

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1356 Session of
2011

INTRODUCED BY PETRI, CALTAGIRONE, GILLESPIE, KILLION, MILLER,
MURT, MUSTIO, SABATINA AND RAPP, APRIL 20, 2011

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 20, 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, for
18 specific subjects on which board may adopt regulations and
19 for management of Pennsylvania Liquor Stores; and making a
20 repeal.

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

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

27 Section 207. General Powers of Board.--Under this act, the

1 board shall have the power and its duty shall be:

2 * * *

3 (f) To appoint, fix the compensation and define the powers
4 and duties of such managers, officers, inspectors, examiners,
5 clerks and other employes as shall be required for the operation
6 of this act, [subject to the provisions of The Administrative
7 Code of 1929 and the Civil Service Act] who shall serve at the
8 board's pleasure. An employe of the board shall be considered a
9 State employe for purposes of 71 Pa.C.S. Pt. XXV (relating to
10 retirement for State employees and officers). The board shall
11 establish a system of classification and compensation of its
12 employes and shall not be subject to the provisions of the act
13 of April 9, 1929 (P.L.177, No.175), known as The Administrative
14 Code of 1929, as to classification and compensation for its
15 employes, and shall conduct its activities consistent with the
16 practices and procedures of Commonwealth agencies.

17 * * *

18 (h) Without in any way limiting or being limited by the
19 foregoing, to do all such things and perform all such acts as
20 are deemed necessary or advisable for the purpose of carrying
21 into effect the provisions of this act and the regulations made
22 thereunder. Notwithstanding any other provision of law to the
23 contrary, the board is authorized to purchase all goods and
24 services in its sole discretion which are deemed necessary to
25 perform all such acts. The board is authorized to promulgate
26 regulations providing for the procurement of such goods and
27 services.

28 * * *

29 (l) Notwithstanding any other provision of law to the
30 contrary, to enter into agreements with governmental units of

1 this Commonwealth and other states for the purchase or sale of
2 goods and/or services with, from or to the governmental units.

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

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

8 * * *

9 (c) The purchase, as provided in this act, of liquor and
10 alcohol, and its supply to Pennsylvania Liquor Stores and the
11 procurement of all other goods and services which are deemed
12 necessary by the board, in its sole discretion, to perform all
13 such acts.

14 * * *

15 Section 3. Section 302 of the act is repealed:

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

20 Section 4. Section 303 of the act is amended to read:

21 Section 303. Management of Pennsylvania Liquor Stores.--
22 Every Pennsylvania Liquor Store shall be conducted by a person
23 appointed [in the manner provided in the Civil Service Act] by
24 the board who shall be known as the "manager" and who shall,
25 under the directions of the board, be responsible for carrying
26 out the provisions of this act and the regulations adopted by
27 the board under this act as far as they relate to the conduct of
28 such stores.

29 Section 5. This act shall take effect in 60 days.