

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

*Committee Substitute for*

HOUSE BILL No. 1610

(By Mr. *Goodwin & Mr. Tucker*)



PASSED *April 7,* 1977

In Effect *ninety days from* Passage

**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**H. B. 1610**

(By MR. GOODWIN and MR. TUCKER)

[Passed April 7, 1977; in effect ninety days 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 the issuance of licenses to private clubs which sell alcoholic liquors generally; including licenses issued at certain parks, airports and vessels; leasing of certain premises by director of the department of natural resources and certain local government authorities; and approval for issuance of such licenses by the director of natural resources and certain local government authorities.

*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.**

- 1 Unless the context in which used clearly requires a different
- 2 meaning, as used in this article:
- 3 (a) "Private club" means any corporation or unincorporated
- 4 association which either (1) belongs to or is affiliated with a
- 5 nationally recognized fraternal or veterans organization, which

6 is operated exclusively for the benefit of its members, which  
7 pays no part of its income to its shareholders or individual  
8 members, which owns or leases a building or other premises,  
9 to which club are admitted only duly elected or approved  
10 dues paying members in good standing of such corporation  
11 or association and their guests while in the company of a  
12 member and to which club the general public is not admitted,  
13 and which club maintains in said building or on said premises  
14 a suitable kitchen and dining facility with related equipment  
15 for serving food to members and their guests, or (2) is a  
16 nonprofit social club, which is operated exclusively for the  
17 benefit of its members, which pays no part of its income  
18 to its shareholders or individual members, which owns or  
19 leases a building or other premises, to which club are admitted  
20 only duly elected or approved dues paying members in good  
21 standing of such corporation or association and their guests  
22 while in the company of a member and to which club the  
23 general public is not admitted, and which club maintains in  
24 said building or on said premises a suitable kitchen and  
25 dining facility with related equipment for serving food to  
26 members and their guests, or (3) is organized and operated  
27 for legitimate purposes, which has at least one hundred duly  
28 elected or approved dues paying members in good standing,  
29 which owns or leases a building or other premises, including  
30 any vessel licensed or approved by any federal agency to  
31 carry or accommodate passengers on navigable waters of this  
32 state, to which club are admitted only duly elected or ap-  
33 proved dues paying members in good standing of such cor-  
34 poration or association and their guests while in the company  
35 of a member and to which club the general public is not  
36 admitted, and which club maintains in said building or on  
37 said premises a suitable kitchen and dining facility with  
38 related equipment and employs a sufficient number of persons  
39 for serving meals to members and their guests, or (4) is  
40 organized for legitimate purposes and owns or leases a  
41 building or other limited premises in any state, county or  
42 municipal park or at any airport, in which building or  
43 premises a club has been established, to which club are  
44 admitted only duly elected and approved dues paying mem-  
45 bers in good standing and their guests while in the company

46 of a member and to which club the general public is not  
47 admitted, and which maintains in connection with said club  
48 a suitable kitchen and dining facility and related equipment  
49 and employs a sufficient number of persons for serving meals  
50 in said club to said members and their guests.

51 (b) "Licensee" means the holder of a license to operate  
52 a private club granted under the provisions of this article,  
53 which license shall remain unexpired, unsuspended and un-  
54 revoked.

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

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

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

61 The department of natural resources, the authority govern-  
62 ing any county or municipal park, or any county commission,  
63 municipality, other governmental entity, public corporation or  
64 public authority operating any park or airport shall have  
65 plenary power and authority to lease as lessor a building or  
66 portion thereof or other limited premises in any such park  
67 or airport to any corporation or unincorporated association  
68 for the establishment of a private club pursuant to the pro-  
69 visions of this article.

*new*

**§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 de-  
partment of natural resources or by park authority  
required, limitation of number of licenses.**

1 (a) Upon receipt of the application referred to in section  
2 four of this article, together with the accompanying fee and  
3 bond, the commissioner shall conduct an investigation to  
4 determine the accuracy of the matters contained in such  
5 application and whether applicant is a bona fide private  
6 club of good reputation in the community in which it shall  
7 operate. For the purpose of conducting such investigation,

*may*

8 the commissioner may withhold the granting or refusal to  
9 grant such license for a period not to exceed thirty days.  
10 If it shall appear that such applicant is a bona fide private  
11 club, of good reputation in the community in which it shall  
12 operate and that there is no false statement contained in such  
13 application, the commissioner shall issue a license authorizing  
14 the applicant to sell alcoholic liquors as provided in section  
15 three of this article, and otherwise shall refuse to issue such  
16 license, except that in the case of an application by a  
17 corporation or association to operate a private club in con-  
18 nection with:

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

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

*new*  
25 A license may not be issued for a private club in any state  
26 park unless (i) there is a facility containing twenty or more  
27 rooms under one roof which are available for sleeping accom-  
28 modations and (ii) a dining facility comparable to the dining  
29 facility for the proposed private club will be available to  
30 serve meals to the general public. A license may not be  
31 issued for a private club in any county or municipal park, or an  
32 airport, unless a dining facility comparable to the dining facility  
33 for the proposed private club will be available to serve meals  
34 to the general public.

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

42 (c) Such license shall be of such form and design as  
43 the commissioner may prescribe by reasonable rule or regula-  
44 tion, and shall authorize the licensee to sell alcoholic liquors  
45 at only one location.

46 (d) Such license shall expire on the thirtieth day of June  
47 next following the date of issue and may be renewed upon  
48 the same showing as required for the issuance of the initial  
49 license, together with the payment of fees and filing of the  
50 bond as required by this article.

51 (e) A license issued under the provisions of this article  
52 shall not be transferrable.

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

*James L. Davis*  
Chairman Senate Committee

*Clarence C. Chestnut Jr*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. Williams*  
Clerk of the Senate

*C. Blaskenship*  
Clerk of the House of Delegates

*H. B. ...*  
President of the Senate

*Donald L. Kopp*  
Speaker House of Delegates

The within is approved this the 12  
day of April, 1977.

*John D. ...*  
Governor

RECEIVED

APPROVED AND SIGNED BY THE GOVERNOR

APR 12 2 14 PM '77  
OFFICE OF THE GOVERNOR

Date April 12, 1977  
Time 4:30 p.m.

*Received in the Secretary  
of States office - April 12, 1977  
P.M.*