
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 270

Session of
1987

INTRODUCED BY SALOOM, JAROLIN, TIGUE, DUFFY AND McCALL,
FEBRUARY 10, 1987

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 10, 1987

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 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 the composition and salaries of the
18 members of the Pennsylvania Liquor Control Board;
19 transferring liquor code enforcement duties to the Office of
20 General Counsel; reestablishing the Pennsylvania Liquor
21 Control Board for purposes of the Sunset Law; transferring
22 personnel, equipment and appropriations; and making editorial
23 changes.

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

26 Section 1. The title of the act of April 12, 1951 (P.L.90,
27 No.21), known as the Liquor Code, is amended to read:

28 AN ACT

1 Relating to alcoholic liquors, alcohol and malt and brewed
2 beverages; amending, revising, consolidating and changing the
3 laws relating thereto; regulating and restricting the
4 manufacture, purchase, sale, possession, consumption,
5 importation, transportation, furnishing, holding in bond,
6 holding in storage, traffic in and use of alcoholic liquors,
7 alcohol and malt and brewed beverages and the persons engaged
8 or employed therein; defining the powers and duties of the
9 Pennsylvania Liquor Control Board and the Office of General
10 Counsel; providing for the establishment and operation of
11 State liquor stores, for the payment of certain license fees
12 to the respective municipalities and townships, for the
13 abatement of certain nuisances and, in certain cases, for
14 search and seizure without warrant; prescribing penalties and
15 forfeitures; providing for local option, and repealing
16 existing laws.

17 Section 2. Section 102 of the act, added or amended July 10,
18 1957 (P.L.638, No.346), August 17, 1965 (P.L.346, No.182),
19 December 2, 1970 (P.L.825, No.271), October 11, 1972 (P.L.906,
20 No.215), December 12, 1980 (P.L.1195, No.221) and May 2, 1986
21 (P.L.141, No.44), is amended to read:

22 Section 102. Definitions.--The following words or phrases,
23 unless the context clearly indicates otherwise, shall have the
24 meanings ascribed to them in this section:

25 "Alcohol" shall mean ethyl alcohol of any degree of proof
26 originally produced by the distillation of any fermented liquid,
27 whether rectified or diluted with or without water, whatever may
28 be the origin thereof, and shall include synthetic ethyl
29 alcohol, but shall not mean or include ethyl alcohol, whether or
30 not diluted, that has been denatured or otherwise rendered unfit

1 for beverage purposes.

2 "Association" shall mean a partnership, limited partnership
3 or any form of unincorporated enterprise owned by two or more
4 persons.

5 "Board" shall mean the Pennsylvania Liquor Control Board.

6 "Bonded warehouse" shall mean and include all places and
7 warehouses legally established under the provisions of the acts
8 of Congress and the administrative provisions of the internal
9 revenue laws of the Government of the United States of America,
10 for the storage, concentration, distribution and holding in
11 bond, (a) of whiskey and any other potable distilled spirits,
12 except ethyl alcohol, when used in Article VII entitled
13 "Distillery Bonded Warehouse Certificates" and, (b) of alcohol
14 or liquor when otherwise used.

15 "Club" shall mean any reputable group of individuals
16 associated together not for profit for legitimate purposes of
17 mutual benefit, entertainment, fellowship or lawful convenience,
18 having some primary interest and activity to which the sale of
19 liquor or malt and brewed beverages shall be only secondary,
20 which, if incorporated, has been in continuous existence and
21 operation for at least one year, and if first licensed after
22 June sixteenth, one thousand nine hundred thirty-seven, shall
23 have been incorporated in this Commonwealth, and, if
24 unincorporated, for at least ten years, immediately preceding
25 the date of its application for a license under this act, and
26 which regularly occupies, as owner or lessee, a clubhouse or
27 quarters for the use of its members. Continuous existence must
28 be proven by satisfactory evidence. The board shall refuse to
29 issue a license if it appears that the charter is not in
30 possession of the original incorporators or their direct or

1 legitimate successors. The club shall hold regular meetings,
2 conduct its business through officers regularly elected, admit
3 members by written application, investigation and ballot, and
4 charge and collect dues from elected members, and maintain such
5 records as the board shall from time to time prescribe, but any
6 such club may waive or reduce in amount, or pay from its club
7 funds, the dues of any person who was a member at the time he
8 was inducted into the military service of the United States or
9 was enrolled in the armed forces of the United States pursuant
10 to any selective service act during the time of the member's
11 actual service or enrollment. The term includes a privately-
12 owned private golf course.

