

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 637

BY SENATORS TRUMP AND RUCKER

[Originating in the Committee on the Judiciary;

reported on March 25, 2017]

1 A BILL to amend and reenact §60-7-2 and §60-7-6 of the Code of West Virginia, 1931, as
2 amended; and to amend and reenact §61-8-27 of said code, all relating generally to private
3 club operations requirements; defining terms; permitting certain private club licensees that
4 operate tourist destination and resort facilities to obtain one private resort hotel license for
5 the lawful sale and consumption of alcoholic liquors and nonintoxicating beer in
6 designated and approved areas throughout the licensed premises but within the confines
7 of the property; permitting certain private club licensees that operate golf or country clubs
8 to obtain one private golf club license for the lawful sale and consumption of alcoholic
9 liquors and nonintoxicating beer on the premises of the facility; establishing license
10 requirement; permitting patrons seventeen years of age to enter the licensed premises
11 unaccompanied by a parent or legal guardian at private resort hotels and private golf clubs
12 under limited circumstances, subject to certain conditions, and certain private clubs with
13 designated nonalcohol areas; and establishing license fees.

Be it enacted by the Legislature of West Virginia:

1 That §60-7-2 and §60-7-6 of the Code of West Virginia, 1931, as amended, be amended
2 and reenacted; and that §61-8-27 of said code be amended and reenacted, all to read as follows:

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; power to lease building for establishment of private club.

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

3 ~~(a) "Private club" means any corporation or unincorporated association which either (1)~~
4 ~~belongs to or is affiliated with a nationally recognized fraternal or veterans organization, which is~~
5 ~~operated exclusively for the benefit of its members, which pays no part of its income to its~~
6 ~~shareholders or individual members, which owns or leases a building or other premises, to which~~

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

33 ~~(b) "Licensee" means the holder of a license to operate a private club granted under the~~
34 ~~provisions of this article, which license shall remain unexpired, unsuspended and unrevoked.~~

35 ~~(e) (a) "Applicant" means a private club applying for a license under the provisions of this~~
36 ~~article.~~

37 (b) "Code" means the official code of West Virginia, 1931, as amended.

38 ~~(d) (c) "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner.~~

39 ~~(e) "Code" means the official Code of West Virginia, 1931, as amended.~~

40 (d) "Licensee" means the holder of a license to operate a private club granted under this
41 article, which license shall remain unexpired, unsuspended and unrevoked.

42 (e) "Private club" means any corporation or unincorporated association which either: (1)
43 Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization which is
44 operated exclusively for the benefit of its members, which pays no part of its income to its
45 shareholders or individual members, which owns or leases a building or other premises to which
46 club are admitted only duly elected or approved dues-paying members in good standing of the
47 corporation or association and their quests while in the company of a member and to which club
48 the general public is not admitted, and which club maintains in the building or on the premises a
49 suitable kitchen and dining facility with related equipment for serving food to members and their
50 quests; or (2) is a nonprofit social club, which is operated exclusively for the benefit of its
51 members, which pays no part of its income to its shareholders or individual members, which owns
52 or leases a building or other premises to which club are admitted only duly elected or approved
53 dues paying members in good standing of the corporation or association and their quests while
54 in the company of a member and to which club the general public is not admitted, and which club
55 maintains in the building or on the premises a suitable kitchen and dining facility with related
56 equipment for serving food to members and their quests; or (3) is organized and operated for
57 legitimate purposes which has at least one hundred duly elected or approved dues-paying
58 members in good standing, which owns or leases a building or other premises, including any

59 vessel licensed or approved by any federal agency to carry or accommodate passengers on
60 navigable waters of this state, to which club are admitted only duly elected or approved dues-
61 paying members in good standing of the corporation or association and their guests while in the
62 company of a member and to which club the general public is not admitted, and which club
63 maintains in the building or on the premises a suitable kitchen and dining facility with related
64 equipment and employs a sufficient number of persons for serving meals to members and their
65 guests; or (4) is organized for legitimate purposes and owns or leases a building or other delimited
66 premises in any state, county or municipal park or at any airport, in which building or premises a
67 club has been established, to which club are admitted only duly elected and approved dues-
68 paying members in good standing and their guests while in the company of a member and to
69 which club the general public is not admitted, and which maintains in connection with the club a
70 suitable kitchen and dining facility and related equipment and employs a sufficient number of
71 persons for serving meals in the club to the members and their guests.

72 (f) "Private resort hotel" means an applicant for a private club or licensed private club
73 licensee meeting the criteria set forth in this subsection which:

74 (1) Has at least five thousand members;

75 (2) Offers short-term daily-rate accommodations or lodging for members and their guests
76 amounting to at least fifty separate bedrooms;

77 (3) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers
78 and other kitchen utensils and apparatus as determined by the commissioner on the licensed
79 premises and serves freshly prepared food at least twenty-five hours per week;

80 (4) Maintains, at any one time, \$5,000 of fresh food inventory capable of being prepared
81 in the private resort hotel's full kitchen, and in calculating the food inventory the commissioner
82 may not include microwavable, frozen or canned foods;

83 (5) Owns or leases, controls, operates and uses acreage amounting to at least ten
84 contiguous acres of bounded or fenced real property which would be listed on the licensees'

85 floorplan and would be used for destination, resort and large contracted for group-type events
86 such as weddings, reunions, conferences, meetings and sporting or recreational events;

87 (6) Lists the entire property from subdivision (5) of this subsection and all adjoining
88 buildings and structures on the private resort hotel's floorplan which would comprise the licensed
89 premises, which would be authorized for the lawful sales, service and consumption of alcoholic
90 liquors throughout the licensed premises whether these activities were conducted in a building or
91 structure or outdoors while on the private resort hotel's licensed premises and as noted on the
92 private resort hotel's floorplan;

93 (7) Has an identified person or persons or entity that has right, title and ownership or lease
94 interest in the real property buildings and structures located on the proposed licensed premises;
95 and

96 (8) Utilizes an age verification system approved by the commissioner.

