

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1287 Session of 2011

INTRODUCED BY FERLO, TARTAGLIONE, HUGHES, COSTA, FONTANA,  
SOLOBAY AND KASUNIC, OCTOBER 12, 2011

REFERRED TO LAW AND JUSTICE, OCTOBER 12, 2011

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 general powers of the board and for  
18 specific subjects on which board may adopt regulations;  
19 providing for employees of the board; further providing for  
20 management of Pennsylvania Liquor Stores; and repealing  
21 provisions relating to selection of personnel.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. Section 207(b), (f) and (h) of the act of April  
25 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted  
26 and amended June 29, 1987 (P.L.32, No.14), are amended and the  
27 section is amended by adding a subsection to read:

1       Section 207.   General Powers of Board.--Under this act, the  
2 board shall have the power and its duty shall be:

3       \* \* \*

4       (b)   To control the manufacture, possession, sale,  
5 consumption, importation, use, storage, transportation and  
6 delivery of liquor, alcohol and malt or brewed beverages in  
7 accordance with the provisions of this act, and to fix the  
8 wholesale and retail prices at which liquors and alcohol shall  
9 be sold at Pennsylvania Liquor Stores. Prices shall be  
10 [proportional with prices paid by the board to its suppliers and  
11 shall reflect any advantage obtained through volume purchases by  
12 the board] as set forth by the board so long as the price of a  
13 particular item is uniform throughout this Commonwealth. The  
14 board may establish a preferential price structure for wines  
15 produced within this Commonwealth for the promotion of such  
16 wines, as long as the price structure is uniform within each  
17 class of wine purchased by the board. The board shall require  
18 each Pennsylvania manufacturer and each nonresident manufacturer  
19 of liquors, other than wine, selling such liquors to the board,  
20 which are not manufactured in this Commonwealth, to make  
21 application for and be granted a permit by the board before such  
22 liquors not manufactured in this Commonwealth shall be purchased  
23 from such manufacturer. Each such manufacturer shall pay for  
24 such permit a fee which, in the case of a manufacturer of this  
25 Commonwealth, shall be equal to that required to be paid, if  
26 any, by a manufacturer or wholesaler of the state, territory or  
27 country of origin of the liquors, for selling liquors  
28 manufactured in Pennsylvania, and in the case of a nonresident  
29 manufacturer, shall be equal to that required to be paid, if  
30 any, in such state, territory or country by Pennsylvania

1 manufacturers doing business in such state, territory or  
2 country. In the event that any such manufacturer shall, in the  
3 opinion of the board, sell or attempt to sell liquors to the  
4 board through another person for the purpose of evading this  
5 provision relating to permits, the board shall require such  
6 person, before purchasing liquors from him or it, to take out a  
7 permit and pay the same fee as hereinbefore required to be paid  
8 by such manufacturer. All permit fees so collected shall be paid  
9 into the State Stores Fund. The board shall not purchase any  
10 alcohol or liquor fermented, distilled, rectified, compounded or  
11 bottled in any state, territory or country, the laws of which  
12 result in prohibiting the importation therein of alcohol or  
13 liquor, fermented, distilled, rectified, compounded or bottled  
14 in Pennsylvania.

15 \* \* \*

16 (f) To appoint, fix the compensation and define the powers  
17 and duties of such managers, officers, inspectors, examiners,  
18 clerks and other employes as shall be required for the operation  
19 of this act, [subject to the provisions of The Administrative  
20 Code of 1929 and the Civil Service Act] who shall serve at the  
21 board's pleasure. Notwithstanding any other provision of law to  
22 the contrary, an employe of the board shall not be considered a  
23 member of the classified service, as that term is defined in the  
24 act of August 5, 1941 (P.L.752, No.286), known as the "Civil  
25 Service Act," except as set forth in this act. An employe of the  
26 board shall be considered a State employe for purposes of 71  
27 Pa.C.S. Pt. XXV (relating to retirement for State employees and  
28 officers). The board shall establish a system of classification  
29 and compensation of its employes and shall not be subject to the  
30 provisions of the act of April 9, 1929 (P.L.177, No.175), known

1 as "The Administrative Code of 1929," as to classification and  
2 compensation for its employes, and shall conduct its activities  
3 consistent with the practices and procedures of Commonwealth  
4 agencies. The board shall adhere to the provisions of 51 Pa.C.S.  
5 Ch. 71 (relating to veterans' preference), as they relate to  
6 noncivil service positions.

7 \* \* \*

8 (h) Without in any way limiting or being limited by the  
9 foregoing, to do all such things and perform all such acts as  
10 are deemed necessary or advisable for the purpose of carrying  
11 into effect the provisions of this act and the regulations made  
12 thereunder. Notwithstanding any other provision of law to the  
13 contrary, the board is authorized to purchase all goods and  
14 services in its sole discretion which are deemed necessary to  
15 perform all such acts. The board is authorized to promulgate  
16 regulations providing for the procurement of such goods and  
17 services.

18 \* \* \*

19 (l) Notwithstanding any other provision of law to the  
20 contrary, to enter into agreements with governmental units of  
21 the Commonwealth and other states for the purchase or sale of  
22 goods and/or services with, from or to the governmental units.

23 Section 2. Section 208(c) of the act is amended to read:

24 Section 208. Specific Subjects on Which Board May Adopt  
25 Regulations.--Subject to the provisions of this act and without  
26 limiting the general power conferred by the preceding section,  
27 the board may make regulations regarding:

28 \* \* \*

29 (c) The purchase, as provided in this act, of liquor and  
30 alcohol, and its supply to Pennsylvania Liquor Stores and the

procurement of all other goods and services which are deemed  
necessary by the board, in its sole discretion, to perform all  
such acts.

\* \* \*

Section 3. The act is amended by adding a section to read:

Section 218. Employees of the Board.--(a) All collective  
bargaining agreements in effect at the time of enactment of this  
section shall remain in force for the term of the contract. New  
collective bargaining agreements shall be negotiated by the  
collective bargaining agent for each bargaining unit. The board  
shall be the employer of record for all employees and shall  
conduct its activities consistent with the practices and  
procedures of other Commonwealth agencies.

(b) Employees of the board shall be deemed public employees.  
Labor relations and collective bargaining shall be governed by  
the act of July 23, 1970 (P.L.563, No.195), known as the "Public  
Employee Relations Act" and the act of April 9, 1929 (P.L.177,  
No.175), known as "The Administrative Code of 1929," on the  
effective date of this section.

(c) The civil service status of a person employed by the  
board on the effective date of this section shall remain the  
same as it was immediately prior to the effective date of this  
section, for as long as the person remains in the position the  
person held on the effective date of this section.

Section 4. Section 302 of the act is repealed:

[Section 302. Selection of Personnel.--Officers and employees  
of the board, except as herein otherwise provided, shall be  
appointed and employed subject to the provisions of the Civil  
Service Act.]

Section 5. Section 303 of the act is amended to read:

1       Section 303.   Management of Pennsylvania Liquor Stores.--  
2   Every Pennsylvania Liquor Store shall be conducted by a person  
3   appointed [in the manner provided in the Civil Service Act] by  
4   the board who shall be known as the "manager" and who shall,  
5   under the directions of the board, be responsible for carrying  
6   out the provisions of this act and the regulations adopted by  
7   the board under this act as far as they relate to the conduct of  
8   such stores.

9       Section 6.   This act shall take effect in 60 days.