WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 284
(Originating in Senate Committee on Finance)
(By Mr. 

PASSED March 8, 1951

In Effect July 1, 1951... Passage
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; Deputy Commissioner and Agents; Bonds; Payment of Administration and Enforcement Expenses.—

(a) The office of an independent administrator to be known as “West Virginia Nonintoxicating Beer Commissioner” is hereby created and the administration of
this article is vested in and shall be exercised by said commissioner, to whom is hereby given all necessary power and authority in the premises.

Whenever, in this article, the word "commissioner" or "tax commissioner" is used, it shall mean the "West Virginia Nonintoxicating Beer Commissioner". All acts heretofore performed by the tax commissioner under the provisions of this article are ratified and confirmed, and the commissioner shall succeed to the same position maintained by the tax commissioner in all proceedings and official acts instituted and perfected under the provisions of this article prior to the appointment of the commissioner. The commissioner shall be appointed by the governor with the advice and consent of the senate.

The term of office for such commissioner shall be six years from the date of his appointment and until his successor shall have been appointed and qualified. The commissioner shall receive an annual salary of seven thousand dollars.

(b) The commissioner at the time of his appointment and qualification shall be a citizen of the United States
and a resident of the State of West Virginia; shall have been a qualified voter in the state for a period of at least one year next preceding his appointment, and shall be not less than thirty years of age; no commissioner during his period of service as such shall hold any other office under the laws of this state or of the United States.

(c) The commissioner, with the consent of the governor, shall appoint a deputy commissioner who shall have the same qualifications as are required of a commissioner. The deputy commissioner in the absence of the commissioner shall exercise all the powers of the commissioner and generally shall exercise such powers as are delegated to him by the commissioner.

(d) Before entering upon the duties of their respective offices, the commissioner and his deputy shall execute and file with the state treasurer a penal bond in such sum as shall be fixed by the governor, but the amount of such bond shall not be less than five thousand dollars. Penal bonds in such penal sums as shall be fixed by the governor likewise shall be executed and filed with the
state treasurer by such employees of the commissioner
as the commissioner with the consent of the governor
shall prescribe: Provided, however, That no bond of any
employee handling moneys collected by the commiss-
er under the provisions of this article shall be less than
five thousand dollars. All such bonds shall be payable
to the State of West Virginia and shall be conditioned
for the faithful performance of the duties imposed by
law or lawful authority upon the commissioner, deputy
commissioner or employees, and further conditioned that
the person bonded will not knowingly violate the pro-
visions of any act relating to the manufacture, sale, dis-
tribution or transportation of alcohol, alcoholic liquors
or non-intoxicating beer. All bonds required to be given
under this section, before being accepted by the state
treasurer, shall be approved by the attorney general and
all such bonds shall be given with surety approved by
the attorney general. The cost of such bond shall be
borne by the commissioner as part of his operating ex-
pense.
(e) In addition to the service of the deputy commis-
sioner hereinabove provided for, the commissioner shall
appoint an adequate number of competent persons to
serve as agents of the commissioner for the purpose of
keeping all necessary accounts and records required un-
der the provisions of this article; investigating the books,
accounts, records and other papers of retailers, distribu-
tors and brewers; investigating applicants for license and
the places of business of retailers, distributors and brew-
ers; procuring evidence with respect to violations of the
provisions of this article, and particularly for use at hear-
ings held by the commissioner and on proceedings in-
stituted in court for the purpose of revoking or suspend-
ing licenses hereunder; and such agents shall perform
such other duties as the commissioner may direct. Such
agents shall have the right to enter any licensed premises
in the state in the performance of their duties at any
hour of the day or night when beer is being sold or
consumed on such licensed premises. Refusal by any
licensee or by any employee of a licensee to permit such
agents to enter the licensed premises shall be an ad-
ditional cause for revocation or suspension of the license
of such licensee by the commissioner. The compensation of such deputy commissioner, employees and agents shall be fixed by the commissioner.

Services rendered the state by clerks, sheriffs, commissioners in chancery and special commissioners designated by the court, and court reporters and stenographers performing services for said commissioners and fees of witnesses summoned on behalf of the state in proceedings to revoke or suspend retailer's licenses, shall be treated as a part of the expenses of administration and enforcement, and such officers and said other persons shall be paid the same fees and charges as would be chargeable for like services performed for an individual; and the compensation of such clerks, sheriffs and other persons, shall be paid out of the amount allocated for the expense of administration and enforcement, after the amount of such fees and other charges shall be certified by the court to the auditor.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Robert C. Byrd
Chairman Senate Committee

James Q. Slap
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1951, upon passage.

J. Howard Harper
Clerk of the Senate

J. C. Allif
Clerk of the House of Delegates

W. Beauchamp
President of the Senate

W. E. F. Gordon
Speaker House of Delegates

The within approved this the 16th day of March, 1951.

Olney L. Patterson
Governor.

D. Pitt O'Brien,
Secretary of State