
 513 Board of Visitors, Norfolk State University.  
 514 Board of Visitors, Old Dominion University.  
 515 Board of Visitors, Radford University.  
 516 Board of Visitors, University of Virginia.  
 517 Board of Visitors, Virginia Commonwealth University.  
 518 Board of Visitors, Virginia Military Institute.  
 519 Board of Visitors, Virginia Polytechnic Institute and State University.  
 520 Board of Visitors, Virginia State University.  
 521 Governing Board, Virginia College Building Authority.  
 522 Governing Board, Virginia Public School Authority.  
 523 Library Board, The Library of Virginia.  
 524 Motor Vehicle Dealer Board.  
 525 State Board for Community Colleges, Virginia Community College System.  
 526 Virginia-Israel Advisory Board.  
 527 Center  
 528 A.L. Philpott Manufacturing Research Center.  
 529 Commissions  
 530 Alexandria Historical Restoration and Preservation Commission.  
 531 ~~Charitable Gaming Commission.~~  
 532 Chesapeake Bay Bridge and Tunnel Commission.  
 533 Hampton Roads Sanitation District Commission.  
 534 Districts  
 535 Chesapeake Bay Bridge and Tunnel District.  
 536 Hampton Roads Sanitation District.  
 537 Educational Institutions  
 538 Christopher Newport University.  
 539 College of William and Mary in Virginia.  
 540 Frontier Culture Museum of Virginia.  
 541 George Mason University.  
 542 James Madison University.  
 543 Jamestown-Yorktown Foundation.  
 544 Longwood College.  
 545 Mary Washington College.  
 546 Miller School of Albemarle.  
 547 Norfolk State University.  
 548 Old Dominion University.  
 549 Radford University.  
 550 The Science Museum of Virginia.  
 551 University of Virginia.

552 Virginia Commonwealth University.  
 553 Virginia Community College System.  
 554 Virginia Military Institute.  
 555 Virginia Museum of Fine Arts.  
 556 Virginia Polytechnic Institute and State University.  
 557 The Library of Virginia.  
 558 Virginia State University.  
 559 Foundations  
 560 Chippokes Plantation Farm Foundation.  
 561 Rural Virginia Development Foundation.  
 562 Virginia Conservation and Recreation Foundation.  
 563 Virginia Historic Preservation Foundation.  
 564 Virginia Outdoor Foundation.  
 565 Museum  
 566 Virginia Museum of Natural History.  
 567 Plantation  
 568 Gunston Hall Plantation.  
 569 System  
 570 Virginia Retirement System.  
 571 § 2.1-1.9. Commissions.  
 572 Notwithstanding the definition for "commission" as provided in § 2.1-1.2, the following entities shall  
 573 be referred to as commissions:  
 574 ~~Charitable Gaming Commission~~  
 575 Commission on Local Government  
 576 Marine Resources Commission  
 577 Milk Commission  
 578 Virginia Commission for the Arts  
 579 Virginia Employment Commission.  
 580 § 2.1-20.4. Bodies receiving compensation.  
 581 A. Notwithstanding any other provision of law, the following commissions, boards, etc., shall be  
 582 those which receive compensation from state funds pursuant to § 2.1-20.3:  
 583 Accountancy, Board for  
 584 Agriculture and Consumer Services, Board of  
 585 Air Pollution Control Board, State  
 586 Airports Authority, Virginia  
 587 Apprenticeship Council  
 588 Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for  
 589 Athletic Board, Virginia  
 590 Auctioneers Board  
 591 Audiology and Speech-Language Pathology, Board of  
 592 Aviation Board, Virginia  
 593 Barbers, Board for  
 594 Branch Pilots, Board for  
 595 Building Code Technical Review Board, State  
 596 ~~Charitable Gaming Commission~~  
 597 Chesapeake Bay Local Assistance Board  
 598 Coal Mining Examiners, Board of  
 599 College Building Authority  
 600 Commonwealth Competition Council  
 601 Commonwealth Transportation Board  
 602 Conservation and Development of Public Beaches, Board on  
 603 Conservation and Recreation, Board of  
 604 Contractors, Board for  
 605 Correctional Education, Board of  
 606 Corrections, Board of  
 607 Cosmetology, Board for  
 608 Criminal Justice Services Board  
 609 Deaf and Hard-of-Hearing, Advisory Board for the  
 610 Dentistry, Board of  
 611 Education, State Board of  
 612 Education Loan Authority, Virginia - Board of Directors  
 613 Elections, State Board of

614 Environment, Council on the  
 615 Fire Services Board, Virginia  
 616 Funeral Directors and Embalmers, Board of  
 617 Game and Inland Fisheries, Board of  
 618 Geology, Board for  
 619 Health, State Board of  
 620 Health Professions, Board of  
 621 Hearing Aid Specialists, Board for  
 622 Higher Education, State Council of  
 623 Historic Resources, Board of  
 624 Housing and Community Development, Board of  
 625 Information Management, Council on  
 626 Juvenile Justice, State Board of  
 627 Marine Resources Commission  
 628 Medical Assistance Services, Board of  
 629 Medical Complaint Investigation Committee  
 630 Medicine, Board of  
 631 Mental Health, Mental Retardation and Substance Abuse Services Board, State  
 632 Milk Commission  
 633 Mineral Mining Examiners, Board of  
 634 Motor Vehicle Dealer Board  
 635 Nursing, Board of  
 636 Nursing Home Administrators, Board of  
 637 Occupational Therapy, Advisory Board on  
 638 Oil and Gas Conservation Board, Virginia  
 639 Opticians, Board for  
 640 Optometry, Board of  
 641 Pesticide Control Board  
 642 Pharmacy, Board of  
 643 Physical Therapy, Advisory Board on  
 644 Port Authority, Board of Commissioners of the Virginia  
 645 Professional and Occupational Regulation, Board for  
 646 Professional Counselors, Board of  
 647 Professional Soil Scientists, Board for  
 648 Psychology, Board of  
 649 Public Defender Commission  
 650 Public School Authority, Virginia  
 651 Purchases and Supply Appeals Board  
 652 Real Estate Appraiser Board  
 653 Real Estate Board  
 654 Recreation Specialists, Board of  
 655 Rehabilitative Services, Board of  
 656 Respiratory Therapy, Advisory Board on  
 657 Safety and Health Codes Board  
 658 Seed Potato Board  
 659 Social Services, Board of  
 660 Social Work, Board of  
 661 State Health Department Sewage Handling and Disposal Appeal Review Board  
 662 Substance Abuse Certification Board  
 663 Surface Mining Review, Board of  
 664 Treasury Board  
 665 Veterans' Affairs, Board on  
 666 Veterinary Medicine, Board of  
 667 Virginia Board for Asbestos Licensing  
 668 Virginia Health Planning Board  
 669 Virginia Manufactured Housing Board  
 670 Virginia Veterans Care Center Board of Trustees  
 671 Virginia Waste Management Board  
 672 Visually Handicapped, Virginia Board for the  
 673 Waste Management Facility Operators, Board for  
 674 Water Control Board, State

675 Waterworks and Wastewater Works Operators, Board for  
676 Well Review Board, Virginia.

677 B. Individual members of boards, commissions, committees, councils, and other similar bodies  
678 appointed at the state level and receiving compensation for their services on January 1, 1980, but who  
679 will not receive compensation under the provisions of this article, shall continue to receive compensation  
680 at the January 1, 1980, rate until such member's current term expires.

681 § 2.1-51.27. Agencies for which responsible.

682 The Secretary of Administration shall be responsible to the Governor for the following agencies:  
683 Department of Information Technology, Council on Information Management, Department of Personnel  
684 and Training, Department of General Services, Compensation Board, Secretary of the Commonwealth,  
685 Department of Employee Relations Counselors, Department of Veterans' Affairs, Virginia Veterans Care  
686 Center Board of Trustees, *and* Commission on Local Government; ~~and Charitable Gaming Commission.~~  
687 The Governor may, by executive order, assign any other state executive agency to the Secretary of  
688 Administration, or reassign any agency listed above to another secretary.

689 § 2.1-342. Official records to be open to inspection; procedure for requesting records and responding  
690 to request; charges; exceptions to application of chapter.