97 (g) "Private golf club" means an applicant for a private club or licensed private club
98 licensee meeting the criteria set forth in this subsection which:

99 (1) Has at least one thousand members;

100 (2) Maintains at least one eighteen hole golf course with separate and distinct golf playing
101 holes, not reusing nine golf playing holes to comprise the eighteen golf playing holes, a clubhouse,
102 and offers golf carts, whether electric or gasoline;

103 (3) Operates a restaurant and full kitchen with ovens, as determined by the commissioner,
104 on the licensed premises and serves freshly prepared food at least fifteen hours per week;

105 (4) Owns or leases, controls, operates and uses acreage amounting to at least eighty
106 contiguous acres of bounded or fenced real property which would be listed on the private golf
107 club's floorplan and could be used for golfing events and large contracted for group-type events
108 such as weddings, reunions, conferences, meetings and sporting or recreational events;

109 (5) Lists the entire property from subdivision (4) of this subsection and all adjoining
110 buildings and structures on the private golf club's floorplan which would comprise the licensed

111 premises, which would be authorized for the lawful sales, service and consumption of alcoholic
112 liquors throughout the licensed premises whether these activities were conducted, in a building
113 or structure or outdoors while on the private golf club's licensed premises and as noted on the
114 private golf club's floorplan;

115 (6) Has an identified person or persons or entity that has right, title and ownership interest
116 in the real property buildings and structures located on the proposed licensed premises; and

117 (7) Utilizes an age verification system approved by the commissioner.

118 The Department of Natural Resources, the authority governing any county or municipal
119 park, or any county commission, municipality, other governmental entity, public corporation or
120 public authority operating any park or airport ~~shall have plenary power and authority to~~ may lease
121 as lessor a building or portion thereof or other limited premises in any such park or airport to any
122 corporation or unincorporated association for the establishment of a private club pursuant to ~~the~~
123 ~~provisions of~~ this article.

§60-7-6. Annual license fee; partial fee.

1 (a) The annual license fee for a license issued under the provisions of this article to a
2 fraternal or veterans organization or a nonprofit social club shall be \$750.

3 (b) The annual license fee for a license issued under the provisions of this article to a
4 private club other than a private club of the type specified in subsection (a) of this section shall be
5 \$1,000 if ~~such~~ the private club has less than one thousand members, and \$2,500 if ~~such~~ the
6 private club has one thousand or more members, \$4,000 if the private club is a private golf club
7 as defined in section two of this article, and further, if the private club is a private resort hotel as
8 defined in section two of this article, said private resort hotel may designate areas within the
9 licensed premises for the lawful sale, service and consumption of alcoholic liquors as provided
10 for by this article. The annual license fee for a private resort hotel with five or fewer designated
11 areas shall be \$7,500, and the annual license fee for a private resort hotel with at least six but no
12 more than ten designated areas shall be \$12,500. The annual license fee for a private resort hotel

13 with at least eleven but no more than fifteen designated areas shall be \$17,500. The annual
14 license fee for a private resort hotel with no fewer than fifteen nor more than twenty designated
15 areas shall be \$22,500: *Provided, That* a private resort hotel having obtained the license and paid
16 the \$22,500 annual license fee may, upon application to and approval of the commissioner,
17 designate additional areas for a period not to exceed seven days for an additional fee of \$150 per
18 day, per designated area.

19 (c) The fee for any such license issued following January 1 of any year and to expire on
20 June 30 of such year shall be one half of the annual license fee prescribed by subsections (a)
21 and (b) of this section.

22 (d) All such fees shall be paid by the commissioner to the State Treasurer and credited to
23 the General Revenue Fund of the state.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-27. Unlawful admission of children to dance house, etc.; penalty.

1 Any proprietor or any person in charge of a dance house, concert saloon, theater,
2 museum, or similar place of amusement, or other place, where wines or spirituous or malt liquors
3 are sold or given away, or any place of entertainment injurious to health or morals who admits or
4 permits to remain therein any minor under the age of eighteen years, unless accompanied by his
5 or her parent or guardian, ~~shall be~~ is guilty of a misdemeanor and, on conviction thereof, shall be
6 punished by a fine not exceeding \$200: *Provided, That* there is exemption from this prohibition
7 for: (a) A private resort hotel and private golf club licensed pursuant to article seven of chapter
8 sixty and in compliance with subdivision (8), subsection (f), section two of said article; or (b) a
9 private club with more than one thousand members that is in good standing with the Alcohol
10 Beverage Control Commissioner, that has been approved by the Alcohol Beverage Control
11 Commissioner and which has designated certain seating areas on its licensed premises as

- 12 nonalcoholic liquor and nonintoxicating beer areas, as noted in the licensee's floorplan.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.