

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

Committee Substitute

for

HOUSE BILL No. 678

Originating in the Committee

(By Mr. *on the Judiciary*)

PASSED March 13 1971

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKWELL, IV
SECRETARY OF STATE

THIS DATE 4-2-71

678 - Veto

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 678

(Originating in the Committee on Finance)

[Passed March 13, 1971; in effect from passage.]

AN ACT to amend and reenact sections two and five, article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to issuance of licenses to private clubs which sell alcoholic liquors.

Be it enacted by the Legislature of West Virginia:

That sections two and five, article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; authority of state and other entities to lease for purposes of this article.

- 1 Unless the context in which used clearly requires a
- 2 different meaning, as used in this article:

3 (a) "Private Club" means any corporation or unin-
4 corporated association which either (1) belongs to or
5 is affiliated with a nationally recognized fraternal or
6 veterans organization, which is operated exclusively
7 for the benefit of its members, which pays no part of
8 its income to its shareholders or individual members,
9 which owns or leases a building or other premises, to
10 which club are admitted only duly elected or approved
11 dues paying members in good standing of such corpora-
12 tion or association and their guests while in the company
13 of a member and to which club the general public is not
14 admitted, and which club maintains in said building or
15 on said premises a suitable kitchen and dining facility
16 with related equipment for serving food to members and
17 their guests, or (2) is a nonprofit social club, which is
18 operated exclusively for the benefit of its members, which
19 pays no part of its income to its shareholders or individ-
20 ual members, which owns or leases a building or other
21 premises, to which club are admitted only duly elected
22 or approved dues paying members in good standing of
23 such corporation or association and their guests while

24 in the company of a member and to which club the
25 general public is not admitted, and which club main-
26 tains in said building or on said premises a suitable
27 kitchen and dining facility with related equipment for
28 serving food to members and their guests, or (3) is or-
29 ganized and operated for legitimate purposes, which has
30 at least one hundred duly elected or approved dues pay-
31 ing members in good standing, which owns or leases a
32 building or other premises, to which club are admitted
33 only duly elected or approved dues paying members in
34 good standing of such corporation or association and their
35 guests while in the company of a member and to which
36 club the general public is not admitted, and which club
37 maintains in said building or on said premises a suitable
38 kitchen and dining facility with related equipment and
39 employs a sufficient number of persons for serving meals
40 to members and their guests, or (4) is organized for
41 legitimate purposes and owns or leases a building or
42 other limited premises in any state, county or municipal
43 park or at any airport, in which building or premises
44 a club has been established, to which club are admitted

45 only duly elected and approved dues paying members in
46 good standing and their guests while in the company of
47 a member and to which club the general public is not
48 admitted, and which maintains in connection with said
49 club a suitable kitchen and dining facility and related
50 equipment and employs a sufficient number of persons
51 for serving meals in said club to said members and their
52 guests.

53 (b) "Licensee" means the holder of a license to op-
54 erate a private club granted under the provisions of this
55 article, which license shall remain unexpired, unsuspend-
56 ed and unrevoked.

57 (c) "Applicant" means a private club applying for a
58 license under the provisions of this article.

59 (d) "Commissioner" means the West Virginia alcohol
60 beverage control commissioner.

61 (e) "Code" means the official code of West Virginia,
62 one thousand nine hundred thirty-one, as amended.

63 The department of natural resources, the authority gov-
64 erning any county or municipal park, or any county court,
65 municipality, other governmental entity, public corpora-

66 tion or public authority operating any park or airport
 67 shall have plenary power and authority to lease as
 68 lessor a building or portion thereof or other limited
 69 premises in any such park or airport to any corporation
 70 or unincorporated association for the establishment of a
 71 private club pursuant to the provisions of this article.

**§60-7-5. Investigation by commissioner, issuance or refusal of
 license, license valid at one location only, expira-
 tion of license, commissioner to prescribe form,
 renewal, refund of fees and bond, approval by di-
 rector of department of natural resources or by
 park authority required, limitation of number of
 licenses, transfer of licenses.**

1 (a) Upon receipt of the application referred to in
 2 section four of this article, together with the accompany-
 3 ing fee and bond, the commissioner shall conduct an in-
 4 vestigation to determine the accuracy of the matters
 5 contained in such application and whether applicant is
 6 a bona fide private club of good reputation in the com-
 7 munity in which it shall operate. For the purpose of
 8 conducting such investigation, the commissioner may
 9 withhold the granting or refusal to grant such license
 10 for a period not to exceed thirty days. If it shall appear
 11 that such applicant is a bona fide private club, of good

12 reputation in the community in which it shall operate
13 and that there is no false statement contained in such
14 application, the commissioner shall issue a license autho-
15 rizing the applicant to sell alcoholic liquors as pro-
16 vided in section three of this article, and otherwise shall
17 refuse to issue such license except that in the case of an
18 application by a corporation or association to operate a
19 private club in connection with:

20 (1) A state park, the director of the department of
21 natural resources must grant his approval before the
22 license can be issued; or

23 (2) A county or municipal park, or an airport, the
24 authority governing the park or airport must grant its
25 approval before the license can be issued.

26 A license may not be issued for a private club in any
27 park unless (i) there is a facility containing twenty or
28 more rooms under one roof which are available for sleep-
29 ing accommodations and (ii) a dining facility comparable
30 to the dining facility for the proposed private club will be
31 available to serve meals to the general public. A license
32 may not be issued for a private club in any airport

33 unless a dining facility comparable to the dining facility
34 for the proposed private club will be available to serve
35 meals to the general public.

36 (b) Upon refusal to issue such license the commis-
37 sioner shall make and enter an order denying such
38 application, which denial and refusal shall be final
39 unless a hearing is requested in accordance with the
40 provisions of section thirteen of this article. When such
41 refusal or denial becomes final the commissioner shall
42 forthwith refund to the applicant his fees and bond ac-
43 companying said application.

44 (c) Such license shall be of such form and design as
45 the commissioner may prescribe by reasonable rule or
46 regulation, and shall authorize the licensee to sell al-
47 coholic liquors at only one location.

48 (d) Such license shall expire on the thirtieth day of
49 June next following the date of issue and may be re-
50 newed upon the same showing as required for the issu-
51 ance of the initial license, together with the payment of
52 fees and filing of the bond as required by this article.

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

Russell M. Ball
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard S. Stearns
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. Hans McCourt
President of the Senate

Lee H. McManus
Speaker House of Delegates

The within disapproved this the 1st
day of April, 1971.

Arthur A. Shaw Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/22/71

Time 3:10 p.m.

RECEIVED

APR 2 11 53 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA