

MISCELLANEOUS LICENSES AND ACTS

1. Bingo License (W. Va. Code §47-20)
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In addition to the taxes described in this booklet, the Department of Tax and Revenue also issues bingo and charitable raffle licenses, collects solid waste assessment and racing fees, administers the State Lottery, and administers the Consumer Protection Act, the Collection Agency Act and the Drug Paraphernalia Act.

BINGO LICENSE

Bingo licenses can be issued to charitable or public service organizations that are tax exempt and have been in existence in West Virginia for two years. The West Virginia State Fair Board may also apply for a bingo license and conduct bingo occasions at the State Fair. License fees are as follows:

Annual License	
Volunteer or Nonprofit Groups with Gross Income	
less than \$20,000 per year	\$200
All other organizations	\$500
Limited Occasion License	\$100
State Fair License	\$500

All organizations intending to conduct bingo occasions must complete an application. However, if the charge per card is five cents or less and the prizes per game do not exceed \$10, the organization is exempt from obtaining a license. No bingo occasion may be held until an application for a bingo license has been filed and approved by the State Tax Commissioner.

To qualify for a bingo license, all the net proceeds from the bingo operation must be devoted either to a qualified recipient organization or to support a charitable or public service activity or endeavor that the licensee sponsors. Prizes may be merchandise or money but may not be any type of alcoholic beverage. The value of prizes awarded at a single bingo occasion shall not exceed \$10,000. The value assigned to merchandise awarded as prizes is the fair market value at the time of purchase. The total value of all prizes awarded by a bingo licensee shall not exceed 85 percent of

gross proceeds collected during the license period. Total expenses may not exceed 15 percent of the gross proceeds.

Any charitable or public service organization may apply for an annual Super Bingo license. The annual license fee is \$5,000. A Super Bingo licensee may hold one Super Bingo occasion every month during the license year. No more than \$50,000 in prizes may be awarded to persons playing Super Bingo during each Super Bingo occasion. If Super Bingo is conducted by a licensee during a regular bingo occasion held by that licensee, regular bingo prizes cannot exceed \$7,500 and Super Bingo prizes cannot exceed \$30,000. Any charitable or public service organization already licensed to provide regular or limited occasion bingo may apply for a Super Bingo license. However, there is no requirement that only those organizations can apply for a Super Bingo license.

A bingo licensee may pay a salary, not to exceed the federal minimum wage, to operators of bingo games who are active members of the licensee organization. Salaries may be paid to a maximum of eight operators if the licensee's annual gross receipts for the most recent license period were at least \$100,000. Salaries may be paid to a maximum of five operators if the annual gross receipts are at least \$50,000 but less than \$100,000. Up to three operators can be paid if the annual gross receipts are less than \$50,000.

A licensee cannot rent its premises to another licensee. However, a licensee may permit another licensee to use its premises without the payment of rent and still receive reimbursements of actual and reasonable expenses incurred while using the premises, not to exceed \$50.

No person may receive rent for allowing any licensee with an annual license to use his premises for bingo for more than two occasions per week. Rent from limited occasion licensees is limited to no more than forty-two occasions per year, if the total number of bingo occasions an owner or lessor may receive rent for per year may not exceed 104 occasions.

Books and records of bingo licensees that award more than \$175,000 in total prizes during a license period must be audited by the State Tax Commissioner. The State Tax Commissioner must file a copy of the completed audit with the County Commission of the county where the licensee holds bingo occasions. Separate records must be kept for Super Bingo occasions and for regular or limited occasion bingo occasions. Bingo financial returns must be filed by Super Bingo licensees and by regular bingo licensees twenty days after the close of each quarter of their license year. An annual report is due thirty days after the license year ends. Financial returns of limited occasion or State Fair bingo licensees are due thirty days after the bingo occasion is held. All licensees are required to keep records for three years.

CHARITABLE RAFFLE LICENSE

Raffle licenses can be issued to qualified charitable and public service organizations, including the State Fair Board, which have been in existence in West Virginia for one year. Net proceeds from the raffle must be devoted to a charitable or public service activity or endeavor, including any bona fide activity or endeavor or any political party executive committee.

License fees are as follows:

Annual License	\$500
Limited License	\$ 50
State Fair License	\$500

All organizations intending to conduct a raffle must complete an application. However, if the gross proceeds of the organization from raffles for a calendar year do not exceed \$7,500 and the value of any prize does not exceed \$1,000, the organization is exempt from obtaining a license, but is still required to file a raffle application.

Prizes awarded may not exceed \$7,500 per occasion for limited licensees, and total prizes awarded during the license period must not exceed 85 percent of the gross proceeds for all licensees. Total expenses for any raffle occasion may not exceed 15 percent of the gross proceeds.

All raffle boards and games must be purchased from a licensed wholesaler, distributor or manufacturer. All raffle boards and games sold in West Virginia must have some identification as to the manufacturer of the product and a unique serial number printed on each ticket. In addition, the seller is required to provide an original invoice to the purchaser showing the serial numbers of all games purchased and that the fee has been paid on those games. Any games in the possession of the purchaser for which the Tax Commissioner cannot verify through the original invoice that the tax has been paid, will be considered contraband and may be seized and destroyed by the Tax Commissioner.

No compensation can be given to individuals conducting a raffle occasion, and no licensee may receive rent or any other fee for use of its premises to conduct a raffle occasion. However, a licensee may receive reimbursement for actual and reasonable expenses incurred, not to exceed \$50.

All organizations holding raffle occasions are required to keep records for three years and may be audited by the Department of Tax and Revenue. Each organization holding an annual, limited or State Fair license must file a financial return within thirty days of the expiration of such a license.

RAFFLE BOARD WHOLESALERS AND DISTRIBUTORS FEES

Wholesalers, distributors and manufacturers of raffle boards and games are subject to special West Virginia license requirements. These wholesalers, distributors and manufacturers must pay an annual license fee of \$500. In addition, the sale of raffle boards and games to West Virginia retailers is subject to a fee of 20% of the retail value. This fee is in addition to any Consumers Sales Tax due. Certain sales to charitable and public service organizations are exempt from the fee.

The fee on the retail value of the boards and games is to be paid by each licensee on or before the twentieth day of April, July, October and January. The fee due is based on the total amount of the retail value of all charitable raffle boards and games sold during the preceding three months.

All raffle boards and games sold in West Virginia are required to have identification as to the manufacturer of the product and a unique game serial number printed on each ticket. The seller of the games is required to provide an original invoice to the purchaser showing that the fee has been paid on the games. The original invoice provided to the purchaser must include the following information:

1. the name and address of the seller;
2. the name and address of the purchaser;
3. the point of delivery and date of sale;
4. the quantity, description and serial numbers of the games sold;
5. the price of the product, and
6. the raffle board fee (for sales to retailers only).

Wholesalers, distributors and manufacturers making sales of raffle boards and games must also collect the 6 percent Consumers Sales Tax from the purchaser.

SPARKLERS AND NOVELTIES REGISTRATION

Any business that has a current West Virginia Business Registration Certificate and desires to sell sparklers and novelties in West Virginia must obtain a Sparklers and Novelties Registration Certificate from the State Tax Commissioner. The certificate must be obtained before the sale of any sparklers or novelties. The fee for this certificate is \$15 per registration year. All Sparklers and Novelties Registration Certificates will expire on the thirtieth day of the registration year, regardless of when the certificate was issued. If a business has two or more business locations in this State from which sparklers and novelties will be sold, each business location must have both a Business Registration Certificate and a Sparklers and Novelties Registration Certificate.

