

By: Gattis

H.B. No. 833

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 (c) In a city or county having a population of 800,000  
8 [~~500,000~~] or more, according to the last preceding federal census,  
9 or 500,000 or more, according to the 22nd Decennial Census of the  
10 United States, as released by the Bureau of the Census on March 12,  
11 2001, a holder of a mixed beverage late hours permit may also sell  
12 and offer for sale mixed beverages between midnight and 2 a.m. on  
13 any day.

14 (d) In a city or county having a population of less than  
15 800,000 [~~500,000~~], according to the last preceding federal census,  
16 or less than 500,000, according to the 22nd Decennial Census of the  
17 United States, as released by the Bureau of the Census on March 12,  
18 2001, the extended hours prescribed in Subsection (c) of this  
19 section are effective for the sale of mixed beverages and the offer  
20 to sell them by a holder of a mixed beverages late hours permit:

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

24 (2) in an incorporated city or town if the extended

1 hours are adopted by an ordinance of the governing body of the city  
2 or town.

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

5 (c) In a city or county having a population of 800,000  
6 [~~500,000~~] or more, according to the last preceding federal census,  
7 or 500,000 or more, according to the 22nd Decennial Census of the  
8 United States, as released by the Bureau of the Census on March 12,  
9 2001, a holder of a retail dealer's on-premise late hours license  
10 may also sell, offer for sale, and deliver beer between midnight and  
11 2 a.m. on any day.

12 (d) In a city or county having a population of less than  
13 800,000 [~~500,000~~], according to the last preceding federal census,  
14 or less than 500,000, according to the 22nd Decennial Census of the  
15 United States, as released by the Bureau of the Census on March 12,  
16 2001, the extended hours prescribed in Subsection (c) of this  
17 section, or any part of the extended hours prescribed in Subsection  
18 (c) of this section are effective for the sale, offer to sell, and  
19 delivery of beer by a holder of a retail dealer's on-premise late  
20 hours license:

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

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

27 SECTION 3. The changes in law made by this Act apply only to

1 the sale of or offer to sell an alcoholic beverage on or after the  
2 effective date of this Act. The sale of or offer to sell an  
3 alcoholic beverage before the effective date of this Act is  
4 governed by the law in effect immediately before that date, and that  
5 law is continued in effect for that purpose.

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