

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 1338** Session of  
1995

INTRODUCED BY CIVERA, DONATUCCI, SERAFINI, MICOZZIE, FICHTER,  
CLYMER, DeLUCA, RUBLEY, STABACK, M. N. WRIGHT, LEDERER,  
E. Z. TAYLOR AND FARGO, APRIL 10, 1995

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 10, 1995

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as  
2 reenacted, "An act relating to alcoholic liquors, alcohol and  
3 malt and brewed beverages; amending, revising, consolidating  
4 and changing the laws relating thereto; regulating and  
5 restricting the manufacture, purchase, sale, possession,  
6 consumption, importation, transportation, furnishing, holding  
7 in bond, holding in storage, traffic in and use of alcoholic  
8 liquors, alcohol and malt and brewed beverages and the  
9 persons engaged or employed therein; defining the powers and  
10 duties of the Pennsylvania Liquor Control Board; providing  
11 for the establishment and operation of State liquor stores,  
12 for the payment of certain license fees to the respective  
13 municipalities and townships, for the abatement of certain  
14 nuisances and, in certain cases, for search and seizure  
15 without warrant; prescribing penalties and forfeitures;  
16 providing for local option, and repealing existing laws,"  
17 further providing for performing arts facilities.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. Section 408.3(b.1) and (b.2) of the act of April  
21 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted  
22 and amended June 29, 1987 (P.L.32, No.14) and amended May 31,  
23 1990 (P.L.224, No.48), are amended and the section is amended by  
24 adding a subsection to read:

25 Section 408.3. Performing Arts Facilities.--\* \* \*

1 (b.1) A performing arts facility referred to [in subsection  
2 (a.1) must be in operation for a period of one (1) year and a  
3 performing arts facility referred to] in subsection (a.2) must  
4 be in operation for a period of two (2) years before it may file  
5 an application for a license. The application for a performing  
6 arts facility license may be filed at any time thereafter by the  
7 operator or a concessionaire selected by the operator of such  
8 theater for the performing arts and shall conform with all  
9 requirements for restaurant liquor licenses and applications  
10 except as may be otherwise provided herein. Applicants shall  
11 submit such other information as the board may require.  
12 Applications shall be in writing on forms prescribed by the  
13 board and shall be signed and submitted to the board by the  
14 applicant. The filing fee shall accompany the license  
15 application.

16 [(b.2) The filing fee which is prescribed in clause (19) of  
17 section 614-A of the act of April 9, 1929 (P.L.177, No.175),  
18 known as "The Administrative Code of 1929," shall accompany the  
19 license application filed under subsection (b) or (b.1).]

20 (b.2) A performing arts facility referred to in subsection  
21 (a.1) must be in operation for a period of one (1) year before  
22 it may file an application for a license. Before an application  
23 for a performing arts facility license referred to in subsection  
24 (a.1) may be filed with the board, the applicant for the license  
25 must receive the approval of the municipal governing body of the  
26 municipality in which the performing arts facility proposed to  
27 be licensed is located. Within thirty days of a request for  
28 approval of the issuance of such a license, the municipal  
29 governing body shall hold a public hearing for the purpose of  
30 receiving the comments and recommendations of interested

1 individuals residing within the municipality concerning the  
2 issuance of a license to a performing arts facility. The  
3 municipal governing body shall, within forty-five days of a  
4 request for approval, render a decision by ordinance or  
5 resolution to approve or reject the applicant's request for  
6 approval regarding the issuance of such a license. This  
7 requirement of approval by a municipal governing body shall not  
8 be applicable to any application made for a performing arts  
9 facility license pursuant to subsection (e) or (h). Upon  
10 receiving approval from the municipal governing body, an  
11 application for a performing arts facility license may be filed  
12 with the board by the operator or a concessionaire selected by  
13 the operator of such theater for the performing arts. The  
14 application shall contain a copy of the ordinance or resolution  
15 of the municipal governing body approving the issuance of a  
16 license, and shall conform with all requirements for restaurant  
17 liquor licenses and applications, except as may be otherwise  
18 provided herein.

19 (b.3) The filing fee which is prescribed in clause (19) of  
20 section 614-A of the act of April 9, 1929 (P.L.177, No.175),  
21 known as "The Administrative Code of 1929," shall accompany the  
22 license application filed under subsection (b), (b.1) or (b.2).

23 \* \* \*

24 Section 2. This act shall take effect immediately.