A Sparklers and Novelties Registration Certificate is required to sell the following items:

1. explosive caps designed to be fired in toy pistols, provided the explosive mixture of the caps does not exceed 0.25 of a grain for each cap;
2. snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a smoke-like ash when burning;
3. smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke;
4. trick noisemakers that produce a small report designed to surprise the user, including
 - a. a party popper, which is a small plastic or paper item containing not more than 0.25 of a grain of explosive mixture, which has a string protruding from the device that is pulled to activate the device, expelling paper streamers and producing a small report,
 - b. a string popper, which is a small tube containing not in excess of 0.25 of a grain of explosive mixture that has a string protruding from both ends that are pulled to activate the friction-sensitive mixture, producing a small report, and
 - c. a snapper or drop pop, which is a small paper wrapped item containing no more than 0.25 of a grain of explosive mixture coated on small bits of sand that, when dropped, produces a small report;
5. wire sparklers consisting of wire or stick coated with a nonexplosive pyrotechnic mixture of 100 grams or less per item, that produces a shower of sparks upon ignition, and
6. other sparkling devices which emit showers of sparks and sometimes a whining or crackling effect when burning, do not detonate or explode, are hand-held or ground-based, cannot propel themselves through the air and contain no more than seventy-five grams of chemical compound per tube, or not more than a total of 200 grams if multiple tubes are used.

These sparklers and sparkling devices may not be sold to anyone under the age of sixteen.

A Sparklers and Novelties Registration Certificate is not needed to sell the following items:

1. model rockets and model rocket engines designed, sold and used to propel recoverable air models;
2. toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured according to the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used, and
3. toy paper or plastic caps manufactured as provided in the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps.

Although the sale of these items is permitted at all times, W. Va. Code §29-3-23 specifies that each package containing toy paper or plastic caps offered for retail sale must be labeled to indicate the maximum explosive content per cap.

It remains unlawful to offer for sale, possess, expose for sale, sell at retail, use or explode any fireworks. 'Fireworks' is defined to include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and includes, but is not limited to

1. blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used,
2. the type of unmanned balloons that required underneath to propel the same,
3. firecrackers,
4. torpedoes,
5. skyrockets,
6. Roman candles,
7. daygo bombs,
8. other fireworks of like construction, and
9. any fireworks containing any explosive or flammable compound or any tablet or other device containing any explosive substance.

SOLID WASTE ASSESSMENT FEE

A Solid Waste Assessment Fee is levied and imposed on the disposal of solid waste at any solid waste disposal facility in West Virginia. The Solid Waste Assessment Fee is imposed in addition to all other fees and taxes levied. It is to be added to, and constitutes part of, any fee charged by the operator or owner of a solid waste disposal facility for receiving and disposing of solid waste. This fee is to be collected from the customer and remitted to the State Tax Commissioner by the 15th day of the month following the month in which the fee accrued.

The fees imposed by the State on the disposal of both in-shed and out-of-shed solid waste will be \$8.25 per ton, unless an exemption applies. Three transactions are exempt from the Solid Waste Assessment Fees listed above. They are as follows:

1. solid waste disposed of at a solid waste disposal facility by the person who owns, operates or leases the solid waste disposal facility if the facility is used exclusively to dispose of waste originally produced
 - a. by such person in such person's regular business or personal activities, or
 - b. by persons using the facility on a cost-sharing or nonprofit basis;
2. reuse or recycling of any solid waste, and
3. disposal of residential solid waste by an individual not engaged in the business of hauling or disposing of solid waste on days and times designated by the Director of the Division of Environmental Protection.

Exemptions from the 25-cent per ton fee imposed by W. Va. Code §20-11-5(b) are different. Exemption from this fee is limited to

1. disposal of solid waste on which the recycling assessment fee has been paid;
2. disposal of sludge or coal combustion by-products;
3. reuse or recycling of any solid or hazardous waste, and
4. disposal of residential solid waste on residential free days when the disposal weight is less than one ton.

Solid waste disposed of at a recycling facility is exempt from all solid waste disposal assessment fees. A "recycling facility" is a facility that only accepts, buys or transfers source-separated material or recycled material for use, resale or transfer for further processing.

