

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975



**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO. 269**

(By Mr. *Agarson and Mr. Swanson*)



PASSED *March 8* 1975

In Effect *ninty days from* Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 269**

(By MR. ROGERSON and MR. SUSMAN, *original sponsors*)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact sections fifteen and seventeen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the state control of alcoholic liquors, sales by the commissioner; directing the commissioner to plan his purchases so that the stock on hand does not exceed the estimated requirements for ninety days' sales; increasing the amount of stock allowed; regulations as to handling and depositing of moneys collected; directing the commissioner to prescribe such regulations with the approval of the state treasurer; requiring monthly remittances to the state treasury by the commissioner, and providing a criminal penalty for the failure of the commissioner to make such remittances.

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

That sections fifteen and seventeen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted all to read as follows:

**ARTICLE 3. SALES BY COMMISSIONER.**

**§60-3-15. Amount of stock allowed; contract for manufacture of state brand.**

1 In order to avoid the accumulation of excessive stocks  
2 in warehouses and stores, the commissioner shall so plan  
3 his purchases of alcoholic liquors for sale in state stores  
4 and agencies that stock on hand at any time does not  
5 exceed the estimated requirements for ninety days' sales,

6 that none of such stock be on a consignment basis  
7 and that the amount of operating fund and the value of  
8 inventory stock shall not exceed eleven million dollars  
9 except during the last quarter of the calendar year,  
10 during which time it shall not exceed twenty million  
11 dollars.

12 The commissioner may, with the consent of the gover-  
13 nor, contract for the manufacture of alcoholic liquors for  
14 sale in state stores and agencies. Such liquors shall bear  
15 a special designation as "state brand".

16 Listed brands and sizes of spirituous liquors shall not be  
17 reordered in quantities greater than at the rate of com-  
18 parative gross sales as determined by the last weekly  
19 report published prior to each reorder: *Provided*, That  
20 listed brands on allocation by the respective suppliers  
21 may be reordered upon the basis of anticipated needs to  
22 be determined by projecting the adjusted sales records  
23 to the period of allocation as fixed by the respective sup-  
24 pliers.

25 The initial order of any new or unlisted brand of  
26 spirituous liquor, excepting wine, shall not exceed five  
27 hundred cases. The initial order of new or unlisted wine  
28 brands shall not exceed fifteen hundred 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 trea-  
2 surer, shall prescribe regulations for the handling and  
3 depositing of all moneys collected by the commissioner.  
4 All receipts accruing to and available for the general  
5 revenue fund in excess of the requirements of the operat-  
6 ing fund and the license fee and additional sales tax  
7 imposed by the provisions of this chapter shall be re-  
8 mitted by the commissioner to the state treasury monthly  
9 within fifteen days next after the end of each calendar  
10 month.

11 If the commissioner fails to remit such moneys to the  
12 state treasury within the time specified in accordance  
13 with the provisions of this section, he shall be guilty of a  
14 misdemeanor, and, upon conviction thereof, shall be fined  
15 one thousand dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James L. Davis*  
Chairman Senate Committee

*Lawrence C. Christman*  
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

*J. Rossellon Jr.*  
Clerk of the Senate

*L. Blankenship*  
Clerk of the House of Delegates

*W. B. [unclear]*  
President of the Senate

*Lewis F. [unclear]*  
Speaker House of Delegates

The within *disapproved* this the *20th* day of *March*, 1975.

*Anna [unclear]*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/14/75  
Time 11:45 a.m.