

## **BILL ANALYSIS**

Senate Research Center  
79R3191 AJA-D

H.B. 833  
By: Gattis (Ogden)  
Business & Commerce  
5/14/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current law states that a city or county having a population below 500,000 may set its own drinking hours. However, Texas' population is growing rapidly. H.B. 833 seeks to preserve local control for cities and counties to set their own drinking hours. This legislation will extend to counties and cities with a population between 500,000 and 800,000 local control of drinking hours. H.B. 833 will only affect those counties that do not have a population of 500,000 or more according to the 22nd Decennial Census of the United States in order to not impact those counties which currently have a population between 500,000 and 800,000.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 105.03(c) and (d), Alcoholic Beverage Code, as follows:

(c) Authorizes a holder of a mixed beverage late hours permit to also sell and offer for sale mixed beverages between midnight and 2 a.m. on any day in a city or county having a population of 800,000, rather than 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.

(d) Provides that, in a city or county having a population of less than 800,000, rather than 500,000, according to the last preceding federal census, or less than 500,000 according to the 22nd Decennial Census of the United States, as released by the Bureau of the Census on March 12, 2001, the extended hours prescribed in Subsection (c) are effective for the sale of mixed beverages and the offer to sell them by a holder of a mixed beverages late hours permit in the unincorporated areas of the county if the extended hours are adopted by an order of the commissioners court and in an incorporated city or town if the extended hours are adopted by an ordinance of the governing body of the city or town.

SECTION 2. Amends Sections 105.05(c) and (d), Alcoholic Beverage Code, to make conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2005.