Commercial recyclers pay only the \$2 per ton recycling assessment fee on solid waste disposed of from the commercial recycling facility. "Commercial recycler" means any person, corporation or business entity whose operation involves the mechanical separation of materials in order to resell or recycle at least 70 percent by weight of the materials coming into its facility.¹

Net proceeds from the Solid Waste Assessment Fee received by the State Tax Commissioner are transferred to an account designated by the Director of the Department of Natural Resources who then deposits the money in other accounts. The county solid waste assessment fee is to be applied to the reasonable administrative costs of that county's regional or county waste authority. The county is required to turn over half of the assessments to the general revenue fund of municipalities operating their own solid waste collection programs and solid waste facilities in the county.

RACING TAXES AND FEES

Various horse and dog racing taxes and fees are collected by the Racing Commission. A license tax is imposed upon the operator of each track in West Virginia. That tax is collected on a daily basis for those days on which races are run. Fees are also imposed for permits for jockeys, trainers, etc.

¹ In order to be considered a commercial recycler, a person must obtain a permit from the Division of Environmental Protection.

A daily license tax is levied for each day upon which horse races and dog races are run. License taxes are imposed as follows:

Activity	Daily License Tax
Dog Racing	\$150
Harness Racing	150
Thoroughbred Racing	250
Any Combination of the Above	250

In addition, any licensed racing association conducting thoroughbred racing and permitting pari-mutuel wagering shall pay as a tax during the months of January, February, March, October, November and December of 0.4 percent of the pari-mutuel pool and on pari-mutuel pools conducted or made each day during all other months 1.4 percent of such pool. However, if any such racing association operating a horse race track in West Virginia has an average daily pari-mutuel pool on horse racing of \$280,000 or less per day for the race meetings of the preceding calendar year, that association shall, in lieu of payment of the pari-mutuel pool tax, pay an alternate pari-mutuel pool tax of \$1,000 on the first \$300,000 of any daily pools plus the rate otherwise applicable on any portion of the pools in excess of \$300,000. If any association or licensee qualifying for the foregoing alternate tax conducts more than one racing performance, each consisting of up to ten races in a calendar day, such association or licensee shall pay both the daily license tax and the foregoing alternate tax for each such performance. A licensee qualifying for the foregoing alternate tax is excluded from participation in the Thoroughbred Development Fund, except for a thoroughbred racetrack at which the licensee has participated in such fund for a period of more than four consecutive calendar years before December 31, 1992.

Any racing association conducting harness racing and permitting and conducting pari-mutuel wagering shall pay, in addition to the daily license tax, a tax of pari-mutuel 3 percent of the first \$100,000 wagered each day, or any part thereof, 4 percent of the next \$150,000, and 5.75 percent of total wager amounts over \$250,000 wagered each day in all such pari-mutuel pools.

Any racing association licensed by the racing commission to conduct dog racing and permitting and conducting pari-mutuel wagering shall, in addition to the daily license tax, pay as a tax 4 percent of the first \$50,000 or any part thereof of such pari-mutuel pools, 5 percent of the next \$50,000 of such pari-mutuel pools, 6 percent of the next \$100,000, 7 percent of the next \$150,000, and 8 percent of all over \$350,000 wagered each day.

Any licensed dog racing association that conducts at least 220 live racing dates per year or any licensed thoroughbred association that conducts 210 live racing dates per year may contract with a legal wagering entity in this State or any other legal wagering entity in any other governmental jurisdiction outside this State to receive telecasts and accept wagers on races conducted at that location. The licensee must obtain prior approval from the Racing Commission, and the contract must receive the approval of the majority of the owners and trainers who hold permits required for the receiving racetrack. The telecast may be received and wagers accepted at any location so authorized under W. Va. Code §19-23-12a.

The licensee may be allowed to co-mingle its wagering pool with that of the sending racing association. In such a situation, the licensee's racetrack must be capable of issuing pari-mutuel tickets and be electronically linked with the equipment at the sending racetrack. Breakage of the pools must be calculated according to the laws and rules governing the sending racetrack and must be distributed

in the manner agreed to by the two racetracks. The Racing Commission must assign either a steward or an auditor to preside over the televised races at the licensee's racetrack.

