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WEST VIRGINIA LEGISLATURE
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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

SENATE BILL NO. 464

(By Senator TOUBLIN, MR. PRESIDENT)



PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK OF THE SENATE
STATE OF WEST VIRGINIA

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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
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,
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
12 shall operate and that there is no false statement con-
13 tained in such application, the commissioner shall issue a
14 license authorizing the applicant to sell alcoholic liquors
15 as provided in section three of this article, and otherwise
16 shall refuse to issue such license, except that in the case of
17 an application by a corporation or association to operate
18 a private club in connection with:

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
28 available to serve meals to the general public. A license
29 may not be issued for a private club in any county or
30 municipal park, or an airport, unless a dining facility
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.

Randy Schronover
.....
Chairman Senate Committee

Nick Fontana
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll Adams
.....
Clerk of the Senate

Gregory M. Burt
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *2nd*.....
day of *May*....., 1997

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/22/97

Time 3:12 pm