WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

--- • ---

ENROLLED
Committee Substitute for
HOUSE BILL No. 1610

(By Mr. Goodwin & Mr. Puelder)

--- • ---

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 meaning, as used in this article:

3 (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 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 (3) is organized and operated
for legitimate purposes, which has at least one hundred duly
elected or approved dues paying members in good standing,
which owns or leases a building or other premises, including
any vessel licensed or approved by any federal agency to
carry or accommodate passengers on navigable waters of this
state, to which club are admitted only duly elected or ap-
proved dues paying members in good standing of such cor-
poration 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 mem-
ers 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 operate a private club granted under the provisions of this article, which license shall remain unexpired, unsuspended 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 governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation or public authority operating any park or airport shall have plenary power and authority to lease as lessor 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.

(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 con-
nection 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 state
park unless (i) there is a facility containing twenty or more
rooms under one roof which are available for sleeping accom-
modations 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 county or municipal park, or an
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 commissioner
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 accompanying said application.

(c) Such license shall be of such form and design as
the commissioner may prescribe by reasonable rule or regula-
tion, and shall authorize the licensee to sell alcoholic 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 renewed upon the same showing as required for the issuance of the initial license, together with the payment of fees and filing of the bond as required by this article.

(e) A license issued under the provisions of this article 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 L. Chestnut Jr.  
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J.Pollard  
Clerk of the Senate

C.Blastenship  
Clerk of the House of Delegates

J.R. Balthrop  
President of the Senate

Donald L. Xopp  
Speaker House of Delegates

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

Governor
APPROVED AND SIGNED BY THE GOVERNOR

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

Received in the Secretary's office, April 12, 1977. April.