

AN ACT

relating to hours of sale for certain alcoholic beverages in certain areas.

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

SECTION 1. Sections 105.03(c) and (d), Alcoholic Beverage Code, are amended to read as follows:

(c) In a city or county having a population of 800,000 [~~500,000~~] or more, according to the last preceding federal census, or 500,000 or more, according to the 22nd Decennial Census of the United States, as released by the Bureau of the Census on March 12, 2001, a holder of a mixed beverage late hours permit may also sell and offer for sale mixed beverages between midnight and 2 a.m. on any day.

(d) In a city or county other than a city or county described by Subsection (c) [~~having a population of less than 500,000, according to the last preceding federal census~~], the extended hours prescribed in Subsection (c) of this section are effective for the sale of mixed beverages and the offer to sell them by a holder of a mixed beverages late hours permit:

(1) in the unincorporated areas of the county if the extended hours are adopted by an order of the commissioners court; and

(2) in an incorporated city or town if the extended hours are adopted by an ordinance of the governing body of the city

1 or town.

2 SECTION 2. Sections 105.05(c) and (d), Alcoholic Beverage  
3 Code, are amended to read as follows:

4 (c) In a city or county having a population of 800,000  
5 [~~500,000~~] or more, according to the last preceding federal census,  
6 or 500,000 or more, according to the 22nd Decennial Census of the  
7 United States, as released by the Bureau of the Census on March 12,  
8 2001, a holder of a retail dealer's on-premise late hours license  
9 may also sell, offer for sale, and deliver beer between midnight and  
10 2 a.m. on any day.

11 (d) In a city or county other than a city or county described  
12 by Subsection (c) [~~having a population of less than 500,000,~~  
13 ~~according to the last preceding federal census]~~, the extended hours  
14 prescribed in Subsection (c) of this section, or any part of the  
15 extended hours prescribed in Subsection (c) of this section are  
16 effective for the sale, offer to sell, and delivery of beer by a  
17 holder of a retail dealer's on-premise late hours license:

18 (1) in the unincorporated areas of the county if the  
19 extended hours are adopted by an order of the commissioners court;  
20 and

21 (2) in an incorporated city or town if the extended  
22 hours are adopted by an ordinance of the governing body of the city  
23 or town.

24 SECTION 3. The changes in law made by this Act apply only to  
25 the sale of or offer to sell an alcoholic beverage on or after the  
26 effective date of this Act. The sale of or offer to sell an  
27 alcoholic beverage before the effective date of this Act is

1 governed by the law in effect immediately before that date, and that  
2 law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 833 was passed by the House on May 9, 2005, by the following vote: Yeas 144, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 833 on May 24, 2005, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 833 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor