

## **WEST VIRGINIA LEGISLATURE**

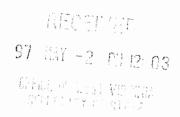
**REGULAR SESSION, 1997** 

## **ENROLLED**

SENATE BILL NO. 444

(By Senator Taysew, Mr. RESIDENT)

PASSED <u>APRIC 12,</u> 1997 In Effect <u>NINETY DAYS FROM</u> Passage



## ENROLLED

## Senate Bill No. 464

(BY SENATOR TOMBLIN, MR. PRESIDENT)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article seven, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sale and service of alcoholic beverages in state parks; and removing language requiring sleeping accommodations for issuance of a license to a private club in a state park.

Be it enacted by the Legislature of West Virginia:

That section 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.

§60-7-5. Investigation by commissioner; issuance or refusal of license; special requirements for clubs at parks and airports; form of license; license valid at one location only; expiration and renewal; transferability.

- 1 (a) Upon receipt of the application referred to in section 2 four of this article, together with the accompanying fee 3 and bond, the commissioner shall conduct an investigation 4 to determine the accuracy of the matters contained in such 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, 8 the commissioner may withhold the granting or refusal to 9 grant such license for a period not to exceed thirty days. If it shall appear that such applicant is a bona fide private 10 11 club, of good reputation in the community in which it 12 shall operate and that there is no false statement con-13 tained in such application, the commissioner shall issue a license authorizing the applicant to sell alcoholic liquors 14 as provided in section three of this article, and otherwise 15 16 shall refuse to issue such license, except that in the case of 17 an application by a corporation or association to operate a private club in connection with: 18
- 19 (1) A state park, the director of the department of 20 natural resources must grant his or her approval before 21 the license can be issued; or
- 22 (2) A county or municipal park, or an airport, the 23 authority governing the park or airport must grant its 24 approval before the license can be issued.
- 25 A license may not be issued for a private club in any 26 state park unless a dining facility comparable to the 27 dining facility for the proposed private club will be available to serve meals to the general public. A license 28 29 may not be issued for a private club in any county or municipal park, or an airport, unless a dining facility 30 31 comparable to the dining facility for the proposed private 32 club will be available to serve meals to the general public.
- 33 (b) Upon refusal to issue such license the commissioner 34 shall make and enter an order denying such application, 35 which denial and refusal shall be final unless a hearing is 36 requested in accordance with the provisions of section 37 thirteen of this article. When such refusal or denial 38 becomes final the commissioner shall forthwith refund to 39 the applicant his or her fees and bond accompanying the

- 40 application.
- 41 (c) Such license shall be of such form and design as the
- 42 commissioner may prescribe by reasonable rule or regula-
- 43 tion, and shall authorize the licensee to sell alcoholic
- 44 liquors at only one location.
- 45 (d) Such license shall expire on the thirtieth day of June
- 46 next following the date of issue and may be renewed upon
- 47 the same showing as required for the issuance of the
- 48 initial license, together with the payment of fees and filing
- 49 of the bond as required by this article.
- 50 (e) A license issued under the provisions of this article
- 51 may not be transferable.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.  Chairman Senate Committee  Chairman House Committee
Originated in the Senate.  In effect ninety days from passage.  Clerk of the Senate  Sugar A. Sur  Clerk of the House of Delegates  President of the Senate
Speaker House of Delegates  The within a Application this the all day of

PRESENTED TO THE

GOVERNOR

Date

Time