691 A. Except as otherwise specifically provided by law, all official records shall be open to inspection  
692 and copying by any citizens of the Commonwealth during the regular office hours of the custodian of  
693 such records. Access to such records shall not be denied to citizens of the Commonwealth,  
694 representatives of newspapers and magazines with circulation in the Commonwealth, and representatives  
695 of radio and television stations broadcasting in or into the Commonwealth. The custodian of such  
696 records shall take all necessary precautions for their preservation and safekeeping. Any public body  
697 covered under the provisions of this chapter shall make an initial response to citizens requesting records  
698 open to inspection within five work days after the receipt of the request by the public body which is the  
699 custodian of the requested records. Such citizen request shall designate the requested records with  
700 reasonable specificity. A specific reference to this chapter by the requesting citizen in his request shall  
701 not be necessary to invoke the provisions of this chapter and the time limits for response by the public  
702 body. The response by the public body within such five work days shall be one of the following  
703 responses:

704 1. The requested records shall be provided to the requesting citizen.

705 2. If the public body determines that an exemption applies to all of the requested records, it may  
706 refuse to release such records and provide to the requesting citizen a written explanation as to why the  
707 records are not available with the explanation making specific reference to the applicable Code sections  
708 which make the requested records exempt.

709 3. If the public body determines that an exemption applies to a portion of the requested records, it  
710 may delete or excise that portion of the records to which an exemption applies, but shall disclose the  
711 remainder of the requested records and provide to the requesting citizen a written explanation as to why  
712 these portions of the record are not available to the requesting citizen with the explanation making  
713 specific reference to the applicable Code sections which make that portion of the requested records  
714 exempt. Any reasonably segregatable portion of an official record shall be provided to any person  
715 requesting the record after the deletion of the exempt portion.

716 4. If the public body determines that it is practically impossible to provide the requested records or  
717 to determine whether they are available within the five-work-day period, the public body shall so inform  
718 the requesting citizen and shall have an additional seven work days in which to provide one of the three  
719 preceding responses.

720 Nothing in this section shall prohibit any public body from petitioning the appropriate court for  
721 additional time to respond to a request for records when the request is for an extraordinary volume of  
722 records and a response by the public body within the time required by this chapter will prevent the  
723 public body from meeting its operational responsibilities. Before proceeding with this petition, however,  
724 the public body shall make reasonable efforts to reach an agreement with the requester concerning the  
725 production of the records requested.

726 The public body may make reasonable charges for the copying, search time and computer time  
727 expended in the supplying of such records. The public body may also make a reasonable charge for  
728 preparing documents produced from a geographic information system at the request of anyone other than  
729 the owner of the land that is the subject of the request. However, such charges shall not exceed the  
730 actual cost to the public body in supplying such records or documents, except that the public body may  
731 charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public  
732 body, for such maps or portions thereof, which encompass a contiguous area greater than fifty acres.  
733 Such charges for the supplying of requested records shall be estimated in advance at the request of the  
734 citizen. The public body may require the advance payment of charges which are subject to advance  
735 determination.

736 In any case where a public body determines in advance that search and copying charges for

producing the requested documents are likely to exceed \$200, the public body may, before continuing to process the request, require the citizen requesting the information to agree to payment of an amount not to exceed the advance determination by five percent. The period within which the public body must respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the citizen requesting the information.

Official records maintained by a public body on a computer or other electronic data processing system which are available to the public under the provisions of this chapter shall be made reasonably accessible to the public at reasonable cost. Beginning July 1, 1997, every public body of state government shall compile, and annually update, an index of computer databases which contains at a minimum those databases created by them on or after July 1, 1997. "Computer database" means a structured collection of data or documents residing in a computer. Such index shall be an official record and shall include, at a minimum, the following information with respect to each database listed therein: a list of data fields, a description of the format or record layout, the date last updated, a list of any data fields to which public access is restricted, a description of each format in which the database can be copied or reproduced using the public body's computer facilities, and a schedule of fees for the production of copies in each available form. The form, context, language, and guidelines for the indices and the databases to be indexed shall be developed by the Director of the Department of Information Technology in consultation with the State Librarian and the State Archivist. The public body shall not be required to disclose its software security, including passwords.

Public bodies shall not be required to create or prepare a particular requested record if it does not already exist. Public bodies may, but shall not be required to, abstract or summarize information from official records or convert an official record available in one form into another form at the request of the citizen. The public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

Failure to make any response to a request for records shall be a violation of this chapter and deemed a denial of the request.

B. The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Memoranda, correspondence, evidence and complaints related to criminal investigations; adult arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of such photograph will no longer jeopardize the investigation; reports submitted to the state and local police, to investigators authorized pursuant to § 53.1-16 and to the campus police departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of Title 23 in confidence; portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity; records of local police departments relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such departments under a promise of confidentiality; and all records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment. Information in the custody of law-enforcement officials relative to the identity of any individual other than a juvenile who is arrested and charged, and the status of the charge or arrest, shall not be excluded from the provisions of this chapter.

Criminal incident information relating to felony offenses shall not be excluded from the provisions of this chapter; however, where the release of criminal incident information is likely to jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information.

2. Confidential records of all investigations of applications for licenses and permits, and all licensees and permittees made by or submitted to the Alcoholic Beverage Control Board, the State Lottery Department, or the Virginia Racing Commission; ~~or the Charitable Gaming Commission.~~

3. State income, business, and estate tax returns, personal property tax returns, scholastic records and personnel records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, and medical and mental records, except that such records can be personally reviewed by the subject person or a physician of the subject person's choice; however, the subject person's mental records may not be personally reviewed by such person when the subject person's treating physician has made a part of such person's records a written statement that in his opinion a review of such records by the subject person would be injurious to the subject person's physical or mental health or well-being.

Where the person who is the subject of medical records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the medical records if the administrator or chief medical officer has reasonable cause to

798 believe that such confined person has an infectious disease or other medical condition from which other  
799 persons so confined need to be protected. Medical records shall be reviewed only and shall not be  
800 copied by such administrator or chief medical officer. The information in the medical records of a  
801 person so confined shall continue to be confidential and shall not be disclosed to any person except the  
802 subject by the administrator or chief medical officer of the facility or except as provided by law.

803 For the purposes of this chapter such statistical summaries of incidents and statistical data concerning  
804 patient abuse as may be compiled by the Commissioner of the Department of Mental Health, Mental  
805 Retardation and Substance Abuse Services shall be open to inspection and releasable as provided in  
806 subsection A of this section. No such summaries or data shall include any patient-identifying  
807 information. Where the person who is the subject of scholastic or medical and mental records is under  
808 the age of eighteen, his right of access may be asserted only by his guardian or his parent, including a  
809 noncustodial parent, unless such parent's parental rights have been terminated or a court of competent  
810 jurisdiction has restricted or denied such access. In instances where the person who is the subject thereof  
811 is an emancipated minor or a student in a state-supported institution of higher education, such right of  
812 access may be asserted by the subject person.

813 4. Memoranda, working papers and correspondence (i) held by or requested from members of the  
814 General Assembly or the Division of Legislative Services or (ii) held or requested by the Office of the  
815 Governor or Lieutenant Governor, Attorney General or the mayor or other chief executive officer of any  
816 political subdivision of the Commonwealth or the president or other chief executive officer of any  
817 state-supported institution of higher education. This exclusion shall not apply to memoranda, studies or  
818 other papers held or requested by the mayor or other chief executive officer of any political subdivision  
819 which are specifically concerned with the evaluation of performance of the duties and functions of any  
820 locally elected official and were prepared after June 30, 1992 nor shall this exclusion apply to agenda  
821 packets prepared and distributed to public bodies for use at a meeting.

822 Except as provided in § 30-28.18, memoranda, working papers and correspondence of a member of  
823 the General Assembly held by the Division of Legislative Services shall not be released by the Division  
824 without the prior consent of the member.

825 5. Written opinions of the city, county and town attorneys of the cities, counties and towns in the  
826 Commonwealth and any other writing protected by the attorney-client privilege.

827 6. Memoranda, working papers and records compiled specifically for use in litigation or as a part of  
828 an active administrative investigation concerning a matter which is properly the subject of an executive  
829 or closed meeting under § 2.1-344 and material furnished in confidence with respect thereto.

