

AN ACT

relating to operation of the holder of a private club registration permit under the Alcoholic Beverage Code.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.03(d), Alcoholic Beverage Code, is amended to read as follows:

(d) No application for membership may be approved until the application has been filed with the chairman of the membership committee or board and approved by the chairman. The committee or board may authorize the chairman or a designated agent to issue preliminary memberships without the approval of the committee or board for a period not exceeding seven ~~[three]~~ days on the request of an applicant for membership. A preliminary member has all of the privileges of membership in the club. If the committee or board does not approve the application before the expiration of the preliminary membership, the club shall pay to the state a ~~[the]~~ fee of \$3 ~~[required of temporary members under Section 32.09 of this code]~~. The club shall remit the fees and record and report preliminary memberships as the commission or the administrator prescribes.

SECTION 2. Section 32.06(b), Alcoholic Beverage Code, is amended to read as follows:

- (b) If an alcoholic beverages replacement account is used:
  - (1) each service check may ~~[shall]~~ have printed on it

1 the percentage of the service charge that is to be deposited in the  
2 alcoholic beverages replacement account;

3 (2) no money other than the designated percentage of  
4 service charges may be deposited in the replacement account;

5 (3) the replacement of alcoholic beverages may be paid  
6 for only from money in the replacement account;

7 (4) the club's governing body may transfer from the  
8 replacement account to the club's general operating account any  
9 portion of the replacement account that the governing body  
10 determines is in excess of the amount that will be needed to  
11 purchase replacement alcoholic beverages or repay a loan for the  
12 original purchase of alcoholic beverages, but it may make only one  
13 transfer in a calendar month; and

14 (5) the club shall maintain a monthly record of the  
15 total amount of alcoholic beverage service charges collected, the  
16 amount deposited in the replacement account, the amount used to  
17 purchase alcoholic beverages or repay a loan for the original  
18 purchase of alcoholic beverages, and the amount transferred to the  
19 club's general operating account.

20 SECTION 3. This Act takes effect September 1, 2005.

David Newkum

President of the Senate

Jim Cuddih

Speaker of the House

I certify that H.B. No. 2065 was passed by the House on May 13, 2005, by a non-record vote.

Robert Hancy

Chief Clerk of the House

I certify that H.B. No. 2065 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED:

18 JUNE '05

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:20 AM O'CLOCK

Roger Williams  
JUN 13 2005  
Secretary of State