

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 730 Session of 2013

INTRODUCED BY PETRI, CALTAGIRONE, GINGRICH, KORTZ AND MILNE,  
FEBRUARY 14, 2013

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 14, 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,"  
17 further providing for general powers of the board, for  
18 specific subjects on which board may adopt regulations and  
19 for Office of Administrative Law Judge; providing for  
20 employees of the board; and further providing for selection  
21 of personnel and for management of Pennsylvania Liquor  
22 Stores.

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

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

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

3 \* \* \*

4 (f) To appoint, fix the compensation and define the powers  
5 and duties of such managers, officers, inspectors, examiners,  
6 clerks and other employes as shall be required for the operation  
7 of this act, [subject to the provisions of The Administrative  
8 Code of 1929 and the Civil Service Act] who shall serve at the  
9 board's pleasure. Notwithstanding any other provision of law to  
10 the contrary, an employe of the board may not be considered a  
11 member of the classified service, as that term is defined in the  
12 act of August 5, 1941 (P.L.752, No.286), known as the "Civil  
13 Service Act," except as set forth in this act. An employe of the  
14 board shall be considered a State employe for purposes of 71  
15 Pa.C.S. Pt. XXV (relating to retirement for State employees and  
16 officers). The board shall establish a system of classification  
17 and compensation of its employes and may not be subject to the  
18 provisions of the act of April 9, 1929 (P.L.177, No.175), known  
19 as "The Administrative Code of 1929," as to classification and  
20 compensation for its employes. The board shall conduct its  
21 activities consistent with the practices and procedures of  
22 Commonwealth agencies. The board shall adhere to the provisions  
23 of 51 Pa.C.S. Ch. 71 (relating to veterans' preference), as they  
24 relate to noncivil service positions.

25 \* \* \*

26 (h) Without in any way limiting or being limited by the  
27 foregoing, to do all such things and perform all such acts as  
28 are deemed necessary or advisable for the purpose of carrying  
29 into effect the provisions of this act and the regulations made  
30 thereunder. Notwithstanding any other provision of law to the

1 contrary, the board is authorized to purchase all goods and  
2 services in its sole discretion that are deemed necessary to  
3 perform all such acts. The board may promulgate regulations  
4 providing for the procurement of those goods and services.

5 \* \* \*

6 (1) Notwithstanding any other provision of law to the  
7 contrary, to enter into agreements with governmental units of  
8 the Commonwealth and other states for the purchase or sale of  
9 goods and services with, from or to the governmental units.

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

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

15 \* \* \*

16 (c) The purchase, as provided in this act, of liquor and  
17 alcohol, and its supply to Pennsylvania Liquor Stores and the  
18 procurement of all other goods and services that are deemed  
19 necessary by the board, in its sole discretion, to perform all  
20 such acts.

21 \* \* \*

22 Section 3. Section 212 of the act, amended June 30, 1992  
23 (P.L.327, No.66), is amended to read:

24 Section 212. Office of Administrative Law Judge.--(a) There  
25 is hereby created within the board an autonomous office to be  
26 known as the Office of Administrative Law Judge.

27 (b) The Governor shall appoint from a list of qualified  
28 candidates [submitted by the Civil Service Commission after  
29 appropriate examination under the act of August 5, 1941  
30 (P.L.752, No.286), known as the "Civil Service Act,"] as many

1 administrative law judges as the board, with the approval of the  
2 Governor, deems necessary for the holding of hearings required  
3 or permitted under this act. The Governor shall designate one of  
4 the [civil service] appointees as the chief administrative law  
5 judge.

6 (c) Administrative law judges shall preside at all citation  
7 and other enforcement hearings required or permitted under this  
8 act.

9 (d) Administrative law judges appointed under this section  
10 shall be learned in the law and shall be members in good  
11 standing of the bar of the Supreme Court of Pennsylvania.

12 (e) Compensation for the administrative law judges shall be  
13 established by the Executive Board.

14 (f) Administrative law judges shall devote full time to  
15 their official duties and shall perform no duties inconsistent  
16 with their duties and responsibilities as administrative law  
17 judges.

18 [(g) Administrative law judges appointed under this section  
19 shall be afforded employment security as provided by the "Civil  
20 Service Act."]

21 (h) The board shall select five hearing examiners from the  
22 complement of hearing examiners, who have been appointed by the  
23 Governor and who are employed by the board on the effective date  
24 of this subsection, to conduct the licensing hearings required  
25 by this act. The selection of the five hearing examiners shall  
26 be at the board's discretion.

27 (i) Nothing in this section or this act shall be construed  
28 or intended to change the terms and conditions of employment of  
29 the five hearing examiners selected by the board pursuant to  
30 subsection (h).]

1 Section 4. The act is amended by adding a section to read:

2 Section 218. Employes of the Board.--(a) All collective  
3 bargaining agreements in effect at the time of enactment of this  
4 section shall remain in force for the term of the agreement. New  
5 collective bargaining agreements shall be negotiated by the  
6 collective bargaining agent for each bargaining unit. The board  
7 shall be the employer of record for all employes and shall  
8 conduct its activities consistent with the practices and  
9 procedures of other Commonwealth agencies.

10 (b) Employes of the board shall be deemed public employes.  
11 Labor relations and collective bargaining shall be governed by  
12 the act of July 23, 1970 (P.L.563, No.195), known as the "Public  
13 Employe Relations Act" and the act of April 9, 1929 (P.L.177,  
14 No.175), known as "The Administrative Code of 1929," on the  
15 effective date of this section.

16 (c) The civil service status of a person employed by the  
17 board on the effective date of this section shall remain the  
18 same as it was immediately prior to the effective date of this  
19 section, for as long as the person remains in the position the  
20 person held on the effective date of this section.

21 Section 5. Section 302 of the act is repealed:

22 [Section 302. Selection of Personnel.--Officers and employes  
23 of the board, except as herein otherwise provided, shall be  
24 appointed and employed subject to the provisions of the Civil  
25 Service Act.]

26 Section 6. Section 303 of the act is amended to read:

27 Section 303. Management of Pennsylvania Liquor Stores.--  
28 Every Pennsylvania Liquor Store shall be conducted by a person  
29 appointed [in the manner provided in the Civil Service Act] by  
30 the board who shall be known as the "manager" and who shall,

1 under the directions of the board, be responsible for carrying  
2 out the provisions of this act and the regulations adopted by  
3 the board under this act as far as they relate to the conduct of  
4 such stores.

5 Section 7. This act shall take effect in 60 days.