830 7. Confidential letters and statements of recommendation placed in the records of educational  
831 agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an  
832 application for employment, or (iii) receipt of an honor or honorary recognition.

833 8. Library records which can be used to identify both (i) any library patron who has borrowed  
834 material from a library and (ii) the material such patron borrowed.

835 9. Any test or examination used, administered or prepared by any public body for purposes of  
836 evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's  
837 qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license  
838 or certificate issued by any public body.

839 As used in this subdivision 9, "test or examination" shall include (i) any scoring key for any such  
840 test or examination, and (ii) any other document which would jeopardize the security of such test or  
841 examination. Nothing contained in this subdivision 9 shall prohibit the release of test scores or results as  
842 provided by law, or limit access to individual records as is provided by law. However, the subject of  
843 such employment tests shall be entitled to review and inspect all documents relative to his performance  
844 on such employment tests.

845 When, in the reasonable opinion of such public body, any such test or examination no longer has any  
846 potential for future use, and the security of future tests or examinations will not be jeopardized, such test  
847 or examination shall be made available to the public. However, minimum competency tests administered  
848 to public school children shall be made available to the public contemporaneously with statewide release  
849 of the scores of those taking such tests, but in no event shall such tests be made available to the public  
850 later than six months after the administration of such tests.

851 10. Applications for admission to examinations or for licensure and scoring records maintained by  
852 the Department of Health Professions or any board in that department on individual licensees or  
853 applicants. However, such material may be made available during normal working hours for copying, at  
854 the requester's expense, by the individual who is the subject thereof, in the offices of the Department of  
855 Health Professions or in the offices of any health regulatory board, whichever may possess the material.

856 11. Records of active investigations being conducted by the Department of Health Professions or by  
857 any health regulatory board in the Commonwealth.

858 12. Memoranda, legal opinions, working papers and records recorded in or compiled exclusively for  
859 executive or closed meetings lawfully held pursuant to § 2.1-344.

13. Reports, documentary evidence and other information as specified in §§ 2.1-373.2 and 63.1-55.4.
14. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or § 62.1-134.1.
15. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services and records, documents and automated systems prepared for the Department's Bid Analysis and Monitoring Program.
16. Vendor proprietary information software which may be in the official records of a public body. For the purpose of this section, "vendor proprietary software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.
17. Data, records or information of a proprietary nature produced or collected by or for faculty or staff of state institutions of higher learning, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.
18. Financial statements not publicly available filed with applications for industrial development financings.
19. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.
20. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from the Department of Business Assistance, the Virginia Economic Development Partnership or local or regional industrial or economic development authorities or organizations, used by the Department, the Partnership, or such entities for business, trade and tourism development; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by the Partnership, where competition or bargaining is involved and where, if such records are made public, the financial interest of the governmental unit would be adversely affected.
21. Information which was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
22. Documents as specified in § 58.1-3.
23. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.
24. Computer software developed by or for a state agency, state-supported institution of higher education or political subdivision of the Commonwealth.
25. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Personnel and Training; however, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form which does not reveal the identity of charging parties, persons supplying the information or other individuals involved in the investigation.
26. Fisheries data which would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
27. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.
28. Documents and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 2.1-639.40 or of formulating advisory opinions to members on standards of conduct, or both.
29. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.
30. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.1-714 et seq.); however, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form which does not reveal the identity of the parties involved or other persons supplying information.
31. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; and other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 9 (§ 63.1-172 et seq.) and 10 (§ 63.1-195 et seq.) of Title 63.1; however,

921 nothing in this section shall prohibit disclosure of information from the records of completed  
922 investigations in a form that does not reveal the identity of complainants, persons supplying information,  
923 or other individuals involved in the investigation.

924 32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other  
925 information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or  
926 any institution thereof to the extent, as determined by the Director of the Department of Corrections or  
927 his designee or of the Virginia Board of Juvenile Justice, the Virginia Department of Juvenile Justice or  
928 any facility thereof to the extent as determined by the Director of the Department of Juvenile Justice, or  
929 his designee, that disclosure or public dissemination of such materials would jeopardize the security of  
930 any correctional or juvenile facility or institution, as follows:

931 (i) Security manuals, including emergency plans that are a part thereof;

932 (ii) Engineering and architectural drawings of correctional and juvenile facilities, and operational  
933 specifications of security systems utilized by the Departments, provided the general descriptions of such  
934 security systems, cost and quality shall be made available to the public;

935 (iii) Training manuals designed for correctional and juvenile facilities to the extent that they address  
936 procedures for institutional security, emergency plans and security equipment;

937 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they  
938 specifically disclose matters described in (i), (ii), or (iii) above or other specific operational details the  
939 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

940 (v) Minutes or recordings of divisional, regional and institutional staff meetings or portions thereof to  
941 the extent that such minutes deal with security issues listed in (i), (ii), (iii), and (iv) of this subdivision;

942 (vi) Investigative case files by investigators authorized pursuant to § 53.1-16; however, nothing in  
943 this section shall prohibit the disclosure of information taken from inactive reports in a form which does  
944 not reveal the identity of complainants or charging parties, persons supplying information, confidential  
945 sources, or other individuals involved in the investigation, or other specific operational details the  
946 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;  
947 nothing herein shall permit the disclosure of materials otherwise exempt as set forth in subdivision 1 of  
948 subsection B of this section;

949 (vii) Logs or other documents containing information on movement of inmates, juvenile clients or  
950 employees; and

951 (viii) Documents disclosing contacts between inmates, juvenile clients and law-enforcement  
952 personnel.

953 Notwithstanding the provisions of this subdivision, reports and information regarding the general  
954 operations of the Departments, including notice that an escape has occurred, shall be open to inspection  
955 and copying as provided in this section.

956 33. Personal information, as defined in § 2.1-379, (i) filed with the Virginia Housing Development  
957 Authority concerning individuals who have applied for or received loans or other housing assistance or  
958 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by  
959 the Virginia Housing Development Authority, (ii) concerning persons participating in or persons on the  
960 waiting list for federally funded rent-assistance programs, or (iii) filed with any local redevelopment and  
961 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the  
962 waiting list for housing assistance programs funded by local governments or by any such authority.  
963 However, access to one's own information shall not be denied.

964 34. Documents regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441,  
965 if disclosure of them would have a detrimental effect upon the negotiating position of a governing body  
966 or on the establishment of the terms, conditions and provisions of the siting agreement.

967 35. Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior  
968 to the completion of such purchase, sale or lease.

969 36. Records containing information on the site specific location of rare, threatened, endangered or  
970 otherwise imperiled plant and animal species, natural communities, caves, and significant historic and  
971 archaeological sites if, in the opinion of the public body which has the responsibility for such  
972 information, disclosure of the information would jeopardize the continued existence or the integrity of  
973 the resource. This exemption shall not apply to requests from the owner of the land upon which the  
974 resource is located.

975 37. Official records, memoranda, working papers, graphics, video or audio tapes, production models,  
976 data and information of a proprietary nature produced by or for or collected by or for the State Lottery  
977 Department relating to matters of a specific lottery game design, development, production, operation,  
978 ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to  
979 holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning,  
980 advertising, or marketing, where such official records have not been publicly released, published,  
981 copyrighted or patented. Whether released, published or copyrighted, all game-related information shall  
982 be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game



to which it pertains.

38. Official records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations which cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under subdivisions (iii), (iv) and (v) shall be subject to public disclosure under this chapter upon completion of the study or investigation.

39. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the building code in obtaining a building permit which would identify specific trade secrets or other information the disclosure of which would be harmful to the competitive position of the owner or lessee; however, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

40. [Repealed.]

41. Records concerning reserves established in specific claims administered by the Department of General Services through its Division of Risk Management as provided in Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of this title, or by any county, city, or town.

42. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Care System pursuant to § 32.1-112.

43. Reports and court documents required to be kept confidential pursuant to § 37.1-67.3.

44. [Repealed.]