13 "Container" shall mean and include any receptacle, vessel or
14 form of package, tank, vat, cask, barrel, drum, keg, can, bottle
15 or conduit used or capable of use for holding, storing,
16 transferring or shipment of alcohol, liquor or malt or brewed
17 beverages.

18 "Corporation" shall mean a corporation or joint-stock
19 association organized under the laws of this Commonwealth, the
20 United States, or any other state, territory, or foreign country
21 or dependency.

22 "Denatured alcohol" shall mean and include all alcohol or any
23 compound thereof which by the admixture of such denaturing
24 material or materials is rendered unfit for use as a beverage.

25 "Denaturing plant" shall mean and include the premises of a
26 distillery used exclusively for the denaturization of alcohol,
27 either specially or completely, by the admixture of such
28 denaturing materials as shall render the alcohol or any compound
29 in which it is authorized to be used unfit for use as a
30 beverage.

1 "Distillery" shall mean and include any premises or plant
2 wherein alcohol or liquor is manufactured, made and distilled
3 from raw materials, blended or rectified, or any place wherein
4 alcohol or liquor is produced by any method suitable for the
5 production of alcohol. The term shall not include a "winery"
6 where alcohol is derived from by-products of wine production by
7 distillation for the sole purpose of adding to the fermented
8 products to fortify the same.

9 "Distillery Bonded Warehouse Certificate" shall mean a
10 certificate, receipt, contract or other document given upon the
11 storage of whiskey or any other potable distilled spirits,
12 except ethyl alcohol, in a bonded warehouse, and evidencing the
13 ownership of such whiskey or other potable distilled spirits.

14 "Distillery certificate broker" shall mean and include every
15 person who engages directly or through an agent in selling,
16 purchasing, exchanging, offering for sale or delivery, or
17 entering into agreements for the purchase, sale or exchange, or
18 soliciting subscriptions to or orders for, or undertaking to
19 dispose of, or dealing in any manner in, distillery bonded
20 warehouse certificates.

21 "Distributor" shall mean any person licensed by the board to
22 engage in the purchase only from Pennsylvania manufacturers and
23 from importing distributors and the resale of malt or brewed
24 beverages, except to importing distributors and distributors, in
25 the original sealed containers as prepared for the market by the
26 manufacturer at the place of manufacture, but not for
27 consumption on the premises where sold, and in quantities of not
28 less than a case of twenty-four containers, each container
29 holding seven fluid ounces or more, or a case of twelve
30 containers, each container holding twenty-four fluid ounces or

1 more, except original containers containing one hundred twenty-
2 eight ounces or more which may be sold separately.

3 "Division" shall mean the Liquor Code Enforcement Division of
4 the Office of General Counsel.

5 "Eating place" shall mean a premise where food is regularly
6 and customarily prepared and sold, having a total area of not
7 less than three hundred square feet available to the public in
8 one or more rooms, other than living quarters, and equipped with
9 tables and chairs accommodating thirty persons at one time.

10 "Golf course" shall mean a course having a minimum of nine
11 holes and a total length of at least twenty-five hundred yards.
12 The term includes a privately-owned private golf course.

13 "Hotel" shall mean any reputable place operated by
14 responsible persons of good reputation where the public may, for
15 a consideration, obtain sleeping accommodations and meals and
16 which, in a city, has at least ten, and in any other place at
17 least six, permanent bedrooms for the use of guests, a public
18 dining room or rooms operated by the same management
19 accommodating at least thirty persons at one time, and a
20 kitchen, apart from the public dining room or rooms, in which
21 food is regularly prepared for the public.

22 "Importing distributor" shall mean any person licensed by the
23 board to engage in the purchase from manufacturers and other
24 persons located outside this Commonwealth and from persons
25 licensed as manufacturers of malt or brewed beverages and
26 importing distributors under this act, and the resale of malt or
27 brewed beverages in the original sealed containers as prepared
28 for the market by the manufacturer at the place of manufacture,
29 but not for consumption on the premises where sold, and in
30 quantities of not less than a case of twenty-four containers,

1 each container holding seven fluid ounces or more, or a case of
2 twelve containers, each container holding twenty-four fluid
3 ounces or more, except original containers containing one
4 hundred twenty-eight ounces or more which may be sold
5 separately.

