

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

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ENROLLED

SENATE BILL NO. 284

(*Originating in Senate Committee  
on Finance*)

(By Mr. ....)

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PASSED March 8, 1951

In Effect July 1, 1951. Passage



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AN ACT to amend and reenact section eighteen, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salary of the nonintoxicating beer commissioner.

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

That section eighteen, article sixteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 18. *Office of Nonintoxicating Beer Commissioner Created; Deputy Commissioner and Agents; Bonds; Payment of Administration and Enforcement Expenses.—*

2 *er Created; Deputy Commissioner and Agents; Bonds;*  
3 *Payment of Administration and Enforcement Expenses.—*  
4 (a) The office of an independent administrator to be  
5 known as “West Virginia Nonintoxicating Beer Com-  
6 missioner” is hereby created and the administration of

7 this article is vested in and shall be exercised by said  
8 commissioner, to whom is hereby given all necessary pow-  
9 er and authority in the premises.

10 Whenever, in this article, the word "commissioner"  
11 or "tax commissioner" is used, it shall mean the "West  
12 Virginia Nonintoxicating Beer Commissioner". All acts  
13 heretofore performed by the tax commissioner under  
14 the provisions of this article are ratified and confirmed,  
15 and the commissioner shall succeed to the same position  
16 maintained by the tax commissioner in all proceedings  
17 and official acts instituted and perfected under the pro-  
18 visions of this article prior to the appointment of the  
19 commissioner. The commissioner shall be appointed by  
20 the governor with the advice and consent of the senate.  
21 The term of office for such commissioner shall be six  
22 years from the date of his appointment and until his  
23 successor shall have been appointed and qualified. The  
24 commissioner shall receive an annual salary of seven  
25 thousand dollars.

26 (b) The commissioner at the time of his appointment  
27 and qualification shall be a citizen of the United States

28 and a resident of the State of West Virginia; shall have  
29 been a qualified voter in the state for a period of at least  
30 one year next preceding his appointment, and shall be  
31 not less than thirty years of age; no commissioner dur-  
32 ing his period of service as such shall hold any other  
33 office under the laws of this state or of the United  
34 States.

35 (c) The commissioner, with the consent of the gover-  
36 nor, shall appoint a deputy commissioner who shall have  
37 the same qualifications as are required of a commissioner.  
38 The deputy commissioner in the absence of the commis-  
39 sioner shall exercise all the powers of the commissioner  
40 and generally shall exercise such powers as are dele-  
41 gated to him by the commissioner.

42 (d) Before entering upon the duties of their respective  
43 offices, the commissioner and his deputy shall execute  
44 and file with the state treasurer a penal bond in such  
45 sum as shall be fixed by the governor, but the amount of  
46 such bond shall not be less than five thousand dollars.  
47 Penal bonds in such penal sums as shall be fixed by the  
48 governor likewise shall be executed and filed with the

49 state treasurer by such employees of the commissioner  
50 as the commissioner with the consent of the governor  
51 shall prescribe: *Provided, however,* That no bond of any  
52 employee handling moneys collected by the commission-  
53 er under the provisions of this article shall be less than  
54 five thousand dollars. All such bonds shall be payable  
55 to the State of West Virginia and shall be conditioned  
56 for the faithful performance of the duties imposed by  
57 law or lawful authority upon the commissioner, deputy  
58 commissioner or employees, and further conditioned that  
59 the person bonded will not knowingly violate the pro-  
60 visions of any act relating to the manufacture, sale, dis-  
61 tribution or transportation of alcohol, alcoholic liquors  
62 or non-intoxicating beer. All bonds required to be given  
63 under this section, before being accepted by the state  
64 treasurer, shall be approved by the attorney general and  
65 all such bonds shall be given with surety approved by  
66 the attorney general. The cost of such bond shall be  
67 borne by the commissioner as part of his operating ex-  
68 pense.

69 (e) In addition to the service of the deputy commis-

70 sioner hereinabove provided for, the commissioner shall  
71 appoint an adequate number of competent persons to  
72 serve as agents of the commissioner for the purpose of  
73 keeping all necessary accounts and records required un-  
74 der the provisions of this article; investigating the books,  
75 accounts, records and other papers of retailers, distribu-  
76 tors and brewers; investigating applicants for license and  
77 the places of business of retailers, distributors and brew-  
78 ers; procuring evidence with respect to violations of the  
79 provisions of this article, and particularly for use at hear-  
80 ings held by the commissioner and on proceedings in-  
81 stituted in court for the purpose of revoking or suspend-  
82 ing licenses hereunder; and such agents shall perform  
83 such other duties as the commissioner may direct. Such  
84 agents shall have the right to enter any licensed premises  
85 in the state in the performance of their duties at any  
86 hour of the day or night when beer is being sold or  
87 consumed on such licensed premises. Refusal by any  
88 licensee or by any employee of a licensee to permit such  
89 agents to enter the licensed premises shall be an ad-  
90 ditional cause for revocation or suspension of the license

91 of such licensee by the commissioner. The compensa-  
92 tion of such deputy commissioner, employees and agents  
93 shall be fixed by the commissioner.

94 Services rendered the state by clerks, sheriffs, com-  
95 missioners in chancery and special commissioners desig-  
96 nated by the court, and court reporters and stenographers  
97 performing services for said commissioners and fees of  
98 witnesses summoned on behalf of the state in proceedings  
99 to revoke or suspend retailer's licenses, shall be treated  
100 as a part of the expenses of administration and enforce-  
101 ment, and such officers and said other persons shall be  
102 paid the same fees and charges as would be chargeable  
103 for like services performed for an individual; and the  
104 compensation of such clerks, sheriffs and other persons,  
105 shall be paid out of the amount allocated for the ex-  
106 pense of administration and enforcement, after the  
107 amount of such fees and other charges shall be certified  
108 by the court to the auditor.