45. Investigative notes; correspondence and information furnished in confidence with respect to an investigation; and official records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission; or investigative notes, correspondence, documentation and information furnished and provided to or produced by or for the Department of the State Internal Auditor with respect to an investigation initiated through the State Employee Fraud, Waste and Abuse Hotline. Nothing in this chapter shall prohibit disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information or other individuals involved in the investigation; however, disclosure, unless such disclosure is prohibited by this section, of information from the records of completed investigations shall include, but is not limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. In the event an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person.

46. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

47. Documentation or other information which describes the design, function, operation or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

48. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to data provided in confidence to the Interstate Commerce Commission and the Federal Railroad Administration.

49. In the case of corporations organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, (i) proprietary information provided by, and financial information concerning, coventurers, partners, lessors, lessees, or investors, and (ii) records concerning the condition, acquisition, disposition, use, leasing, development, coventuring, or management of real estate the disclosure of which would have a substantial adverse impact on the value of such real estate or result in a competitive disadvantage to the corporation or subsidiary.

50. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

51. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

52. [Repealed.]

1044 53. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and  
1045 cost projections provided by a private transportation business to the Virginia Department of  
1046 Transportation and the Department of Rail and Public Transportation for the purpose of conducting  
1047 transportation studies needed to obtain grants or other financial assistance under the Intermodal Surface  
1048 Transportation Efficiency Act of 1991 (P.L. 102-240) for transportation projects, provided such  
1049 information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce  
1050 Act or other laws administered by the Interstate Commerce Commission or the Federal Rail  
1051 Administration with respect to data provided in confidence to the Interstate Commerce Commission and  
1052 the Federal Railroad Administration. However, the exemption provided by this subdivision shall not  
1053 apply to any wholly owned subsidiary of a public body.

1054 54. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department  
1055 of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the  
1056 Department not release such information.

1057 55. Reports, documents, memoranda or other information or materials which describe any aspect of  
1058 security used by the Virginia Museum of Fine Arts to the extent that disclosure or public dissemination  
1059 of such materials would jeopardize the security of the Museum or any warehouse controlled by the  
1060 Museum, as follows:

1061 a. Operational, procedural or tactical planning documents, including any training manuals to the  
1062 extent they discuss security measures;

1063 b. Surveillance techniques;

1064 c. Installation, operation, or utilization of any alarm technology;

1065 d. Engineering and architectural drawings of the Museum or any warehouse;

1066 e. Transportation of the Museum's collections, including routes and schedules; or

1067 f. Operation of the Museum or any warehouse used by the Museum involving the:

1068 (1) Number of employees, including security guards, present at any time; or

1069 (2) Busiest hours, with the maximum number of visitors in the Museum.

1070 56. Reports, documents, memoranda or other information or materials which describe any aspect of  
1071 security used by the Virginia Department of Alcoholic Beverage Control to the extent that disclosure or  
1072 public dissemination of such materials would jeopardize the security of any government store as defined  
1073 in Title 4.1, or warehouse controlled by the Department of Alcoholic Beverage Control, as follows:

1074 (i) Operational, procedural or tactical planning documents, including any training manuals to the  
1075 extent they discuss security measures;

1076 (ii) Surveillance techniques;

1077 (iii) The installation, operation, or utilization of any alarm technology;

1078 (iv) Engineering and architectural drawings of such government stores or warehouses;

1079 (v) The transportation of merchandise, including routes and schedules; and

1080 (vi) The operation of any government store or the central warehouse used by the Department of  
1081 Alcoholic Beverage Control involving the:

1082 a. Number of employees present during each shift;

1083 b. Busiest hours, with the maximum number of customers in such government store; and

1084 c. Banking system used, including time and place of deposits.

1085 57. Information required to be provided pursuant to § 54.1-2506.1.

1086 58. Confidential information designated as provided in subsection D of § 11-52 as trade secrets or  
1087 proprietary information by any person who has submitted to a public body an application for  
1088 prequalification to bid on public construction projects in accordance with subsection B of § 11-46.

1089 59. All information and records acquired during a review of any child death by the State Child  
1090 Fatality Review Team established pursuant to § 32.1-283.1.

1091 60. Investigative notes, correspondence, documentation and information provided to or produced by  
1092 or for the committee or the auditor with respect to an investigation or audit conducted pursuant to  
1093 § 15.1-765.2. Nothing in this section shall prohibit disclosure of information from the records of  
1094 completed investigations or audits in a form that does not reveal the identity of complainants or persons  
1095 supplying information.

1096 61. Financial, medical, rehabilitative and other personal information concerning applicants for or  
1097 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority  
1098 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

1099 62. Confidential proprietary records which are voluntarily provided by a private entity pursuant to a  
1100 proposal filed with a public entity under the Public-Private Transportation Act of 1995 (§ 56-556 et  
1101 seq.), pursuant to a promise of confidentiality from the responsible public entity, used by the responsible  
1102 public entity for purposes related to the development of a qualifying transportation facility; and  
1103 memoranda, working papers or other records related to proposals filed under the Public-Private  
1104 Transportation Act of 1995, where, if such records were made public, the financial interest of the public  
1105 or private entity involved with such proposal or the process of competition or bargaining would be

adversely affected. In order for confidential proprietary information to be excluded from the provisions of this chapter, the private entity shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. For the purposes of this subdivision, the terms public entity and private entity shall be defined as they are defined in the Public-Private Transportation Act of 1995.

63. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public; engineering plans, architectural drawings, or operational specifications of governmental law-enforcement facilities, including but not limited to courthouses, jails, and detention facilities, to the extent that disclosure could jeopardize the safety or security of law-enforcement offices; however, general descriptions shall be provided to the public upon request.

64. All records of the University of Virginia or the University of Virginia Medical Center which contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center, including its business development or marketing strategies and its activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the Medical Center.

65. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

66. Records of the Medical College of Virginia Hospitals Authority pertaining to any of the following: (i) an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; and the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and (ii) data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented.

C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 2.1-377 et seq.) of this title shall be construed as denying public access to contracts between a public official and a public body, other than contracts settling public employee employment disputes held confidential as personnel records under subdivision 3 of subsection B of this section, or to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to, any public officer, official or employee at any level of state, local or regional government in the Commonwealth or to the compensation or benefits paid by any corporation organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, to their officers or employees. The provisions of this subsection, however, shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

§ 9-6.25:3. Supervisory boards.

There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the following supervisory boards:

- Alcoholic Beverage Control Board
- Board for Branch Pilots
- Board of Commissioners, Virginia Port Authority
- Board of Game and Inland Fisheries
- Board of Regents, Gunston Hall Plantation
- Board of Regents, James Monroe Memorial Law Office and Library
- Board of Trustees, Chippokes Plantation Farm Foundation
- Board of Trustees, Frontier Culture Museum of Virginia
- Board of Trustees, Jamestown-Yorktown Foundation
- Board of Trustees, the Science Museum of Virginia
- Board of Trustees, Virginia Museum of Fine Arts