6 "Law Enforcement Agency" shall include, but not be limited
7 to, county detectives, the Liquor Code Enforcement Division of
8 the Office of General Counsel, the Bureau of Criminal
9 Investigations of the Office of Attorney General and the
10 Pennsylvania State Police.

11 "Limited Winery" shall mean a winery with a maximum output of
12 one hundred thousand (100,000) gallons per year.

13 "Liquor" shall mean and include any alcoholic, spirituous,
14 vinous, fermented or other alcoholic beverage, or combination of
15 liquors and mixed liquor a part of which is spirituous, vinous,
16 fermented or otherwise alcoholic, including all drinks or
17 drinkable liquids, preparations or mixtures, and reused,
18 recovered or redistilled denatured alcohol usable or taxable for
19 beverage purposes which contain more than one-half of one per
20 cent of alcohol by volume, except pure ethyl alcohol and malt or
21 brewed beverages.

22 "Malt or Brewed Beverages" means any beer, lager beer, ale,
23 porter or similar fermented malt beverage containing one-half of
24 one per centum or more of alcohol by volume, by whatever name
25 such beverage may be called.

26 "Manufacture", when the term is applied to malt or brewed
27 beverages, shall mean and include all means, methods and
28 processes used, employed and made use of, to produce, make and
29 manufacture for commercial purposes, malt or brewed beverages
30 from raw materials; when applied otherwise, it shall mean and

1 include all means, methods and processes used, employed and made
2 use of, to produce and make alcohol or liquor from raw
3 materials, and shall mean and include rectification and blending
4 of alcohol and liquor, the production, recovery or reuse of
5 alcohol in the making, developing, using in the process of
6 manufacture, denaturing, redistilling or recovering of any
7 alcohol or liquor in distilleries, denaturing plants and
8 wineries.

9 "Manufacturer" shall mean any person, association or
10 corporation engaged in the producing, manufacturing, distilling,
11 rectifying or compounding of liquor, alcohol or malt or brewed
12 beverages in this Commonwealth or elsewhere.

13 "Manufacturer of malt or brewed beverages" shall mean any
14 person holding a license issued by the board to engage in the
15 manufacture, transportation and sale of malt or brewed
16 beverages; also, any person engaged in the legal manufacture of
17 malt or brewed beverages within the territorial limits of the
18 United States, outside the Commonwealth of Pennsylvania.

19 "Municipality" shall mean any city, borough, incorporated
20 town, or township of this Commonwealth.

21 "Original container" shall mean all bottles, casks, kegs or
22 other suitable containers that have been securely capped, sealed
23 or corked by the manufacturer of malt or brewed beverages at the
24 place of manufacture, with the name and address of the
25 manufacturer of the malt or brewed beverages contained or to be
26 contained therein permanently affixed to the bottle, cask, keg
27 or other container, or in the case of a bottle or can, to the
28 cap or cork used in sealing the same or to a label securely
29 affixed to a bottle or can.

30 "Package" shall mean any container or containers or

1 receptacle or receptacles used for holding liquor or alcohol as
2 marketed by the manufacturer.

3 "Performing arts facilities" shall mean those halls or
4 theaters in which live musical, concert, dance, ballet and
5 legitimate play book-length productions are performed.

6 Performing arts facilities shall not mean those halls or
7 theaters in which burlesque shows or reviews are performed.

8 "Person" shall mean a natural person, association or
9 corporation. Whenever used in a clause prescribing or imposing a
10 fine or imprisonment or both, the term "person", as applied to
11 "association", shall mean the partners or members thereof, and
12 as applied to "corporation", shall mean the officers thereof,
13 except, as to incorporated clubs, the term "person" shall mean
14 such individual or individuals who, under the by-laws of such
15 club, shall have jurisdiction over the possession and sale of
16 liquor therein.

17 "Population" shall mean the number of inhabitants as
18 determined by the last preceding decennial census of the United
19 States, or by any other census subsequently taken by the census
20 bureau of the United States and so certified by it: Provided,
21 however, That such other census shall not be a basis for the
22 fixing of license fees as provided in article IV. sections 405
23 and 439.

