

## CHAPTER 290

## H.B. No. 409

## AN ACT

relating to certain private club registration permits.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 32.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 32.01. AUTHORIZED ACTIVITIES. (a) A private club registration permit authorizes alcoholic beverages belonging to members of the club to be:

(1) stored, possessed, and mixed on the club premises; and

(2) served for on-premises consumption only to members of the club and their families and guests, by the drink or in sealed, unsealed, or broken containers of any legal size.

(b) *An applicant for or the holder of a private club registration permit may apply to the commission to have the activities authorized under the permit restricted to the storage and service of wine, beer, and malt liquor for members of the club. Except as otherwise provided by this chapter, an applicant for or the holder of a permit that is restricted under this subsection is subject to all the requirements of this chapter. The commission may adopt rules as necessary to implement this subsection.*

SECTION 2. Section 32.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 32.02. FEES [~~FEE~~]. (a) Each private club registration permittee shall pay an annual state fee for each separate place of business.

(b) The annual state fee shall be computed at the election of the permittee by using one of the following methods:

(1) A fee of \$3 for each member entitled to privileges of the club during the permit year with a minimum fee of \$750; or

(2) *Except as provided by Subsection (d) of this section, a [A] fee for an original private club registration permit of \$3,500, with a fee for the first renewal of a private club registration permit of \$2,750, and a fee for the second and each subsequent renewal of a private club registration permit of \$2,000.*

(c) A permittee who elects to compute the permit fee based on Subsection (b)(1) of this section may not alter the method by which the fee is calculated until the second renewal or a renewal subsequent to the second renewal.

(d) *A permit holder who has elected to restrict the holder's authorized activities under the permit as provided by Section 32.01(b) of this code shall pay an original permit fee of \$1,500*

*and an annual renewal fee of \$1,500. [All fees collected pursuant to this section shall be deposited in the general revenue fund.]*

(e) No later than 90 days before the expiration of the year for which the permit fee is paid, the permit holder may submit an amended application with as much additional fee as is required under the amended return.

(f) For a permittee who holds a valid permit on the effective date of this *subsection* [Act] and who elects to pay a permit fee as provided by Subsection (b)(2) of this section, the fee for renewal of that permit is:

- (1) \$2,750 for the first annual renewal since the original permit was issued; and
- (2) \$2,000 for a renewal subsequent to the first annual renewal.

*(g) Fees collected under this section shall be deposited in the general revenue fund.*

SECTION 3. Section 32.17, Alcoholic Beverage Code, is amended by adding Subsection (c) to read as follows:

*(c) After notice and an opportunity for a hearing, the commission or administrator may cancel or suspend the private club registration permit of a permit holder who has restricted the holder's authorized activities under the permit as provided by Section 32.01(b) of this code on a determination that the permit holder is storing or serving alcoholic beverages to club members other than, or in addition to, wine, beer, and malt liquor.*

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 25, 1993, by a non-record vote; passed by the Senate on May 12, 1993: Yeas 31, Nays 0.

Approved May 26, 1993.

Effective Sept. 1, 1993.