

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2603**

BY DELEGATES HANSHAW (MR. SPEAKER), AND MILEY

[Introduced January 22, 2019; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to amend and reenact §60-3-15, §60-3-17, and §60-3-18 of the Code of West Virginia,  
 2 1931, as amended, all relating to the amount permitted to remain in the West Virginia  
 3 Alcohol Beverage Control Administration's operating fund and providing for reports  
 4 regarding the fund balance to ensure operations are maintained.

*Be it enacted by the Legislature of West Virginia:*

### **ARTICLE 3. SALES BY COMMISSIONER.**

#### **§60-3-15. Amount of operating fund and ~~value of inventory stock~~ allowed; contract for manufacture of state brand; ordering listed and unlisted brands.**

1 In order to avoid the accumulation of excessive stocks in warehouses and stores, the  
 2 commissioner shall so plan his or her purchases of alcoholic liquors for sale ~~in state stores and~~  
 3 ~~agencies~~ that none of the stock on hand be on a consignment basis and that the amount of  
 4 operating fund ~~and the value of inventory stock~~ shall not exceed ~~\$20 million~~ \$8 million. The  
 5 required fund balance should be reported to the Joint Committee on Government and Finance  
 6 annually to ensure the operating fund meets the operating requirements as outlined by the  
 7 commissioner.

8 ~~The commissioner may, with the consent of the Governor, contract for the manufacture of~~  
 9 ~~alcoholic liquors for sale in state stores and agencies. Such liquors shall bear a special~~  
 10 ~~designation as "state brand."~~

11 Listed brands and sizes of spirituous liquors shall not be reordered in quantities greater  
 12 than at the rate of comparative gross sales as determined by the last three monthly reports  
 13 published prior to each reorder: *Provided*, That to take advantage of price discounts or to  
 14 anticipate price increases listed brands may be reordered upon the basis of anticipated needs to  
 15 be determined by projecting adjusted sales records; but in no event shall the amount of operating  
 16 fund ~~and the value of inventory stock~~ exceed the limit provided in the first paragraph of this  
 17 section.

18 The initial order of any new or unlisted brand of spirituous liquor, excepting wine, shall not

19 exceed 500 cases. The initial order of new or unlisted wine brands shall not exceed 15 hundred  
20 cases.

**§60-3-17. Regulations as to handling and depositing of moneys collected; monthly remittances; penalty.**

1 The commissioner, with the approval of the state Treasurer, shall prescribe regulations for  
2 the handling and depositing of all moneys collected by the commissioner. All receipts accruing to  
3 and available for the General Revenue Fund in excess of the requirements of the operating fund  
4 ~~and the license fee and additional sales tax imposed by the provisions of this chapter~~ specified in  
5 §60-3-15 of this code, shall be remitted by the commissioner to the state Treasury monthly within  
6 15 days next after the end of each calendar month.

7 If the commissioner fails to remit such moneys to the state Treasury within the time  
8 specified in accordance with the provisions of this section, he or she shall be guilty of a  
9 misdemeanor and, upon conviction thereof, shall be fined \$1,000.

**§60-3-18. Operating fund continued; use; maximum amount.**

1 The operating fund of the commissioner, heretofore created in the state Treasury, is  
2 hereby continued and shall be a revolving fund from which all operation and administration  
3 expenses of the commissioner shall be paid.

4 All moneys collected by the commissioner shall be credited to the operating fund until that  
5 fund reaches an amount sufficient for the current and routine requirements of the office of the  
6 West Virginia Alcohol Beverage Control Commissioner, this amount to be not in excess of the  
7 amount hereinbefore provided in §60-3-15 of this code.

NOTE: The purpose of this bill is to specify the amount of money permitted in the West Virginia Alcohol Beverage Control Administration operating fund that excludes inventory and sets the limit of the operating fund at \$8 million.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.