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

678 - Veto
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 different meaning, as used in this article:
(a) "Private Club" means any corporation or unincorporated association which either (1) belongs to or is affiliated with a nationally recognized fraternal or veterans organization, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises, to which club are admitted only duly elected or approved dues paying members in good standing of such corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which club maintains in said building or on said premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests, or (2) is a nonprofit social club, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises, to which club are admitted only duly elected or approved dues paying members in good standing of such corporation or association and their guests while
in the company of a member and to which club the
general public is not admitted, and which club main-
tains in said building or on said premises a suitable
kitchen and dining facility with related equipment for
serving food to members and their guests, or (3) is or-
ganized and operated for legitimate purposes, which has
at least one hundred duly elected or approved dues pay-
ing members in good standing, which owns or leases a
building or other premises, to which club are admitted
only duly elected or approved dues paying members in
good standing of such corporation or association and their
guests while in the company of a member and to which
club the general public is not admitted, and which club
maintains in said building or on said premises a suitable
kitchen and dining facility with related equipment and
employs a sufficient number of persons for serving meals
to members and their guests, or (4) is organized for
legitimate purposes and owns or leases a building or
other limited premises in any state, county or municipal
park or at any airport, in which building or premises
a club has been established, to which club are admitted
only duly elected and approved dues paying members in
good standing and their guests while in the company of
a member and to which club the general public is not
admitted, and which maintains in connection with said
club a suitable kitchen and dining facility and related
equipment and employs a sufficient number of persons
for serving meals in said club to said members and their
guests.

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

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

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

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

The department of natural resources, the authority gov-
erning any county or municipal park, or any county court,
municipality, other governmental entity, public corpora-
tion or public authority operating any park or airport
shall have plenary power and authority to lease as
lesser a building or portion thereof or other limited
premises in any such park or airport to any corporation
or unincorporated association for the establishment of a
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, expiration of license, commissioner to prescribe form, renewal, refund of fees and bond, approval by director of department of natural resources or by park authority required, limitation of number of licenses, transfer of licenses.

(a) Upon receipt of the application referred to in
section four of this article, together with the accompanying fee and bond, the commissioner shall conduct an investigation to determine the accuracy of the matters contained in such application and whether applicant is a bona fide private club of good reputation in the community in which it shall operate. For the purpose of conducting such investigation, the commissioner may withhold the granting or refusal to grant such license for a period not to exceed thirty days. If it shall appear that such applicant is a bona fide private club, of good
reputation in the community in which it shall operate and that there is no false statement contained in such application, the commissioner shall issue a license authorizing the applicant to sell alcoholic liquors as provided in section three of this article, and otherwise shall refuse to issue such license except that in the case of an application by a corporation or association to operate a private club in connection with:

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

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

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

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

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

(d) Such license shall expire on the thirtieth day of
June next following the date of issue and may be re-
newed upon the same showing as required for the issu-
ance of the initial license, together with the payment of
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.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within [disappeared] this the 1st day of April, 1971.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/22/11
Time 3:10 p.m.