

1998 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 247

Directing the Virginia State Crime Commission to examine the public notice and hearing process of the Alcoholic Beverage Control Board.

Agreed to by the House of Delegates, February 17, 1998

Agreed to by the Senate, March 10, 1998

WHEREAS, the General Assembly has prescribed in § 4.1-230 of the Code of Virginia the process for notifying citizens of a pending license application, by requiring the posting of a notice by the applicant on the front door of the building, place or room where an applicant for an ABC license proposes to engage in such business; and

WHEREAS, this provision requires that the applicant publish a notice in a newspaper having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business; and

WHEREAS, the General Assembly has prescribed that the Alcoholic Beverage Control (ABC) Board notify local governing bodies of such application to provide an opportunity for local governing bodies to voice objections; and

WHEREAS, upon the objection of any citizen, community organization, or local government, the ABC Board conducts a hearing, open to the public, to hear testimony and receive other evidence pertinent to the ABC license application; and

WHEREAS, an examination of the sufficiency of public input in the licensure process requires careful examination of current law and regulation as well as a number of complex fiscal and policy issues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to examine the public notice and hearing process of the Alcoholic Beverage Control Board. In conducting the study, the Commission shall examine the ABC Board's hearing process as it relates to license applications and regulatory violations, including the timing, location and rules of procedure, and the taking of evidence in relation to the conduct of such hearings, to ensure ample opportunity for meaningful participation by the citizens and local governments of the Commonwealth. The Commission shall solicit comments from citizens, civic organizations and local governments, as well as representatives of retail licensees, on the sufficiency and effectiveness of the ABC Board's public notice and hearing process.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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