Licensees authorized to hold televised racing days must pay the greater of the following for each televised racing day on which the total pari-mutuel pool exceeds \$100,000:

1. the total of the applicable daily license tax and the applicable pari-mutuel pool tax, or
2. a daily license tax of \$1,250.

On racing days when the total pari-mutuel pool is \$100,000 or less, the licensee must pay a daily license tax of \$500 plus an additional \$100 for each \$10,000, or part of it, above \$50,000.

After deducting the amount of tax, contributions to the pension fund and development funds where applicable, local government share, host fee and transmission expenses, the Racing Association must deposit 50 percent of the remainder into the purse fund established by W. Va. Code §19-23-9(b)(1). All daily license and pari-mutuel pool tax payments shall be made to the Racing Commission after the last race of each and every day of horse or dog race meeting.

The per diem tax shall not apply to any local, county or state fair, horse show or agricultural or livestock exposition at which racing is conducted for not more than six days.

Funds received from per diem tax and pari-mutuel pool taxes as well as all fees in excess of \$57,000 are deposited into the General Revenue Fund and appropriated by the Legislature. All revenues collected as license taxes and pari-mutuel pool taxes on horse and dog racing shall be deposited into a special account. The revenues in that account will be available to the Racing Commission to pay salaries and other budgeted expenses for the Commission. The amount used by the Racing Commission cannot exceed amounts appropriated for such purposes. Revenues over the budgeted expenses of the Racing Commission are to be accumulated and transferred to the General Revenue Fund.

All monies held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets are to be turned over to the Racing Commission if not claimed within ninety days from the end of the televised racing meet during which the unredeemed pari-mutuel ticket was purchased. This is in addition to the similar requirement for monies held for "live" horse or dog race meetings. Notice of monies being held must be published in the county in West Virginia in which the pari-mutuel ticket was purchased.

WEST VIRGINIA LOTTERY

The West Virginia Lottery is a state-operated lottery authorized to conduct public games of chance, establish rules for conducting games and select the type and number of games or gaming systems.

At present, the types of lottery games are:

1. "Instant" games, in which lottery "instant" game tickets are sold to licensed lottery retailers, who in turn sell the tickets to the public. The purchaser rubs off the covered spots to determine whether a prize has been won. Prizes under \$600 are paid instantly by the retailer. Game themes and prize structures vary.

2. Powerball, Cash 25, Daily 3 and Daily 4, Daily Millions and TRAVEL/Keno in which sales of on-line (computerized) lottery tickets are made by licensed agents to the public. To win, the purchaser's chosen numbers are entered through a computer terminal and printed on his/her ticket stub; these numbers must match the numbers drawn during the West Virginia Lottery's live television drawings or the five-minute TRAVEL/Keno draws, as applicable.

The State Lottery Act created a special fund in the State Treasury called the "State Lottery Fund". All receipts from lottery ticket sales are deposited in this account daily. A minimum annual average of 45 percent of the gross amount received from each lottery is earmarked for prizes. This amount can be as high as 95 percent for certain video lottery games. Net profits are to be appropriated for education, for senior citizens, and to the Bureau of Commerce for certain recreation, parks, and tourism expenses. Not more than 15 percent of the gross amount received from each lottery can be allocated and disbursed for fund operation and administrative expenses.

Winnings are subject to federal income taxes. West Virginia residents are also subject to West Virginia income tax.

Video Lottery

Video lottery was first introduced as an experimental game in June 1990 with less than one hundred terminals at Mountaineer Park racetrack in Hancock County. After passage of the Racetrack Video Lottery Act in 1994, video lottery expanded to Wheeling Downs and Tri-State Greyhound Park. Following this expansion, there were a total of 1,025 terminals at three tracks. By the end of 1996, the total number of terminal had risen to 2,300. In September 1997, the fourth racetrack, Charles Town Races, began video lottery gaming with four hundred terminals and a request to install up to six hundred additional terminals.

CEMETERY REGISTRATION ACT

Cemetery companies are required to register with the Department of Tax and Revenue and establish trust accounts for a portion of the proceeds from certain sales. The registration fee set by regulation is \$200. An additional \$100 annual filing fee is due when a cemetery company reports a change in ownership or a change in the name of the compliance agent designated by the cemetery company.