- 1167 Board of Trustees, Virginia Retirement System
- 1168 Board of Trustees, Virginia Veterans Care Center
- 1169 Board of Trustees, Virginia War Memorial Foundation
- 1170 Board of the Virginia Higher Education Tuition Trust Fund
- 1171 Board of Visitors, Christopher Newport University
- 1172 Board of Visitors, George Mason University
- 1173 Board of Visitors, James Madison University
- 1174 Board of Visitors, Longwood College
- 1175 Board of Visitors, Mary Washington College
- 1176 Board of Visitors, Norfolk State University
- 1177 Board of Visitors, Old Dominion University
- 1178 Board of Visitors, Radford University
- 1179 Board of Visitors, The College of William and Mary in Virginia
- 1180 Board of Visitors, University of Virginia
- 1181 Board of Visitors, Virginia Commonwealth University
- 1182 Board of Visitors, Virginia Military Institute
- 1183 Board of Visitors, Virginia Polytechnic Institute and State University
- 1184 Board of Visitors, Virginia State University
- 1185 ~~Charitable Gaming Commission~~
- 1186 Commonwealth's Attorneys' Services Council
- 1187 Compensation Board
- 1188 Governing Board, Virginia College Building Authority
- 1189 Governing Board, Virginia Public School Authority
- 1190 Motor Vehicle Dealer Board
- 1191 State Board for Community Colleges, Virginia Community College System
- 1192 State Board of Education
- 1193 State Certified Seed Board
- 1194 State Council of Higher Education for Virginia
- 1195 Virginia Agricultural Council
- 1196 Virginia Bright Flue-Cured Tobacco Board
- 1197 Virginia Board for People with Disabilities
- 1198 Virginia Cattle Industry Board
- 1199 Virginia Corn Board
- 1200 Virginia Dark-Fired Tobacco Board
- 1201 Virginia Egg Board
- 1202 Virginia Horse Industry Board
- 1203 Virginia Marine Products Board
- 1204 Virginia Peanut Board
- 1205 Virginia Pork Industry Board
- 1206 Virginia Soybean Board
- 1207 Virginia State Apple Board
- 1208 Virginia Sweet Potato Board.
- 1209 § 18.2-334.2. Same; bingo games, raffles and duck races conducted by certain organizations.
- 1210 Nothing in this article shall apply to any bingo game, instant bingo, raffle, or duck race conducted
- 1211 solely by organizations as defined in ~~§ 18.2-340.16~~ § 18.2-340.39 which have received a permit as set
- 1212 forth in § 18.2-340.25, ~~or which are exempt from the permit requirement under § 18.2-340.23~~
- 1213 ~~18.2-340.42.~~
- 1214 *Article 1.1:2.*
- 1215 *Bingo and Raffles.*
- 1216 § 18.2-340.39. *Definitions.*
- 1217 *As used in this article unless the context requires a different meaning:*
- 1218 *"Bingo" means a specific game of chance played with individual cards having randomly numbered*
- 1219 *squares ranging from one to seventy-five, in which prizes are awarded on the basis of designated*
- 1220 *numbers on such cards conforming to a predetermined pattern of numbers selected at random. Such*
- 1221 *cards shall have five vertical rows headed respectively by the letters B.I.N.G.O., with each row having*
- 1222 *five randomly numbered squares.*
- 1223 *"Gross receipts" means the total amount of money received by an organization from bingo games*
- 1224 *and raffles before the deduction of expenses, including prizes.*
- 1225 *"Instant bingo" means a specific game of chance played by the random selection of one or more*
- 1226 *individually prepacked cards, made completely of paper or paper products, with winners being*
- 1227 *determined by the preprinted appearance of concealed letters, numbers or symbols that must be exposed*
- 1228 *by the player to determine wins and losses and may include the use of a seal card which conceals one*

or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by electronic or mechanical equipment.

"Jackpot" means a bingo game, exclusive of a "winner-take-all" bingo game, in which (i) all numbers on the card are covered, each number being selected at random, and with no more than one free space and (ii) the prize amount is greater than \$100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, or employee thereof, which owns and leases, or leases any premise devoted in whole or in part to the conduct of bingo games, and any person residing in the same household as a landlord.

"Organization" means any one of the following:

1. A volunteer fire department or rescue squad or auxiliary unit thereof which has been recognized by an ordinance or resolution of the political subdivision where the volunteer fire department or rescue squad is located as being a part of the safety program of such political subdivision;

2. An organization operated exclusively for religious, charitable, community or educational purposes;

3. An association of war veterans or auxiliary units thereof organized in the United States;

4. A fraternal association operating under the lodge system; or

5. A local chamber of commerce.

"Qualified organization" means any organization for which a valid permit has been issued by a local governing body or its designated official to conduct bingo games or raffles.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

For purposes of this definition, "raffle" shall include determining the winner of a lottery by use of prepackaged pull-tab devices which are devices made completely of paper or paper products with concealed numbers or symbols that must be exposed by the player to determine wins or losses and may include the use of a seal which conceals a number or symbol that has been designated in advance as a prize winner including but not limited to pull-tab devices commonly known as tip boards or seal cards.

§ 18.2-340.40. Only raffles, bingo and instant bingo games permitted; prizes not gaming contracts.

This article permits organizations to conduct raffles, bingo and instant bingo games. All games not explicitly authorized by this article are prohibited.

The award of any prize money for any bingo game or raffle shall not be deemed to be part of any gaming contract within the purview of § 11-14.

Nothing in this article shall prohibit an organization from using the State Lottery Department's Pick-3 number as the basis for determining the winner of a lottery.

§ 18.2-340.41. Eligibility for permit; exceptions; where valid.

A. To be eligible for a permit to conduct bingo games or raffles, an organization shall:

1. Have been in existence and met on a regular basis in the county, city or town or in a county, city or town adjacent to the county, city or town where application is made for a period of at least three years immediately prior to applying for a permit.

The provisions of this subdivision shall not apply (i) to any lodge or chapter of a national or international fraternal order or a national or international civic organization which is exempt under § 501 (c) (3) of the United States Internal Revenue Code and which has a lodge or chapter holding a bingo permit issued under the provisions of this article anywhere within the Commonwealth, (ii) where the local governing body of a county, city or town provides for the issuance of a bingo or raffle permit to booster clubs which have been operating for less than three years, and which have been established solely to raise funds for school-sponsored activities in public schools which are less than three years old, or (iii) recently established volunteer fire and rescue companies or departments, after county, city or town approval.

2. Be operated currently and shall have always been operated in the past as a nonprofit organization and shall have been in existence as a nonprofit organization for a period of at least three years immediately prior to seeking a permit.

B. Any organization whose gross receipts from all bingo operations exceed or can be expected to exceed \$75,000 in any calendar year shall have been granted tax-exempt status pursuant to § 501 (c) of the United States Internal Revenue Code. At the same time tax-exempt status is sought from the Internal Revenue Service, the same documentation may be filed with the local governing body for an interim certification of tax-exempt status. If such documentation is filed, the local governing body may, after reviewing such documentation it may deem necessary, issue its determination of tax-exempt status within sixty days of receipt of such documentation. The local governing body may charge a reasonable fee, not to exceed \$500. This interim certification of tax-exempt status shall be valid until the Internal Revenue Service issues its determination of tax-exempt status, or for eighteen months, whichever is earlier.

C. A permit shall be valid only in the jurisdiction where the application is approved and only at the

1290 locations designated in the permit application. However, a permit may be issued to an organization  
1291 which relocates its meeting place on a permanent basis from one jurisdiction to another, complies with  
1292 the requirements of subdivision 1 of subsection A, and was the holder of a valid permit at the time of its  
1293 relocation.

1294 § 18.2-340.42. Annual permit required; application fee; form of application.

1295 A. Prior to the commencement of any bingo game or raffle, an organization shall obtain an annual  
1296 permit from the governing body or local official designated by the governing body of each county or  
1297 city, or any town with a population of more than 2,500 which has adopted an ordinance pursuant to  
1298 § 18.2-340.49, in which such bingo game or raffle is to be conducted.

1299 B. All applications for a permit shall be acted upon by the governing body, or its designated official,  
1300 within sixty days from the filing thereof. Upon compliance by the applicant with the provisions of this  
1301 article, and at the discretion of the governing body or its designated official, a permit may be issued.  
1302 All permits shall be issued on a calendar basis and unless otherwise provided shall be valid for one  
1303 calendar year beginning on January 1. The application shall be a matter of public record.

1304 All permits shall be subject to reasonable regulation by the local governing body or its designated  
1305 official in accordance with § 18.2-340.49 to ensure the public safety and welfare in the operation of  
1306 bingo games and raffles. The permit shall only be granted after a reasonable investigation has been  
1307 conducted by the local governing body or its designated official.

1308 In no case shall an organization apply for or receive more than one permit; however, nothing in this  
1309 section shall be construed to prohibit granting special permits pursuant to § 18.2-340.44.

1310 C. Application for the annual permit shall be accompanied by a check in the amount of twenty-five  
1311 dollars payable as designated by the local governing body or its designated official. The local governing  
1312 body or its designated official may (i) assess applicants for the cost of processing bingo and raffle  
1313 applications and (ii) waive the application fee and any additional charges.

1314 D. Application for an annual permit shall be made on the following form which may be expanded to  
1315 include any other information desired by the local governing body or its designated official.

1316

1317 APPLICATION FOR PERMIT TO HOLD BINGO GAMES AND RAFFLES

1318

1319 1. Name of organization.....

