

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 637

BY SENATORS TRUMP AND RUCKER

[Introduced March 17, 2017; Referred
to the Committee on the Judiciary]

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 to private club
 3 operations and dance hall requirements; permitting certain private club licensees that
 4 operate tourist destination and resort facilities to obtain one private resort license for the
 5 sale of alcoholic liquors throughout the licensed premises whether inside a building or
 6 outside in public view; permitting patrons seventeen years of age to enter the licensed
 7 premises unaccompanied by a parent or legal guardian at private resorts, subject to
 8 certain conditions, and certain private clubs with designated nonalcohol areas.

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 veteran's 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 quests 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 limited
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" means any applicant for a private club or licensed private, club meeting
73 the criteria noted in this subsection, a private resort must:

74 (1) Have at least twenty thousand members;

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

77 (3) Operate 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 serve freshly prepared food at least forty hours per week;

80 (4) Maintain, at any one-time, \$25,000 of fresh food inventory capable of being prepared
81 in the private resorts' full kitchen, and in calculating the food inventory the commissioner may not
82 include microwavable, frozen or canned foods;

83 (5) Own, control, operate and use acreage amounting to at least ten contiguous acres of
84 bounded or fenced real property which would be listed on the licensees' floorplan and would be
85 used for destination, resort and large group-type events such as weddings, reunions,
86 conferences, meetings and sporting or recreational events;

87 (6) List the entire property from subdivision (5) and all adjoining building and structures on
88 the private resorts' floorplan which would comprise the licensed premises, which would be
89 authorized for the lawful sales, service and consumption of alcoholic liquors throughout the

90 licensed premises whether these activities were conducted .in a building or structure or outdoors
 91 while on the private resorts' licensed premises and as noted on the private resorts' floorplan;

92 (7) Have one person or entity that has the right, title and ownership interest in the real
 93 property buildings and structures located on the proposed licensed premises; and

94 (8) Utilize an age verification system approved by the commissioner, to separately and
 95 conspicuously identify members and guests, at all times, that are: (i) Seventeen years of age and
 96 under; (ii) eighteen years of age to twenty years of age; and (iii) twenty-one years of age or older,
 97 such as a wearable bracelet or electronic chip system.

98 The department of natural resources, the authority governing any county or municipal
 99 park, or any county commission, municipality, other governmental entity, public corporation or
 100 public authority operating any park or airport ~~shall have plenary power and authority to~~ may lease
 101 as lessor a building or portion thereof or other limited premises in any such park or airport to any
 102 corporation or unincorporated association for the establishment of a private club pursuant to the
 103 ~~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, and further if the private club is a private resort
 7 with twenty thousand or more members and chooses to operate up to: (i) Ten designated locations
 8 on the licensed premises. and the licensees' floorplan for the sale and consumption of alcoholic
 9 liquors on the premises, then the annual license fee shall be \$15,000: (ii) fifteen designated
 10 locations on the licensed premises and the licensee's floorplan for the sale and consumption of
 11 alcoholic liquors on the premises. then the annual license fee shall be \$20,000: and (iii) twenty

12 designated locations on the licensed premises and the licensees' floorplan for the sale and
 13 consumption of alcoholic liquors on the premises, then the annual license fee shall be \$25,000.

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

17 (d) All such fees shall be paid by the commissioner to the State Treasurer and credited to
 18 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 exempt from this prohibition: (a)
 7 A private resort licensed pursuant to article seven of chapter sixty and in compliance with
 8 subdivision eight, subsection (f), section two of article seven of chapter sixty: or (b) a private club
 9 with more than one thousand members that is in good standing with the Alcohol Beverage Control
 10 Commissioner and that has been approved by the Alcohol Beverage Control Commissioner and
 11 which has designated certain seating areas on its licensed premises as nonalcoholic liquor and
 12 nonintoxicating beer areas as noted in the license's floorplan.

NOTE: The purpose of this bill is to permit certain private club licensees that operate tourist destination and resort facilities to obtain one private resort license for the sale of alcoholic liquors throughout the licensed premises whether inside a building or outside in public view, and further to permit 17-year-old patrons to enter the licensed premises unaccompanied by a parent or legal guardian at private resorts, subject to certain conditions, and certain

private clubs with designated nonalcohol areas.

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