

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

## **House Bill 4307**

BY DELEGATE SUMMERS

[Introduced January 26, 2018; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to amend and reenact §60-2-11 of the Code of West Virginia, 1931, as amended, relating  
2 to prohibiting the alcohol beverage commission from assessing a fee to another state  
3 agency.

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

**§60-2-11. Powers and duties.**

1 The Alcohol Beverage Control Commissioner shall have the following powers and duties  
2 and any and all other powers and duties reasonably necessary and convenient for the purpose of  
3 this chapter:

4 (1) Exercise general supervision of, and make rules and regulations for, the management  
5 of his or her agency;

6 (2) Sign and execute in the name of the commissioner any contract or agreement  
7 authorized by this chapter;

8 (3) Supervise the fiscal affairs and responsibilities of the agency;

9 (4) With the approval of the Governor, acquire title to and purchase real estate containing  
10 12.168 acres situate on River Road in the Hub Industrial Park, Nitro, Putnam County, which real  
11 estate is improved by block and steel building containing approximately (150,000) square feet,  
12 formerly known as the Heck's warehouse, for a sale price not to exceed \$2,250,000;

13 (5) With the approval of the Governor and the board of public works, sell, in part or in  
14 whole, the real estate containing 12.168 acres and a warehouse situate on River Road in the Hub  
15 Industrial Park, Nitro, Putnam County, for a sale price of at least the appraised fair market value  
16 and upon terms the commissioner determines to be in the best interest of the State of West  
17 Virginia;

18 (6) With the approval of the Governor and the board of public works, and upon the sale of  
19 real estate containing 12.168 acres and a warehouse situate on River Road in the Hub Industrial  
20 Park, Nitro, Putnam County, acquire title to and purchase, upon terms the commissioner  
21 determines to be in the best interest of the State of West Virginia, real estate containing a

22 replacement warehouse of a size and in a location that the commissioner determines meets the  
23 storage needs of the agency;

24 (7) Keep a complete and accurate record of all proceedings, record and file all bonds and  
25 contracts taken or entered into and assume responsibility for the custody and preservation of all  
26 papers and documents pertaining to the commissioner;

27 (8) Purchase or lease as provided by law all equipment necessary for the conduct of the  
28 agency;

29 (9) Report to the Governor each year all information relative to the operation and functions  
30 of the agency. The commissioner shall make such other reports and recommendations as may  
31 be required by the Governor;

32 (10) Exercise any other power that may be necessary or proper for the orderly conduct of  
33 the business and the effective discharge of the duties of the commissioner; ~~and~~

34 (11) May not assess a fee to another state agency for a license, permit, or registration;  
35 and

36 ~~(11)~~ (12) Invoke any legal or equitable remedies for the enforcement of the orders of the  
37 commissioner or the provisions of this chapter.

NOTE: The purpose of this bill is to prohibit the alcohol beverage commission from assessing a fee to another state agency.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.