24 "Potable distilled spirits" shall mean and include any
25 distillate from grains, wine, fruits, vegetables or molasses,
26 except ethyl alcohol, capable of being used for beverage
27 purposes.

28 "Regulation" shall mean any regulation prescribed by the
29 board or the General Counsel for carrying out the provisions of
30 this act.

1 "Restaurant" shall mean a reputable place operated by
2 responsible persons of good reputation and habitually and
3 principally used for the purpose of providing food for the
4 public, the place to have an area within a building of not less
5 than four hundred square feet, equipped with tables and chairs
6 accommodating at least thirty persons at one time.

7 "Retail dispenser" shall mean any person licensed to engage
8 in the retail sale of malt or brewed beverages for consumption
9 on the premises of such licensee, with the privilege of selling
10 malt or brewed beverages in quantities not in excess of one
11 hundred forty-four fluid ounces in a single sale to one person,
12 to be carried from the premises by the purchaser thereof.

13 "Sale" or "Sell" shall include any transfer of liquor,
14 alcohol or malt or brewed beverages for a consideration.

15 "Whiskey" shall mean and include any alcoholic distillate
16 from a fermented mash of grain, capable of being used for
17 beverage purposes.

18 "Winery" shall mean and include any premises and plants where
19 any alcohol or liquor is produced by the process by which wine
20 is produced, or premises and plants wherein liquid such as wine
21 is produced; and shall include the manufacture by distillation
22 of alcohol from the by-products of wine fermentation when the
23 alcohol so derived is used solely to fortify the fermented
24 products, under such regulations as are or may be promulgated by
25 the proper agency of the United States Government, and such
26 alcohol, for that purpose only, may be sold or exchanged between
27 wineries holding permits in this Commonwealth, without
28 restriction.

29 Section 3. Section 201 of the act, amended November 23, 1976
30 (P.L.1123, No.235), is amended to read:

1 Section 201. Appointment of Members; Terms; Salaries.--(a)

2 An independent administrative board to be known as the

3 "Pennsylvania Liquor Control Board" is hereby created.

4 (b) The board shall consist of [three] five members to be

5 appointed by the Governor by and with the advice and consent of

6 two-thirds of all the members of the Senate. Of the [original

7 members] five members appointed by the Governor, one shall be

8 appointed for a term of two years, [one] two for a term of four

9 years, and [one] two for a term of six years from the date of

10 his appointment and until his successor shall have been

11 appointed and qualified. Thereafter, all gubernatorial

12 appointments shall be for terms of six years or until successors

13 are appointed and qualified.

14 (c) Each of the members shall receive an annual salary of

15 [twenty-four thousand dollars (\$24,000)] forty-three thousand

16 dollars (\$43,000), except the chairman, who shall receive an

17 annual salary of [twenty-five thousand dollars (\$25,000)] fifty

18 thousand dollars (\$50,000).

19 (d) The board is subject to evaluation, review and

20 termination within the time and in the manner provided in the

21 act of December 22, 1981 (P.L.508, No.142), known as the "Sunset

22 Act."

23 Section 4. Sections 202, 203 and 205 of the act are amended

24 to read:

25 Section 202. Qualifications of Members.--(a) Each member of

26 the board at the time of his appointment and qualification shall

27 be a citizen of the United States and a resident of the

28 Commonwealth of Pennsylvania, shall have been a qualified

29 elector in the Commonwealth for a period of at least one year

30 next preceding his appointment, and shall be not less than

1 thirty years of age.

2 (b) No member of the board during his period of service as
3 such shall hold any other office under the laws of this
4 Commonwealth or of the United States.

5 Section 203. Chairman of Board.--(a) The board shall elect
6 one of its members as chairmen. The chairman shall, when
7 present, preside at all meetings, and in his absence a member
8 designated by the chairman shall preside.

9 [Two] (b) Three members of the board shall constitute a
10 quorum, and any action or order of the board shall require the
11 approval of at least [two] three members.

