

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Alcohol Beverage Control Commissioner

Chapter ⁽³⁾60-2
Series IV
(1975)

Subject: Chapter 60, Article 3, Section 17 of the West Virginia Code of 1931, as last amended, charges the Commissioner with the responsibility of promulgating regulations relating to the handling and depositing of moneys collected by the West Virginia Alcohol Beverage Control Commission. These regulations are new and are not intended to repeal or rescind any existing regulations hereinbefore promulgated by the West Virginia Alcohol Beverage Control Commissioner; rather they are intended to implement the statutory requirements of Chapter 60, Article 3, Section 17 of the West Virginia Code of 1931, as last amended; the same to be applied in conjunction with such statute.

In conformity with the authority vested in the Commissioner by law, along with the approval of the State Treasurer of West Virginia as so required by law, the following regulations have been adopted, effective on the 21st day of November, 1975.

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Section 1. GENERAL

1.01 Scope - These regulations are not intended to repeal or rescind any existing regulations hereinbefore adopted and promulgated by the Alcohol Beverage Control Commissioner, but rather are intended to implement the provisions of Chapter 60, Article 3, Section 17 of the West Virginia Code of 1931, as last amended.


1.02 Authority - These regulations are issued as of October 1, 1975, under the authority of Chapter 60, Article 3, Section 17 of the West Virginia Code of 1931, as last amended.


1.03 Approval - These regulations were approved by the State Treasurer of West Virginia in compliance with the provisions of Chapter 60, Article 3, Section 17 of the West Virginia Code of 1931, as last amended, on the 20th day of October, 1975.

1.04 Effective Date - These regulations promulgated on the 21st day of October, 1975, and are to become effective by operation of law on the 21st day of November, 1975.

1.05 Filing Date - These regulations were filed in the Office of the Secretary of State on the 21st day of October, 1975.

1.06 Certification and Approval - These regulations are certified authentic by the Alcohol Beverage Control Commissioner and are approved by the State Treasurer of West Virginia.


West Virginia Alcohol Beverage
Control Commissioner


State Treasurer of West Virginia

Section 2. DEFINITIONS

2.01 "Handling" shall mean the receipt of all moneys collected by the Commissioner, his agents and employees and shall include the transmission of funds from state stores and agencies of the Alcohol Beverage Control Commission to the State Treasurers' Office.

2.02 "Receipts Accruing To and Available for the General Revenue Fund" shall mean funds then on hand in excess of the cost of stock and general operating expense for the calendar month, then past.

2.03 "Commissioner" shall mean the Alcohol Beverage Control Commissioner of the State of West Virginia, his agents and employees, unless otherwise indicated.

2.04 "Treasurer" shall mean the State Treasurer of the State of West Virginia, his agents and employees, unless otherwise indicated.

2.05 "Cost of Stock" shall mean the price paid by the Commissioner for all alcoholic liquors for resale in all state stores and agencies and shall include all stock on order or invoice, or stock on hand but not yet paid for, given by the Commissioner.

2.06 "General Operating Expenses" shall mean and include all salaries paid to employees of the Commissioner, all equipment expense of the Commissioner or Alcohol Beverage Control Commission and all other contractual expense incurred by the Commissioner or Alcohol Beverage Control Commission.

Section 3. DEPOSITS

3.01 Funds - All funds collected by the Commissioner shall be deposited by the Commissioner in an operating account or accounts established by the Treasurer for the purpose of purchasing alcoholic liquors for sale in state stores and/or agencies, and for the payment of operating expense of the Commission.

3.02 Payment of Accounts - These shall be maintained in such operating account a sum sufficient to give coverage to the cost of stock and general operating expense for the Alcohol Beverage Control Commission in compliance with the provisions of Chapter 60, Article 3, Section 18 of the West Virginia Code of 1931, as last amended, for the period including the last past calendar month.

Section 4. TRANSMISSION OF FUNDS

4.01 Transmission - When the Commissioner determines that there are funds available in excess of the cost of stock and general operating expenses for the calender month then past, said Commissioner shall notify the Treasurer in writing of such fact and shall then and there authorize the Treasurer to transfer such excess funds from the operating account to the General Revenue Fund of the State of West Virginia.

4.02 Treasurers' Responsibility - Upon being notified by the Commissiomer in writing as provided for in Regulation 5.01 that there exists in the Commissioner's Operating Account a sum of funds in excess of the cost of stock and general operating expense, the Treasurer shall upon receipt of such notification transfer such excess moneys or funds to the General Revenue Fund of the State of West Virginia.

4.03 Transfer - Upon being notified by the Commissioner that there exists excess funds, the Treasurer shall within five calender days thereafter transfer such excess funds to the General Revenue Fund of the State of West Virginia in compliance with the provision of Chapter 60, Article 3, Section 17 of the West Virginia Code of 1931, as last amended.

Section 5. REPORTS

5.01 Reports - The Commissioner shall issue a report to the Treasurer on a monthly basis showing the receipts accruing to the Alcohol Beverage Control Commission or Commissioner. In addition thereto said report shall indicate the total purchases of stock by the Commissioner for the calender month past, the operating costs of the Alcohol Beverage Control Commission for the calender month past which said figures shall be used in determining whether or not there exists funds available for deposit to the General Revenue Fund of the State of West Virginia.

5.02 Time of Report - The report provided for in Regulation 5.01 shall be filed with the Treasurer within ten (10) days after the close of the calender month past.