

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 611 Session of
1991

INTRODUCED BY SALOOM, JAROLIN AND KRUSZEWSKI, MARCH 11, 1991

SENATOR SHUMAKER, LAW AND JUSTICE, IN SENATE, AS AMENDED,
JUNE 24, 1992

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 EXTENDING ENFORCEMENT POWERS OF LIQUOR CONTROL ENFORCEMENT <—
18 OFFICERS; eliminating the transfer of funds to the
19 Enforcement Officers' Retirement Account; providing for the
20 transfer of funds remaining in the account; and providing for
21 the transfer of excess funds transferred to the Enforcement
22 Officers' Benefit Account in the State Employees' Retirement
23 Fund.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 ~~Section 1. Section 802(b) of the act of April 12, 1951~~ <—
27 ~~(P.L.90, No.21), known as the Liquor Code, reenacted and amended~~

1 ~~June 29, 1987 (P.L.32, No.14), is amended to read:~~

2 SECTION 1. SECTION 211(A) OF THE ACT OF APRIL 12, 1951 <—
3 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED
4 JUNE 29, 1987 (P.L.32, NO.14), IS AMENDED BY ADDING CLAUSES AND
5 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

6 SECTION 211. ENFORCEMENT.--(A) THERE IS CREATED WITHIN THE
7 PENNSYLVANIA STATE POLICE A BUREAU OF LIQUOR CONTROL ENFORCEMENT
8 WHICH SHALL BE RESPONSIBLE FOR ENFORCING THIS ACT AND ANY
9 REGULATIONS PROMULGATED PURSUANT THERETO. OFFICERS AND
10 INVESTIGATORS ASSIGNED TO THE BUREAU SHALL HAVE THE POWER AND
11 THEIR DUTY SHALL BE:

12 * * *

13 (5) TO PURSUE, APPREHEND AND ARREST ANY INDIVIDUAL SUSPECTED
14 OF VIOLATING ANY PROVISION OF 18 PA.C.S. (RELATING TO CRIMES AND
15 OFFENSES) OR ANY OTHER OFFENSE CLASSIFIED AS A SUMMARY OFFENSE,
16 MISDEMEANOR OR FELONY WHILE IN THE PERFORMANCE OF THEIR ASSIGNED
17 DUTIES UNDER THIS ACT.

18 (6) TO SERVE AND EXECUTE WARRANTS ISSUED BY THE PROPER
19 AUTHORITIES FOR OFFENSES REFERRED TO IN THIS SUBSECTION AND TO
20 SERVE SUBPOENAS.

21 (7) TO ARRANGE FOR THE ADMINISTRATION OF CHEMICAL TESTS OF
22 BREATH, BLOOD OR URINE TO PERSONS FOR THE PURPOSE OF DETERMINING
23 THE ALCOHOLIC CONTENT OF BLOOD OR THE PRESENCE OF A CONTROLLED
24 SUBSTANCE BY QUALIFIED PERSONNEL OF A STATE OR LOCAL POLICE
25 DEPARTMENT OR QUALIFIED PERSONNEL OF A CLINICAL LABORATORY
26 LICENSED AND APPROVED BY THE DEPARTMENT OF HEALTH.

27 * * *

28 (E) NOTHING IN THIS ACT SHALL BE CONSTRUED TO CHANGE THE
29 STATUS OF CIVILIAN ENFORCEMENT AGENTS FOR THE PURPOSES OF THE
30 ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC

1 EMPLOYEE RELATIONS ACT," OR CAUSE CIVILIAN ENFORCEMENT AGENTS TO
2 BE CONSIDERED POLICEMEN FOR THE PURPOSES OF THE ACT OF JUNE 24,
3 1968 (P.L.237, NO.111), REFERRED TO AS THE POLICEMEN AND FIREMEN
4 COLLECTIVE BARGAINING ACT.

5 SECTION 2. SECTION 802(B) OF THE ACT IS AMENDED TO READ:

6 Section 802. Moneys Paid Into The State Stores Fund for Use
7 of the Commonwealth.--* * *

8 [(b) One-half of all application filing and transfer fees
9 shall be credited to a special account designated as the
10 Enforcement Officers' Retirement Account. The moneys credited to
11 this account shall be paid, annually, by the board to the State
12 Employees' Retirement Board to be paid into the State Employees'
13 Retirement Fund and credited to the Enforcement Officers'
14 Benefit Account.]

15 * * *

16 Section 2 3. Any funds credited to the special account in <—
17 The State Stores Fund designated as the Enforcement Officers'
18 Retirement Account, but not transferred to the State Employees'
19 Retirement Fund as of the effective date of this act, shall be
20 transferred to the General Fund.

21 ~~Section 3. All funds not necessary to fund current and <—~~
22 ~~future retirement benefits shall be transferred from the~~
23 ~~Enforcement Officers' Benefit Account in the State Employees'~~
24 ~~Retirement Fund to the General Fund within 30 days of the~~
25 ~~effective date of this act. These funds represent funds in~~
26 ~~excess of those determined by the actuary to be needed to cover~~
27 ~~the value of benefits for retirees and any Class C benefits~~
28 ~~payable from the Enforcement Officers' Benefit Account.~~

29 ~~Section 4. This act shall take effect immediately.~~

30 SECTION 4. ALL FUNDS IN THE ENFORCEMENT OFFICERS' BENEFIT <—

1 ACCOUNT IN THE STATE EMPLOYEES' RETIREMENT FUND NOT NECESSARY TO
2 FUND CURRENT AND FUTURE RETIREMENT BENEFITS FOR CURRENT AND
3 FUTURE RETIREES AND ANY CLASS C BENEFITS PAYABLE FROM THE
4 ACCOUNT AS DETERMINED BY THE STATE EMPLOYEES' RETIREMENT BOARD
5 AFTER RECEIVING A REPORT FROM ITS ACTUARY SHALL BE TRANSFERRED
6 TO THE GENERAL FUND.

7 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

8 (1) THE AMENDMENT OR ADDITION OF SECTION 211(A)(5), (6)
9 AND (7) AND (E) OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

10 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
11 IMMEDIATELY.