

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 938 Session of 2013

INTRODUCED BY PAYNE, EVERETT, HARKINS, KORTZ, LAWRENCE, MUSTIO, PETRI AND SWANGER, MARCH 11, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MARCH 11, 2013

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

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

22 Section 1. Section 201 of the act of April 12, 1951 (P.L.90,
 23 No.21), known as the Liquor Code, reenacted and amended June 29,
 24 1987 (P.L.32, No.14) and amended February 21, 2002 (P.L.103,
 25 No.10), is amended to read:

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

1 An independent administrative board to be known as the
2 "Pennsylvania Liquor Control Board" is hereby created. The board
3 shall consist of [three members to] nine members who shall be
4 appointed as follows:

5 (1) Two members shall be appointed by the Governor by and
6 with the advice and consent of two-thirds of all the members of
7 the Senate[, not more than two of whom shall be from the same
8 political party as the Governor. Of the members first appointed
9 after the effective date of this amendatory act, one member
10 shall serve a term of three years, one member shall serve a term
11 of four years, and one member shall serve a term of five years.
12 Subsequent].

13 (2) One member shall be appointed by the President pro
14 tempore of the Senate.

15 (3) One member shall be appointed by the Minority Leader of
16 the Senate.

17 (4) One member shall be appointed by the Speaker of the
18 House of Representatives.

19 (5) One member shall be appointed by the Minority Leader of
20 the House of Representatives.

21 (6) Three members shall be appointed from the wine, spirits
22 and malt and brewed beverages industry. Of these members:

23 (i) One member shall be appointed by the Governor.

24 (ii) One member shall be appointed by the President pro
25 tempore of the Senate.

26 (iii) One member shall be appointed by the Speaker of the
27 House of Representatives.

28 (b) All terms shall be for four years, ending on the third
29 Tuesday in May. A member may continue to hold office for a
30 period not to exceed six months beyond the expiration of that

1 member's term if a successor to that member has not been duly
2 appointed and qualified according to law. Each of the members
3 shall receive an annual salary pursuant to the provisions of the
4 act of September 30, 1983 (P.L.160, No.39), known as the "Public
5 Official Compensation Law."

6 Section 2. Section 203 of the act is amended to read:

7 Section 203. Chairman of Board.--(a) The Governor shall
8 designate one of the board members as chairman who shall serve
9 in that position at the pleasure of the Governor. The chairman
10 shall, when present, preside at all meetings, and in his absence
11 a member designated by the chairman shall preside.

12 (b) [Two] Five members of the board shall constitute a
13 quorum, and any action or order of the board shall require the
14 approval of at least [two] five members.

15 Section 3. This act shall take effect in 60 days.