

H. B. 2714

(By Delegates Sobonya, Hamilton, Brown,
Reynolds, C. Miller, Rodighiero,
Hatfield and Rowan)

[Introduced January 21, 2011; referred to the
Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-1A-11a; and to amend and reenact §60-3-9, all relating to the creation of the West Virginia Addictions Treatment and Recovery Fund by dedicating five cents per ounce of the uniform price of alcoholic liquors sold in this state to the fund.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §27-1A-11a; and that §60-3-9 of said code be amended and reenacted, all to read as follows:

CHAPTER 27. MENTALLY ILL PERSONS.

ARTICLE 1A. DEPARTMENT OF HEALTH.

§27-1A-11a. West Virginia Addictions Treatment and Recovery Fund.

(a) All moneys collected from the five cents per ounce designation, effective July 1, 2011, as outlined in section nine,

1 article three, chapter sixty, of this code shall be deposited in a
2 special account in the State Treasury to be known as the "West
3 Virginia Addictions Treatment and Recovery Fund." Expenditures
4 from the fund are for the purposes set forth in subsection (b) of
5 this section and are not authorized from collections but are to be
6 made only in accordance with appropriation by the Legislature in
7 accordance with the provisions of article three, chapter twelve of
8 this code and upon fulfillment of the provisions of article two,
9 chapter eleven-b of this code. For the fiscal year ending June 30,
10 2012, and every year thereafter, expenditures are authorized from
11 collections rather than pursuant to appropriation by the
12 Legislature. The fund shall also include all receipts from loans
13 made by the fund, any moneys appropriated by the Legislature, all
14 income from the investment of moneys held in the fund and all other
15 moneys designated for deposit to the fund from any source, public
16 or private.

17 (b) The fund, to the extent that money is available, shall be
18 used for the development and support of programs including, but
19 not limited to, community-based support programs or community-based
20 corrections programs, or both. The funds shall be used only for
21 programs relating to the prevention, intervention, treatment, and
22 recovery from addictions such as those related to drug or alcohol
23 use, or both drug or alcohol use. Further, no more than three
24 percent of the total revenue generated pursuant to section nine,

1 article three, chapter sixty, of this code may be used to defray
2 costs incurred by the department in administering the provisions of
3 this subsection.

4 (c) The secretary shall propose rules for legislative
5 approval, in accordance with the provisions of article three,
6 chapter twenty-nine-a of this code, to govern the disbursement of
7 moneys from the fund for development costs, operating costs,
8 infrastructure and program support, establish criteria for
9 eligibility to receive grants or loans from the fund and in cases
10 where loans are issued, establish the terms and conditions of the
11 loans, including interest rates and repayment of terms.

12 **CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

13 **ARTICLE 3. SALES BY COMMISSIONER.**

14 **§60-3-9. Uniform prices; posting and distribution of price lists;**
15 **continuation of price increase on alcoholic liquors.**

16 The commissioner shall, from time to time, fix uniform prices
17 for each variety, class and brand of alcoholic liquors offered for
18 sale in state stores. Alcoholic liquors shall be sold in state
19 stores and agencies only at the uniform prices fixed by the
20 commissioner. As of July 1, 2012, five cents per ounce of the
21 uniform price for each variety, class and brand of alcoholic
22 liquors offered for sale in state stores shall be deposited into
23 the West Virginia Addictions Treatment and Recovery Fund

1 established in section eleven-a, article one-a, chapter twenty-
2 seven of this code.

3 The commissioner shall prepare price lists showing the price
4 of each variety, class or brand. Price lists shall be posted
5 prominently in each store and shall be available for distribution
6 and inspection in every state store and agency.

7 The commissioner, in the exercise of his or her authority
8 under this section, is hereby directed to continue the increase in
9 the price of alcoholic liquors, heretofore effected pursuant to the
10 provisions of this section as amended by chapter six, Acts of the
11 Legislature of West Virginia, regular session, 1951, which is
12 presently producing an additional annual revenue of \$1,600,000 on
13 an annual volume of business equal to the average for the past
14 three years.

15 The revenue derived from the increase in the price of
16 alcoholic liquors shall be deposited into the General Revenue Fund
17 in the manner hereinafter provided in section seventeen of this
18 article.

NOTE: The purpose of this bill is to create the West Virginia Addictions Treatment and Recovery Fund by dedicating five cents per ounce of the uniform price of alcoholic liquors sold in this state to the fund.

§27-1A-11a is new; therefore, it has been completely underscored.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.