12 Section 205. Bonds Required of Members and Secretary.--
13 Before entering upon the duties of their respective offices or
14 positions, each member of the board and the secretary shall
15 execute and file with the State Treasurer a bond in such penal
16 sum as shall be fixed by the Executive Board of this
17 Commonwealth upon recommendation of the Governor, but the amount
18 of any such bond shall not be less than ten thousand dollars
19 (\$10,000). Bonds in such penal sums as shall be fixed by the
20 Executive Board likewise shall be executed and filed with the
21 State Treasurer by such employees of the Pennsylvania Liquor
22 Control Board as the head of such board shall, with the approval
23 of the Executive Board, prescribe. Such bonds shall be payable
24 to the Commonwealth of Pennsylvania and shall be conditioned for
25 the faithful performance of the members', secretary's or
26 employees' duties imposed by law or by lawful authority and that
27 the person bonded will not knowingly violate the provisions of
28 this act. All bonds required to be given under this section
29 shall, before being accepted by the State Treasurer, be approved
30 by the [Department of Justice] Office of Attorney General, and

1 unless the Commonwealth shall establish its own indemnity fund,
2 all such bonds shall be given with security approved by the
3 [Department of Justice] Office of Attorney General. If the
4 Commonwealth shall establish its own indemnity fund, the
5 Executive Board may, nevertheless, require any bond given
6 hereunder to be executed by a surety or sureties satisfactory to
7 the [Department of Justice] Office of Attorney General. The cost
8 of such bonds required to be executed by a surety or sureties
9 shall be borne by the board as part of its operating expense.

10 Section 5. Section 207 of the act, added or amended May 25,
11 1956 (1955 P.L.1743, No.583), January 13, 1966 (1965 P.L.1301,
12 No.518), June 17, 1971 (P.L.180, No.22) and July 27, 1973
13 (P.L.247, No.70), is amended to read:

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

16 (a) To buy, import or have in its possession for sale, and
17 sell liquor and alcohol in the manner set forth in this act:
18 Provided, however, That all purchases shall be made subject to
19 the approval of the State Treasurer, or his designated deputy.

20 (b) To control the manufacture, possession, sale,
21 consumption, importation, use, storage, transportation and
22 delivery of liquor, alcohol and malt or brewed beverages in
23 accordance with the provisions of this act, and to fix the
24 wholesale and retail prices at which liquors and alcohol shall
25 be sold at Pennsylvania Liquor Stores: Provided, That in fixing
26 the sale prices, the board shall not give any preference or make
27 any discrimination as to classes, brands or otherwise, except to
28 the extent and for the length of time necessary to sell such
29 classes or brands in compliance with any Federal action freezing
30 or otherwise controlling the price of said classes or brands, or

1 except where special sales are deemed necessary to move
2 [unsaleable] unsalable merchandise, or except where the addition
3 of a service or handling charge to the fixed sales price of any
4 merchandise in the same comparable price bracket, regardless of
5 class, brand or otherwise, is, in the opinion of the board,
6 required for the efficient operation of the State store system.
7 The board shall require each Pennsylvania manufacturer and each
8 nonresident manufacturer of liquors, other than wine, selling
9 such liquors to the board, which are not manufactured in this
10 Commonwealth, to make application for and be granted a permit by
11 the board before such liquors not manufactured in this
12 Commonwealth shall be purchased from such manufacturer. Each
13 such manufacturer shall pay for such permit a fee which, in the
14 case of a manufacturer of this Commonwealth, shall be equal to
15 that required to be paid, if any, by a manufacturer or
16 wholesaler of the state, territory or country of origin of the
17 liquors, for selling liquors manufactured in Pennsylvania, and
18 in the case of a nonresident manufacturer, shall be equal to
19 that required to be paid, if any, in such state, territory or
20 country by Pennsylvania manufacturers doing business in such
21 state, territory or country. In the event that any such
22 manufacturer shall, in the opinion of the board, sell or attempt
23 to sell liquors to the board through another person for the
24 purpose of evading this provision relating to permits, the board
25 shall require such person, before purchasing liquors from him or
26 it, to take out a permit and pay the same fee as hereinbefore
27 required to be paid by such manufacturer. All permit fees so
28 collected shall be paid into the State Stores Fund. The board
29 shall not purchase any alcohol or liquor fermented, distilled,
30 rectified, compounded or bottled in any state, territory or

country, the laws of which result in prohibiting the importation therein of alcohol or liquor, fermented, distilled, rectified, compounded or bottled in Pennsylvania.

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities.

(d) To grant, issue, suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board and impose fines on licensees licensed under this act.