1320

1321 Address or Headquarters.....

1322

1323 Address where bingo games will be held or raffle drawing will

1324

1325 be conducted.....

1326

1327 .....

1328

1329 .....

1330

1331 NOTE: This permit is valid only at the above location

1332

1333 Days and times on which games are to be held.....

1334

1335 2. When was your organization founded? . . . . . Has your

1336

1337 organization been in existence in this city, town or county

1338

1339 for five continuous years?.....

1340

1341 Is it a nonprofit organization? . . . . Tax Exempt Status

1342

1343 No. (if applicable) .....

1344

1345 Gross receipts from all sources related to the operation of

1346

1347 bingo games or instant bingo by calendar quarter for 12-month

1348

period immediately prior to date of this application

1st Quarter . . . . . 2nd Quarter.....

3rd Quarter . . . . . 4th Quarter .....

State the specific type and purpose of your organization.

.....

.....

.....

3. Officers of organization:

President . . . . . Address.....

Secretary . . . . . Address.....

Treasurer . . . . . Address.....

4. Type of permit applied for: Bingo Games . . . Raffles.....

5. Member authorized by your organization who will be

responsible for bingo or raffle operation?

Name.....

Address .....

Phone . . . . . Business Phone.....

6. Individual responsible for filing the financial report

required by this article if your organization ceases to exist.

Name .....

Address .....

Phone . . . . . Business Phone.....

7. Does your organization understand that it is a violation of

law to enter into a contract with any person or firm,

association, organization (other than another qualified

organization pursuant to § 18.2-340.46), partnership or

corporation of any classification whatsoever, for the purpose

of organizing, managing or conducting bingo games or

1405 raffles?.....

1406

1407 8. Does your organization understand that it must maintain and

1408 file complete records of receipts and disbursements pertaining

1409 to bingo games and raffles and that such records are subject

1410 to audit by . . . . . (insert designated local

1411 official)? .....

1412

1413 9. Has your organization attached a check for the annual permit

1414 fee payable to the . . . . . (insert designated local

1415 official)? .....

1416

1417 10. Does your organization understand that any organization

1418 found in violation of § 18.2-340.50 of the Code of Virginia

1419 authorizing this permit is subject to having such permit

1420 revoked and any organization or person, shareholder, agent,

1421 member or employee of such organization who violated §

1422 18.2-340.50 or Article 1.1:1 (§ 18.2-340.15 et seq.) of

1423 Chapter 8 of Title 18.2 of the Code of Virginia may be guilty

1424 of a felony?.....

1425

1426 11. Does your organization understand that it will be required

1427 to furnish a complete list of its membership?.....

1428

1429 12. I hereby swear or affirm under the penalties of perjury as

1430 set forth in § 18.2-434 of the Code of Virginia, that all of

1431 the above statements are true to the best of my knowledge,

1432 information and beliefs. All questions have been answered.

1433

1434 Signed by

1435 .....

1436

1437 Name	1438 Title	1439 Address
-----------	------------	--------------

1440

1441 Subscribed and sworn to before me, this . . . . day

1442 of . . . . ., 19. . .

1443

1444 My commission expires: . . . . ., 19. . . . .



Notary . . . . ., 19. . . . . Notary Public.

§ 18.2-340.43. Sale of raffle tickets; drawings.

An organization which has obtained a permit under this article to conduct a raffle may sell raffle tickets both in and out of the jurisdiction issuing the permit and may conduct its drawing either in the jurisdiction in which a majority of the tickets were sold or in the jurisdiction issuing the permit, except that pull-tabs or seal cards as defined in § 18.2-340.39 used as part of a raffle may be sold only upon the premises owned or exclusively leased by such organization and at such times as it is not open to the public, except to members and their guests.

§ 18.2-340.44. Conduct of bingo games; special permits.

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

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

B. Bingo games may be held by qualified organizations no more frequently than two calendar days in any calendar week.

C. A special permit may be granted an organization which entitles it to conduct more frequent operation of bingo games during carnivals, fairs and other similar events which are located in the jurisdiction issuing the permit and which are not in violation of any local zoning ordinance.

§ 18.2-340.45. Conduct of instant bingo.

A. Any organization qualified to conduct bingo games pursuant to the provisions of this article is authorized to play instant bingo as a part of such bingo game and only at such location and at such times as are specified in the bingo application permit for regular bingo games.

B. Any organization playing instant bingo shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such instant bingo supplies. The organization shall also maintain a written invoice or receipt from a nonmember of the organization verifying any information required by this subsection. Instant bingo supplies shall be paid for only by check drawn on an account of the organization.

D. No organization shall sell an instant bingo card to any individual below eighteen years of age.

§ 18.2-340.46. Joint operation of bingo games; written reports; special permit required.

A. Any two qualified organizations may jointly organize and conduct bingo games provided both have fully complied with all other provisions of this article.

B. Any two qualified organizations jointly conducting bingo games shall (i) be subject to the same restrictions and prohibitions contained in this article that would apply to a single organization conducting bingo games and (ii) furnish the local governing body of the jurisdiction where such games will be held a written report setting forth the division of manpower, costs, and proceeds for each game to be jointly conducted.

Upon a finding that the division of manpower and costs for each game bears a reasonable relationship to the division of proceeds, the local governing body shall issue a special permit for the joint conduct of all approved bingo games.

C. No bingo game shall be jointly conducted until the special permit issued pursuant to subsection B is obtained by the organization involved for that bingo game.

§ 18.2-340.47. Reports of gross receipts and disbursements required; form of reports; failure to file.

A. Complete records of all receipts and disbursements shall be kept and filed annually under oath with the local official designated by the local governing body. The annual or quarterly financial report and other items required to be filed under this section shall be a matter of public record. All accountings shall be made on or before December 1 of each calendar year for which a permit has been issued. The accounting shall include a record of the gross receipts and disbursements of an organization for the year period which commenced on October 1 of the previous year and a record of all money in the possession of the organization that was derived from bingo or instant bingo, regardless of when the money was received.

Any organization whose gross receipts exceed \$50,000 during any calendar quarter shall file an additional accounting of its receipts and disbursements during such quarter no later than sixty days following the last day of the quarter.

"Gross receipts," as used in this section means the total amount of money received from bingo and instant bingo operations before the deduction of expenses or prizes.

B. All reports of receipts and disbursements shall be made on the following form and acknowledged in the presence of a duly authorized notary public. The form may be expanded to include any other

1523 information desired by the local governing body or its designated official.

1524

1525 BINGO GAMES - RAFFLES

1526

1527 FINANCIAL REPORT

1528

1529 All holders of a Bingo Game-Raffle Permit, issued pursuant to

1530

1531 § 18.2-340.41, must file a record of all receipts and

1532

1533 disbursements in accordance with the provisions of this article.

1534

1535 FAILURE TO FILE A REPORT OF SUCH RECORDS WHEN DUE SHALL CAUSE THE

1536

1537 AUTOMATIC REVOCATION OF THE PERMIT.

1538

1539 .....

1540

1541 Name of Organization.....

1542

1543 Type of Organization.....

1544

1545 Phone.....

1546

1547 Address Address where Bingo/Raffle is conducted

1548

1549 .....

1550

1551 City, State, Zip Code Person Preparing Report

1552

1553 .....

1554

1555 Phone Indicate Period for Which This Report Is Filed

1556

1557 .....

1558

1559 Beginning Bank Balance

1560

1561 from Bingo/Raffle \$. . . .

