

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1149 Session of 2021

INTRODUCED BY BURNS, ROTHMAN, N. NELSON AND ROWE, APRIL 12, 2021

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 12, 2021

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," in  
 17 Pennsylvania Liquor Control Board, further providing for  
 18 appointment of members, terms and salaries.

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

21 Section 1. Section 201 of the act of April 12, 1951 (P.L.90,  
 22 No.21), known as the Liquor Code, is amended to read:

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

24 An independent administrative board to be known as the  
 25 "Pennsylvania Liquor Control Board" is hereby created. The board  
 26 shall consist of [three] five members, one each to be appointed

1 by the Governor [by and with the advice and consent of two-  
2 thirds of all the members of the Senate, not more than two of  
3 whom shall be from the same political party as the Governor.]  
4 and each of the four caucuses of the General Assembly in  
5 accordance with subsection (b). [Of the members first appointed  
6 after the effective date of this amendatory act, one member  
7 shall serve a term of three years, one member shall serve a term  
8 of four years, and one member shall serve a term of five years.  
9 Subsequent terms shall be for four years, ending on the third  
10 Tuesday in May.]

11 (b) Upon the effective date of this subsection, members  
12 shall be appointed as follows:

13 (1) The minority and majority caucus of the House of  
14 Representatives shall each appoint one member to the board, who  
15 shall serve for a period of four years.

16 (2) Upon the expiration of a term ending in 2022, the  
17 majority caucus of the Senate shall appoint one member to the  
18 board for a term of four years.

19 (3) Upon the expiration of a term ending in 2023, the  
20 Governor shall appoint one member to the board for a term of  
21 four years.

22 (4) Upon the expiration of a term ending in 2024, the  
23 minority caucus of the Senate shall appoint one member to the  
24 board for a term of four years.

25 (c) Members appointed subsequent to the members appointed  
26 under subsection (b) shall serve for a term of four years, which  
27 shall end on the third Tuesday in May.

28 (d) A member may continue to hold office for a period not to  
29 exceed six months beyond the expiration of that member's term if  
30 a successor to that member has not been duly appointed and

1 qualified according to law. Each of the members shall receive an  
2 annual salary pursuant to the provisions of the act of September  
3 30, 1983 (P.L.160, No.39), known as the "Public Official  
4 Compensation Law."

5 Section 2. This act shall take effect in 60 days.