(e) Through the Department of [Property and Supplies] General Services as agent, to lease and furnish and equip such buildings, rooms and other accommodations as shall be required for the operation of this act.

(f) [To] Except for law enforcement officers, to appoint, fix the compensation and define the powers and duties of such managers, [officers,] inspectors, examiners, clerks and other employes as shall be required for the operation of this act, subject to the provisions of The Administrative Code of 1929 and the Civil Service Act.

(g) To determine the nature, form and capacity of all packages and original containers to be used for containing liquor, alcohol or malt or brewed beverages.

(h) Without in any way limiting or being limited by the foregoing and except for law enforcement investigations and citations, to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder.

(i) From time to time, to make such regulations not

1 inconsistent with this act as it may deem necessary for the
2 efficient administration of this act. The board shall cause such
3 regulations to be published and disseminated throughout the
4 Commonwealth in such manner as it shall deem necessary and
5 advisable or as may be provided by law. Such regulations adopted
6 by the board shall have the same force as if they formed a part
7 of this act.

8 [(j) To investigate, whenever any person complains, or when
9 the board is aware that there is reasonable grounds to believe
10 liquor or malt or brewed beverage is being sold on premises not
11 licensed under the provisions of this act. If the investigation
12 produces evidence of the unlawful sale of liquor or malt or
13 brewed beverage or of any other violation of the provisions of
14 this act, the board shall cause the prosecution of the person or
15 persons believed to have been criminally liable for the unlawful
16 acts. Any equipment or appurtenances actually used in the
17 commission of the unlawful acts may be confiscated upon
18 direction of the board. The confiscation by or under the
19 direction of the board shall not, in any manner, divest or
20 impair the rights or interest of any bona fide lien holder in
21 the equipment or appurtenances, who had no knowledge that the
22 same was being used in violation of this act.]

23 Section 6. Section 208 of the act, amended July 22, 1970
24 (P.L.539, No.182) and October 11, 1972 (P.L.906, No.215), is
25 amended to read:

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

30 (a) The equipment and management of Pennsylvania Liquor

1 Stores and warehouses in which liquor and alcohol are kept or
2 sold, and the books and records to be kept therein.

3 (b) The duties and conduct of the officers and employes of
4 the board other than law enforcement officers.

5 (c) The purchase, as provided in this act, of liquor and
6 alcohol, and its supply to Pennsylvania Liquor Stores.

7 (d) The classes, varieties and brands of liquor and alcohol
8 to be kept and sold in Pennsylvania Liquor Stores. In making
9 this determination the board shall meet not less than twice a
10 year.

11 (e) The issuing and distribution of price lists for the
12 various classes, varieties or brands of liquor and alcohol kept
13 for sale by the board under this act.

14 (f) The labeling of liquor and alcohol sold under this act
15 and of liquor and alcohol lawfully acquired by any person prior
16 to January first, one thousand nine hundred thirty-four.

17 (g) Forms to be used for the purposes of this act.

18 (h) The issuance of licenses and permits and the conduct,
19 management, sanitation and equipment of places licensed or
20 included in permits.

21 (i) The place and manner of depositing the receipts of
22 Pennsylvania Liquor Stores and the transmission of balances to
23 the Treasury Department through the Department of Revenue.

24 (j) The solicitation by resident or nonresident vendors of
25 liquor from Pennsylvania licensees and other persons of orders
26 for liquor to be sold through the Pennsylvania Liquor Stores
27 and, in the case of nonresident vendors, the collection
28 therefrom of license fees for such privilege at the same rate as
29 provided herein for importers' licenses.

30 Section 7. Section 209 of the act, amended July 31, 1968

1 (P.L.799, No.243), is amended to read:

2 Section 209. [Officers and] Investigators of the Board [to
3 be Peace Officers]; Powers.--Such employes of the board as are
4 designated ["enforcement officers" or] "investigators" are
5 [hereby declared to be peace officers and are hereby given
6 police] given power and authority throughout the Commonwealth
7 [to arrest on view, except in private homes, without warrant,
8 any person actually engaged in the unlawful sale, importation,
9 manufacture or transportation, or having unlawful possession of
10 liquor, alcohol or malt or brewed beverages, contrary to the
11 provisions of this act or any other law of this Commonwealth.
12 Such officers and investigators shall have power and authority,
13 upon reasonable and probable cause, to search for and to seize
14 without warrant or process, except in private homes, any liquor,
15 alcohol and malt or brewed beverages unlawfully possessed,
16 manufactured, sold, imported or transported, and any stills,
17 equipment, materials, utensils, vehicles, boats, vessels,
18 animals, aircraft, or any of them, which are or have been used
19 in the unlawful manufacture, sale, importation or transportation
20 of the same. Such liquor, alcohol, malt or brewed beverages,
21 stills, equipment, materials, utensils, vehicles, boats,
22 vessels, animals or aircraft so seized shall be disposed of as
23 hereinafter provided.] to investigate and make recommendations
24 concerning licensees and applicants for licenses.

25 [Enforcement officers or investigators] Investigators may be
26 retired upon reaching age sixty-five.

27 Section 8. Section 210 of the act is amended to read:

28 [Section 210. Restrictions on Members of the Board and
29 Employes of Commonwealth.--(a) A member or employe of the board
30 shall not be directly or indirectly interested or engaged in any

1 other business or undertaking dealing in liquor, alcohol, or
2 malt or brewed beverages, whether as owner, part owner, partner,
3 member of syndicate, shareholder, agent or employee, and whether
4 for his own benefit or in a fiduciary capacity for some other
5 person.

6 (b) No member or employee of the board nor any employee of the
7 Commonwealth shall solicit or receive, directly or indirectly,
8 any commission, remuneration or gift whatsoever, from any person
9 having sold, selling or offering liquor or alcohol for sale to
10 the board for use in Pennsylvania Liquor Stores.]

11 Section 9. The act is amended by adding sections to read:

12 Section 211. Powers of the Liquor Code Enforcement
13 Division.--(a) There is hereby created within the Office of
14 General Counsel the Liquor Code Enforcement Division which shall
15 be responsible for enforcing this act and the regulations
16 promulgated pursuant thereto.

17 (b) The General Counsel shall appoint an Executive Director
18 of the division and shall fix his compensation.

19 (c) The employees of the division who are designated by the
20 Executive Director of the division as law enforcement officers
21 are hereby declared to be peace officers and are hereby given
22 police power throughout this Commonwealth:

23 (1) To investigate whenever there are reasonable grounds to
24 believe liquor or malt or brewed beverage is being sold on
25 premises not licensed under the provisions of this act. If the
26 investigation produces evidence of the unlawful sale of liquor
27 or malt or brewed beverage or any other violation of the
28 provisions of this act, the employee of the Liquor Code
29 Enforcement Division involved in the investigation shall
30 institute criminal proceedings against the person or persons

1 believed to have been criminally liable as otherwise provided by
2 law or rule of court.

3 (2) To arrest on view, except in private homes, without
4 warrant, any person actually engaged in the unlawful sale,
5 importation, manufacture or transportation or having unlawful
6 possession of liquor, alcohol or malt or brewed beverages
7 contrary to the provisions of this act or any other law of this
8 Commonwealth.

9 (3) Upon reasonable and probable cause, to search for and to
10 seize, without warrant or process, except in private homes, any
11 liquor, alcohol and malt or brewed beverages unlawfully
12 possessed, manufactured, sold, imported or transported and any
13 stills, equipment, materials, utensils, vehicles, boats,
14 vessels, animals, aircraft, or any of them, which are or have
15 been used in the unlawful manufacture, sale, importation or
16 transportation of the same. Such liquor, alcohol, malt or brewed
17 beverages, stills, equipment, materials, utensils, vehicles,
18 boats, vessels, animals or aircraft so seized shall be disposed
19 of as hereinafter provided.

20 (4) To investigate, issue citations for, and prosecute said
21 citations for any violations of this act or any laws of this
22 Commonwealth relating to liquor, alcohol or malt or brewed
23 beverages, or any regulations of the board adopted pursuant to
24 such laws, of any violation of any laws of this Commonwealth or
25 of the United States of America, relating to the payment of
26 taxes on liquor, alcohol or malt or brewed beverages by any
27 licensee, his officers, servants, agents or employees.

28 (d) Any equipment or appurtenance actually used in the
29 commission of the unlawful acts may be confiscated. The
30 confiscation shall not, in any manner, divest or impair the

1 rights or interest of any bona fide lienholder in the equipment
2 or appurtenance.