1562

1563 Cash on Hand \$. . . .

1564

1565 TOTAL (A) \$. . . .

1566

1567 Receipts:

1568

1569 Admission (Regular & Extra Cards) \$. . . .

1570

1571 Instant Bingo Sales . . . .

1572

1573 Misc. Sales (Excluding Bev. & Food) . . . .

1574

1575 Raffles . . . .

1576

1577 Other . . . .

1578

1579 TOTAL (B) \$. . . .

1580  
 1581 *TOTAL CASH AVAILABLE (A & B) \$. . . .*  
 1582  
 1583 *Operating Cost:*  
 1584  
 1585 *(Excluding Bev. & Food) \$. . . .*  
 1586  
 1587 *Bingo Supplies . . . .*  
 1588  
 1589 *Instant Bingo Supplies . . . .*  
 1590  
 1591 *Other Supplies & Equipment . . . .*  
 1592  
 1593 *Permit Fee . . . .*  
 1594  
 1595 *Prizes Awarded . . . .*  
 1596  
 1597 *Jackpot Award . . . .*  
 1598  
 1599 *Instant Bingo . . . .*  
 1600  
 1601 *Rent . . . .*  
 1602  
 1603 *Audit Fee . . . .*  
 1604  
 1605 *Other (Attach detailed explanation) . . . .*  
 1606  
 1607 *TOTAL (C) \$. . . .*  
 1608  
 1609 *Use of Proceeds (Attach Detailed Schedule Indicating Payment,*  
 1610 *Date, Check or Invoice Numbers and Amounts)*  
 1611  
 1612  
 1613 *TOTAL (D) \$. . . .*  
 1614  
 1615 *(C & D) \$. . . .*  
 1616  
 1617 *Ending Bank Balance from Bingo/Raffle*  
 1618  
 1619 *(E) \$. . . .*  
 1620  
 1621 *Cash on Hand*  
 1622  
 1623 *(F) \$. . . .*  
 1624  
 1625 *TOTAL CASH ACCOUNTED FOR (C + D + E + F) \$. . . .*  
 1626  
 1627 *OATH - - I, the undersigned applicant, do swear (or*  
 1628 *affirm) that the foregoing figures and statements are*  
 1629 *true, full, and correct to the best of my knowledge and*  
 1630 *belief.*  
 1631  
 1632  
 1633  
 1634  
 1635 .....

1636  
1637 Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_  
1638  
1639 SUBSCRIBED AND SWORN TO BEFORE ME THIS.....DAY OF....., 19....  
1640  
1641 My commission expires: .....

1642  
1643 NOTARY PUBLIC  
1644  
1645

1646 *C. The annual financial report shall be accompanied by a certificate, verified under oath, by the*  
1647 *board of directors that the proceeds of any bingo games or raffles have been used for those lawful,*  
1648 *religious, charitable, community or educational purposes for which the organization is specifically*  
1649 *chartered or organized and that the operation of bingo games or raffles has been in accordance with*  
1650 *the provisions of this article.*

1651 *D. Any organization having annual gross receipts from bingo games or raffles in excess of \$250,000,*  
1652 *as shown on its annual financial report, shall attach to such report an opinion of a licensed*  
1653 *independent certified public accountant that in all material respects (i) the annual financial report*  
1654 *presents fairly beginning cash, receipts, operating cost, use of proceeds, and ending cash; (ii) the*  
1655 *proceeds of any bingo games or raffles have been used for those lawful, religious, charitable,*  
1656 *community, or educational purposes for which the organization is specifically chartered or organized;*  
1657 *and (iii) the gross receipts have been used in accordance with the provisions of this article. The opinion*  
1658 *required by this subsection shall be in addition to the audit and audit fee required by § 18.2-340.48.*

1659 *An organization shall designate an individual who shall be responsible for filing the annual or*  
1660 *quarterly financial report required by this article if the organization goes out of business or otherwise*  
1661 *ceases to exist.*

1662 *E. The organization shall maintain for three years (i) a written record of the dates on which bingo is*  
1663 *played, the number of people in attendance on each date and the amount of the receipts and prizes paid*  
1664 *on each day; (ii) a written record of the name and address of each individual to whom a door prize,*  
1665 *regular or special bingo game prize or jackpot from the playing of bingo is awarded, as well as the*  
1666 *amount of the award; and (iii) an itemized record of all receipts and disbursements, including operating*  
1667 *costs and use of proceeds incurred in operating bingo games.*

1668 *F. The failure to file (i) reports when due in accordance with subsection B and (ii) an opinion of a*  
1669 *licensed independent certified public accountant when required in accordance with subsection D, shall*  
1670 *cause the automatic revocation of the permit and no organization shall conduct any bingo game or*  
1671 *raffle thereafter until the report or the opinion is properly filed and a new permit is obtained.*

1672 *§ 18.2-340.48. Audit of reports; exemption; fee.*

1673 *A. All reports filed pursuant to § 18.2-340.47 shall be audited by a local official designated by the*  
1674 *governing body.*

1675 *B. Any report filed by an organization with gross receipts of less than \$2,000 for the designated*  
1676 *reporting period shall be exempt from the audit requirement.*

1677 *C. The local governing body shall establish a reasonable audit fee reflecting the actual cost of the*  
1678 *audit if the audit is conducted by an independent auditor or accountant, or a audit fee not to exceed*  
1679 *one percent of (i) the gross receipts which an organization reports pursuant to § 18.2-340.47 and (ii)*  
1680 *the interest income on money that the organization has received from bingo or instant bingo operations*  
1681 *if the audit is conducted by a local official designated by the governing body. The local governing body*  
1682 *may establish a graduated scale to determine the audit fee. The audit fee shall accompany each annual*  
1683 *report.*

1684 *D. The audit fee shall be payable to the local official who is responsible for the performance of the*  
1685 *audit. All audit fees received shall be separately accounted for and shall be used only for the purposes*  
1686 *of auditing and regulating bingo games and raffles.*

1687 *§ 18.2-340.49. Local control of management and operation of bingo games and raffles; right of entry*  
1688 *upon premises; independent accounting procedures; additional local taxes prohibited.*

1689 *A. The governing body of any county, city or town may adopt an ordinance:*

1690 *1. Regulating any bingo game or raffle within such jurisdiction provided such ordinance is not in*  
1691 *conflict with the provisions of this article.*

1692 *2. Prohibiting the playing of instant bingo.*

1693 *3. Requiring an independent accounting procedure to be followed by an organization and designate*  
1694 *a local official to promulgate such independent accounting procedures.*

1695 *4. Waiving the requirements of subsection D of § 18.2-340.47, provided the local governing body has*  
1696 *by ordinance required an independent accounting procedure to be followed by the organization and has*

designated a local official to promulgate such independent accounting procedures as set forth in this subsection.

5. Limiting the number of organizations for which a person may manage, operate or conduct bingo games or raffles.

6. Establishing reasonable limitations on the number of bingo games which may be conducted in any one calendar day.

7. Establishing reasonable hours during which bingo games may be played within such jurisdiction.

In the event that the governing body of any town adopts an ordinance pursuant to the provisions of this section, such town shall not be subject to any ordinance adopted by the county within which such town lies.

B. A local governing body shall adopt an ordinance:

1. Requiring as a condition of receiving a permit, the permittee use a predetermined percentage of its gross receipts from all bingo games or raffles for (i) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involving the operation of the organization and used for lawful religious, charitable, community or educational purposes. The percentage shall be uniformly applied and shall be determined by the local governing body. For the purposes of clause (ii), 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) (3), (7) or (10) of the Internal Revenue Code and (b) the membership of the qualified organization is identical to such holding entity.

2. Requiring the organization to have a membership consisting of at least fifty percent residents of the Commonwealth, and to furnish a complete list of its members who participate in the management, operation or conduct of bingo in order for the local governing body to ascertain the percentage of Virginia residents.

C. Notwithstanding the provisions of this article requiring an annual audit, the provisions of § 18.2-340.47 shall not prohibit any local designated official from performing unannounced audits or restrict any right of such official to secure records required to be maintained by the provisions of this article. Any such official shall have the authority to go upon the premises on which any organization is conducting a bingo game for the purpose of carrying out the duties imposed by this article. The application for a bingo permit shall constitute permission from, and authority granted by, such organization to any law-enforcement officer or any official designated by the local governing body pursuant to § 18.2-340.48 to enter upon such premises.

D. No governing body of any county, city or town may impose a gross receipts, entertainment, admission or any other tax based on revenues of qualified organizations derived from the conduct of bingo.

The provisions of this subsection shall not apply to any local governing body located within the Hampton Roads Planning District, and any such tax imposed shall not be considered part of the gross receipts of a qualified organization for the purposes of subdivision 1 of § 18.2-340.19 and subdivision 1 of § 18.2-340.33.

§ 18.2-340.50. Denial, suspension or revocation of permit; hearings and appeals.

