

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 833
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Business
1-4 and Commerce; May 19, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 19, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 833 By: Fraser

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to hours of sale for certain alcoholic beverages in
1-11 certain areas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 105.03(c) and (d), Alcoholic Beverage
1-14 Code, are amended to read as follows:

1-15 (c) In a city or county having a population of 800,000
1-16 [~~500,000~~] or more, according to the last preceding federal census,
1-17 or 500,000 or more, according to the 22nd Decennial Census of the
1-18 United States, as released by the Bureau of the Census on March 12,
1-19 2001, a holder of a mixed beverage late hours permit may also sell
1-20 and offer for sale mixed beverages between midnight and 2 a.m. on
1-21 any day.

1-22 (d) In a city or county other than a city or county described
1-23 by Subsection (c) [~~having a population of less than 500,000,~~
1-24 ~~according to the last preceding federal census]~~, the extended hours
1-25 prescribed in Subsection (c) of this section are effective for the
1-26 sale of mixed beverages and the offer to sell them by a holder of a
1-27 mixed beverages late hours permit:

1-28 (1) in the unincorporated areas of the county if the
1-29 extended hours are adopted by an order of the commissioners court;
1-30 and

1-31 (2) in an incorporated city or town if the extended
1-32 hours are adopted by an ordinance of the governing body of the city
1-33 or town.

1-34 SECTION 2. Sections 105.05(c) and (d), Alcoholic Beverage
1-35 Code, are amended to read as follows:

1-36 (c) In a city or county having a population of 800,000
1-37 [~~500,000~~] or more, according to the last preceding federal census,
1-38 or 500,000 or more, according to the 22nd Decennial Census of the
1-39 United States, as released by the Bureau of the Census on March 12,
1-40 2001, a holder of a retail dealer's on-premise late hours license
1-41 may also sell, offer for sale, and deliver beer between midnight and
1-42 2 a.m. on any day.

1-43 (d) In a city or county other than a city or county described
1-44 by Subsection (c) [~~having a population of less than 500,000,~~
1-45 ~~according to the last preceding federal census]~~, the extended hours
1-46 prescribed in Subsection (c) of this section, or any part of the
1-47 extended hours prescribed in Subsection (c) of this section are
1-48 effective for the sale, offer to sell, and delivery of beer by a
1-49 holder of a retail dealer's on-premise late hours license:

1-50 (1) in the unincorporated areas of the county if the
1-51 extended hours are adopted by an order of the commissioners court;
1-52 and

1-53 (2) in an incorporated city or town if the extended
1-54 hours are adopted by an ordinance of the governing body of the city
1-55 or town.

1-56 SECTION 3. The changes in law made by this Act apply only to
1-57 the sale of or offer to sell an alcoholic beverage on or after the
1-58 effective date of this Act. The sale of or offer to sell an
1-59 alcoholic beverage before the effective date of this Act is
1-60 governed by the law in effect immediately before that date, and that
1-61 law is continued in effect for that purpose.

1-62 SECTION 4. This Act takes effect immediately if it receives
1-63 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2005.

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