Cemetery companies required to register are persons, partnerships, firms or corporations operating a cemetery or selling property, goods or services used in connection with interring or disposing of the remains or commemorating the memory of a deceased human being under certain conditions. These companies must only register if the delivery of the property or goods sold or the performance of the services may take place more than 120 days after the receipt of the initial payment on the account. The property, goods or services include burial vaults, mausoleum crypts, lawn crypts, memorials, marker bases and opening and closing and/or interment services. This does not include graves or incidental additions, such as dates or scrolls, representing not more than 10 percent of the total contract price.

Exemptions

Certain companies are exempt from the requirement to register and establish trust accounts. They are as follows:

1. cemeteries owned and operated by a county, municipal corporation, church or a non-stock corporation not operated for profit if the cemetery company
 - a. does not compensate any officer or director, except for reimbursement of reasonable expenses incurred in the performance of official duties;
 - b. does not sell or construct or directly or indirectly contract for the sale or construction of vaults or lawn or mausoleum crypts, and
 - c. uses proceeds from the sale of all graves and entombment rights for the sole purpose of defraying the direct expenses of managing the cemetery
2. community cemeteries not operated for profit if the cemetery
 - a. does not compensate any officer owner or director except for reimbursement of reasonable expenses incurred in the performance of official duties, and
 - b. uses proceeds from the sale of all graves and entombment rights for the sole purpose of defraying the direct expenses of managing the cemetery
3. family cemeteries in which lots or spaces are not offered for public sale.

Trust Fund Requirements

Every cemetery company or seller of pre-need goods or services used in the interring or disposing of the remains or commemorating the memory of a deceased human being shall deposit in an interest-bearing trust fund 40 percent of the receipts from the sale of property, goods or services purchased pursuant to a pre-need cemetery company contract. This includes sales of opening and closing or interment services when the delivery will be delayed more than 120 days from the initial payment of the contract.

Deposits must be made within thirty days after the close of the month in which the receipts are paid. If payment is made on an installment or deferred payment plan, the cemetery company or seller may deposit 40 percent of the payments as they are made. If the proceeds from the sale are financed through a lending institution, it is considered a cash sale. All funds deposited in the trust account must be identified in the records of the seller by the contract number and by the name of the buyer.

Within four months of the end of the cemetery company's fiscal year, the company must report the following information to the Tax Commissioner:

1. the total amount of principal in the pre-need trust account;
2. the securities in which the pre-need trust account is invested;

3. the income received from the trust and the source of that income during the preceding fiscal year;
4. an affidavit executed by the compliance agent that all provisions of this article applicable to the seller relating to pre-need trust account have been complied with;
5. the total receipts required to be deposited in the pre-need trust account;
6. all expenditures from the pre-need trust account, and
7. if the trustee is other than a bank, savings and loan or other federally insured investment banking institution, proof that the fidelity bond required by law has been secured and is in effect.

In addition, the cemetery company must employ an independent certified public accountant to audit the account and provide assurance that 40 percent of the cash receipts from pre-need contracts was deposited in the account within thirty days after the close of each month. Such assurance must be sent with the report to the Tax Commissioner.

CONSUMER PROTECTION ACT

The Consumer Protection Act provides for the initial and subsequent annual registration with the Department of Tax and Revenue of persons who are in the business of making consumer credit sales or consumer loans in West Virginia or maintain a place of business in this State and take assignment of debts that arise from such sales and then undertake direct collection of payments or enforcement of rights against the debtor.

Initial registration must be made within thirty days of the start of business in West Virginia; subsequent annual notification must be made before January 31 of each year in which business is conducted. The following conditions must be satisfied to meet the provisions of the Consumer Protection Act:

1. Credit must be granted either by a seller who regularly engages as a seller in credit transactions of the same kind or by a seller under provisions of a seller credit card;
2. The buyer must be an individual or individuals and not an organization;
3. The real property, personal property or services must be purchased primarily for personal, family, household or agricultural purposes;
4. Either the debt must be payable in installments or finance charges must be made, and
5. Either the principal amount must not exceed \$25,000 or the debt must be secured by an interest in land.

Government agencies and national banks are subject to the provisions of this Act as are providers of professional services who include finance charges in their payment schedules.

COLLECTION AGENCY ACT

The Collection Agency Act provides for some regulation and bonding of persons who engage directly or indirectly in the business of operating a collection agency in West Virginia. The act is very broad and inclusive in its definition of the business of operating a collection agency. Specific persons not considered collection agencies are as follows:

1. regular employees of a single creditor or a collection agency licensed under this Act,
2. banks,
3. trust companies,
4. savings and loan associations,
5. building and loan associations,
6. industrial loan companies,
7. small loan companies,
8. abstract companies doing escrow business,
9. properly licensed real estate brokers or agents when claims and/or accounts they handle are related to or are part of their regular real estate businesses,
10. express and telephone companies subject to public regulation,
11. attorneys-at-law when they handle claims and/or collections in their own names as attorneys, and
12. any individual or organization which acts under the order of any court of competent jurisdiction.

Individuals and organizations that are not exempt and which conduct the business of a collection agency in West Virginia must file separate approved surety bonds of \$5,000 with the State Tax Commissioner for each of their West Virginia offices. These bonds must be renewed annually during the operation of the agency.

At its principal West Virginia office, each agency must maintain a record of all collections and disbursements. These records must be maintained for six years from the date of the last entry and be available for inspection by the Department of Tax and Revenue. In addition, they must maintain a separate trust account in a bank for deposit of monies collected since the collection agency's customers' monies cannot be co-mingled with other monies. Within thirty days of the close of each calendar month, each agency must pay its customers the net proceeds due on all collections the agency made during the preceding calendar month.

EMPLOYMENT AGENCY ACT

The Employment Agency Act requires all persons who receive any fee, charge, commission or other compensation, either directly or indirectly, for services as employment agent to first obtain a license from the State Tax Commissioner. The State Tax Commissioner may issue a license after the application has been approved by the Commissioner of Labor in writing. The employment agency license must be posted at all times in the place of business. This license is not transferable.

The State Tax Commissioner may refuse to issue a license if, upon investigation, the Commissioner finds that the applicant is unfit to engage in the business of an employment agency. A license will not be issued to any person who has had a previous license revoked. The State Tax

Commissioner may also refuse to issue a license if the business location is unsuitable or immediately adjoining unsuitable premises.

The State Tax Commissioner may revoke any license, with or without a hearing, if the employment agency has violated any of the rules and regulations governing an employment agency.

DRUG PARAPHERNALIA ACT

It is unlawful to sell any paraphernalia designed or marketed for use with controlled substances without obtaining a license from the State Tax Commissioner. The fee for such a license is \$150.

Institutions authorized by Chapter 60A of the West Virginia Code to distribute controlled substances may also sell items, such as syringes, which are designed and marketed for lawful use, either with controlled substances or over the counter medicine, such as insulin. Although these items may also facilitate the illegal use of controlled substances, authorized institutions are not required to obtain drug paraphernalia licenses if the institutions sell only items designed and marketed for legal use with controlled substances.

SOLID WASTE ASSESSMENT FEE

Fiscal Year	State Revenue
1988-1989	\$2,284,280
1989-1990	5,038,469
1990-1991	5,556,129
1991-1992	9,667,286
1992-1993	18,519,007
1993-1994	14,838,237
1994-1995	14,537,732
1995-1996	12,618,133
1996-1997	12,292,944

GENERAL REVENUE FUND RECEIPTS FROM RACETRACKS

Fiscal Year	State Revenue
1985-1986	\$14,790,548
1986-1987	15,145,287
1987-1988	13,780,055
1988-1989	13,125,287
1989-1990	11,517,006
1990-1991	9,577,185
1991-1992	8,653,733
1992-1993	4,195,169
1993-1994	2,500,000
1994-1995	6,625,176
1995-1996	1,776,000
1996-1997	4,651,000