A. The local governing body or its designated official or board where a permit was issued may deny, suspend or revoke the permit of any organization found not to be in strict compliance with the provisions of this article.

B. No permit to conduct bingo games or raffles shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for a hearing. After a hearing on the issues, the local governing body or its designated official or board may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article.

C. Any organization aggrieved by the decision of the local governing body or its designated official or board may appeal such decision to the circuit court.

§ 18.2-340.51. Prohibited practices; penalties.

In addition to those other practices prohibited by this article:

A. No part of the gross receipts derived by a qualified organization may be used for any purpose other than (i) those lawful religious, charitable, community or educational purposes for which the organization is specifically chartered or organized and (ii) expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involving the operation of the organization and used for lawful religious, charitable, community or educational purposes. For the purposes of clause (ii), 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

1758 *is qualified as a tax exempt organization under § 501 (c) (3), (7) or (10) of the Internal Revenue Code*  
1759 *and (b) the membership of the qualified organization is identical to such holding entity.*

1760 *B. No organization shall enter into a contract with, or otherwise employ for compensation any*  
1761 *person for the purpose of organizing, managing, or conducting bingo games or raffles.*

1762 *The provisions of this subsection shall not apply to organizations composed of or for deaf or blind*  
1763 *persons which use a part of the gross receipts for reasonable and proper operating costs, including*  
1764 *costs associated with providing clerical assistance in the conduct of bingo games or raffles, publicizing*  
1765 *the time and place of bingo games and raffles, and prizes.*

1766 *The provisions of this subsection shall not prohibit the joint operation of bingo games held in*  
1767 *accordance with § 18.2-340.46.*

1768 *C. No person shall pay or receive for use of any premises devoted, in whole or in part, to the*  
1769 *conduct of bingo games or raffles any consideration in excess of the current fair market rental value of*  
1770 *such property. No fair market rental value consideration shall be based upon or determined by*  
1771 *reference to a percentage of the proceeds derived from the operation of bingo games or raffles nor shall*  
1772 *such consideration be based upon or determined by any reference to the number of people in attendance*  
1773 *at such bingo games or raffles.*

1774 *D. No building or other premises shall be utilized in whole or in part for the purpose of conducting*  
1775 *bingo games more frequently than two calendar days in any one calendar week.*

1776 *The provisions of this subsection shall not apply to the playing of bingo pursuant to a special permit*  
1777 *issued in accordance with § 18.2-340.46.*

1778 *E. No building or other premises owned by an organization and qualified as a tax-exempt*  
1779 *organization pursuant to § 501(c) of the Internal Revenue Code shall be utilized in whole or in part for*  
1780 *the purpose of conducting bingo games more frequently than four calendar days in any one calendar*  
1781 *week.*

1782 *One building or premises owned by any county, city, or town shall be exempt from the provisions of*  
1783 *this subsection.*

1784 *F. No person shall participate in the management, operation or conduct of any bingo game or raffle*  
1785 *unless such person is a bona fide member of the organization who has been a member of such*  
1786 *organization for at least thirty days prior to such participation.*

1787 *The provisions of this subsection shall not apply to (i) persons employed as clerical assistants by*  
1788 *organizations composed of or for deaf or blind persons; (ii) the spouse or family members of any such*  
1789 *bona fide member, provided the bona fide member is present; or (iii) employees of a corporate sponsor*  
1790 *of a qualified organization, provided such participation in the management, operation or conduct of a*  
1791 *raffle is limited to no more than one raffle per year.*

1792 *G. No person shall receive any remuneration for participating in the management, operation or*  
1793 *conduct of any such game or raffle, except as follows.*

1794 *Persons employed by organizations composed of or for deaf or blind persons may receive*  
1795 *remuneration not to exceed thirty dollars per event for providing clerical assistance in the conduct of*  
1796 *bingo games or raffles only for such organizations.*

1797 *Persons eighteen years of age and under who sell raffle tickets to raise funds for youth activities in*  
1798 *which they participate may receive nonmonetary incentive awards or prizes from the organization*  
1799 *provided that organization is nonprofit.*

1800 *Off-duty law-enforcement officers from the jurisdiction in which such bingo games are played for*  
1801 *providing uniformed security for such bingo games may be paid remuneration even if such officer is a*  
1802 *member of the sponsoring organization, provided the remuneration paid to such member is in*  
1803 *accordance with off-duty law-enforcement personnel work policies approved by the local*  
1804 *law-enforcement official and further provided that such member is not otherwise engaged in the*  
1805 *management, operation or conduct of the bingo games of that organization.*

1806 *H. No landlord shall, at bingo games conducted on the landlord's premises, (i) participate in the*  
1807 *conduct, management, or operation of any bingo games; (ii) sell, lease or otherwise provide for*  
1808 *consideration any bingo supplies, including, but not limited to, bingo cards, instant bingo cards,*  
1809 *markers, or other game pieces; or (iii) require as a condition of the lease or by contract that a*  
1810 *particular manufacturer, distributor or supplier of bingo supplies or equipment be used by the*  
1811 *organization. If equipment or services are included by a landlord in any lease or contract, the lease or*  
1812 *contract shall itemize the amount attributable to the rent of the premises, equipment, and each service to*  
1813 *be provided by the landlord.*

1814 *The provisions of this subsection shall not apply to any organization (i) conducting bingo games on*  
1815 *its own behalf and (ii) owning the premises where such bingo games are held.*

1816 *I. No organization shall enter into any contract with or otherwise employ or compensate any member*  
1817 *of that organization regarding the sale of bingo supplies or equipment.*

1818 *J. No organization shall award any bingo prize money or any merchandise valued in excess of the*  
1819 *following amounts:*

1. No bingo door prize shall exceed \$25;
2. No regular bingo or special game prize shall exceed \$100;
3. No instant bingo prize for a single card shall exceed \$500; and
4. No bingo jackpot of any nature whatsoever shall exceed \$1,000, nor shall the total amount of bingo jackpot prizes awarded in any one calendar day exceed \$1,000.
- The provisions of this subsection shall not apply to any bingo game in which all the gross receipts from players for that game, up to \$1,000, are paid as prize money back to the players, provided there is no more than one such game per calendar day of play and the prize money from any such game does not exceed \$1,000.
- K. No organization shall award any raffle prize valued at more than \$100,000.
- The provisions of this subsection shall not apply to (i) a raffle conducted no more than once per calendar year by an organization qualified as a tax-exempt organization pursuant to § 501(c)(3) 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)(3) tax-exempt organization or (ii) pull-tabs or seal cards when played as permitted in § 18.2-340.43 which prize award for a single card shall not exceed \$500.
- L. No organization composed of or for deaf or blind persons which employs a person not a member to provide clerical assistance in the conduct of bingo games or raffles shall conduct such games or raffles unless it has in force fidelity insurance, as defined in § 38.2-120, written by an insurer licensed to do business in the Commonwealth.
- M. No person shall participate in the management, operation or conduct of any bingo game or raffle if, within the preceding five years, he has been convicted of a felony or crime of moral turpitude. In addition, no person shall participate in the management, operation or conduct of any bingo game or raffle if that person, within the past five years, has participated in the management, operation, or conduct of any bingo game or raffle which was found by a local permitting authority or by a court of competent jurisdiction to have been operated in violation of state law or local ordinance.
- N. No organizations jointly conducting bingo games pursuant to § 18.2-340.46 shall 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, and all other practices prohibited under this section.
- § 18.2-340.52. Penalties for violation; injunctive relief.
- A. Any person violating the provisions of this article shall be guilty of a Class 1 misdemeanor.
- Each day in violation of subsection C of § 18.2-340.51 shall constitute a separate Class 1 misdemeanor.
- B. In the event an organization violates the provisions of this article, the appropriate city or county attorney of the local governing body which issued the permit may apply to the appropriate circuit court for an injunction restraining the continued operation of bingo games or raffles or any aspect thereof, in addition to the criminal penalties authorized by this section.
- 3. That Article 1.1:1 (§§ 18.2-340.15 through 18.2-340.38) of Chapter 8 of Title 18.2 of the Code of Virginia is repealed.**
- 4. That the provisions of the second and third enactments of this act shall become effective on July 1, 1999.**