3 (e) The authority given the Liquor Code Enforcement Division
4 pursuant to this section shall not be exclusive.

5 (f) The division shall have no authority or duty to
6 investigate applicants for licenses or renewals of existing
7 licenses.

8 Section 212. Restrictions on Members of the Board, the
9 General Counsel and Certain Employees.--(a) Neither a member nor
10 employe of the board, nor the General Counsel, nor an employe of
11 the division shall be directly or indirectly interested or
12 engaged in any other business or undertaking dealing in liquor,
13 alcohol or malt or brewed beverages, whether as owner, part
14 owner, partner, member of syndicate, shareholder, agent or
15 employe and whether for his own benefit or in a fiduciary
16 capacity for some other person.

17 (b) Neither a member of the board, nor the General Counsel,
18 nor any employe thereof, nor any employe of any law enforcement
19 agency shall solicit or receive, directly or indirectly, any
20 commission, remuneration or gift whatsoever, from any person
21 having sold, selling or offering liquor or alcohol for sale to
22 the board for use in Pennsylvania Liquor Stores, or from any
23 person holding or seeking a license under the provisions of this
24 act.

25 Section 10. Section 402 of the act is amended to read:

26 Section 402. License Districts; License Year; Hearings.--The
27 board shall, by regulation, divide the State into convenient
28 license districts and shall hold hearings on applications for
29 licenses and renewals thereof, as it deems necessary, at a
30 convenient place or places in each of said districts, at such

1 times as it shall fix, by regulation, for the purpose of hearing
2 testimony for and against applications for new licenses and
3 renewals thereof. The board may provide for the holding of such
4 hearings by examiners learned in the law, to be appointed by the
5 Governor, who shall not be subject to the ["Civil Service Act."]
6 "Civil Service Act" and shall be full-time employees of the
7 board. Such examiners shall make report to the board in each
8 case with their recommendations. The board shall, by regulation,
9 fix the license year for each separate district so that the
10 expiration dates shall be uniform in each of the several
11 districts but staggered as to the State.

12 Section 11. The act is amended by adding a section to read:

13 Section 804. Funding for Enforcement.--(a) The costs of all
14 activities of the Enforcement Division of the Office of General
15 Counsel shall be appropriated from The State Stores Fund.

16 (b) Annually, at the time and in accord with the procedures
17 otherwise established by law for the General Fund, the General
18 Counsel shall submit a proposed budget for the operation of the
19 division. Such proposed budget shall be submitted to the
20 Governor and the General Assembly for consideration in
21 accordance with the procedures for appropriations from the
22 General Fund as provided in sections 610 through 620 of the act
23 of April 9, 1929 (P.L.177, No.175), known as "The Administrative
24 Code of 1929." It shall be unlawful for the State Treasurer to
25 honor any requisition for the expenditure of any moneys out of
26 The State Stores Fund by the General Counsel for any purpose in
27 excess of the amounts appropriated by the General Assembly.

28 (c) Moneys appropriated from The State Stores Fund shall be
29 paid out of the fund upon warrant of the State Treasurer drawn
30 after requisition by the General Counsel.

1 Section 12. All allocations, appropriations, equipment,
2 files, records, contracts, agreements, obligations and other
3 materials which are used, employed or expended in connection
4 with the powers, duties or functions transferred by this act to
5 the division are hereby transferred to the Office of General
6 Counsel with the same force and effect as if the allocations and
7 appropriations had been made to and said items had been the
8 personnel and property of the division in the first instance and
9 if the contracts, agreements and obligations had been incurred
10 or entered into by the Office of General Counsel.

11 Section 13. The General Counsel shall, by regulation,
12 provide for appropriate training of personnel to carry out the
13 responsibilities imposed by this act upon employees of its
14 agency.

15 Section 14. This act, with respect to the Pennsylvania
16 Liquor Control Board, constitutes the legislation required to
17 reestablish an agency under the act of December 22, 1981
18 (P.L.508, No.142), known as the Sunset Act.

19 Section 15. Each rule and regulation of the Pennsylvania
20 Liquor Control Board in effect on December 31, 1986, shall
21 remain in effect after December 31, 1986, until repealed or
22 amended by the board.

23 Section 16. This act shall be retroactive to December 31,
24 1986.

25 Section 17. This act shall take effect immediately.