

## AMENDMENTS TO HOUSE BILL NO. 790

Sponsor: REPRESENTATIVE TAYLOR

Printer's No. 1207

1 Amend Bill, page 2, line 46, by inserting after "ACTS"  
2 and for licensees and taxes  
3 Amend Bill, page 2, lines 50 and 51, by striking out "  
4 PROVIDING FOR EMERGENCY STATE TAX; AND MAKING A RELATED REPEAL"  
5 and inserting

6 and providing for supplemental provisions

7 Amend Bill, page 7, line 20, by inserting after "to"  
8 the board until all retail licenses have been issued in  
9 accordance with Article III-A and to

10 Amend Bill, page 11, line 2, by inserting after "(e) "  
11 (1)

12 Amend Bill, page 11, by inserting between lines 5 and 6  
13 (2) The department shall not relocate a Pennsylvania Liquor  
14 Store after the effective date of this paragraph.

15 Amend Bill, page 14, line 14, by inserting a bracket before  
16 "SUPERVISORY"

17 Amend Bill, page 14, line 14, by inserting a bracket after  
18 "OTHER"

19 Amend Bill, page 18, line 18, by inserting a bracket before  
20 "Every"

21 Amend Bill, page 18, line 18, by inserting after "Every"

22 ] Until the wholesale divestiture process as provided in  
23 Article III-A is complete, every

24 Amend Bill, page 22, line 7, by inserting after "wine"

1       and spirits  
2       Amend Bill, page 23, line 4, by inserting after "wine"  
3       and spirits  
4       Amend Bill, page 24, line 6, by inserting after "BOARD" where  
5 it occurs the second time  
6       , in consultation with the department,  
7       Amend Bill, page 24, lines 10 through 15, by striking out "  
8 THE DEPARTMENT" in line 10 and all of lines 11 through 15 and  
9 inserting  
10 The department shall contract with financial, legal and other  
11 advisors as are necessary to assist the department and the board  
12 in effectuating the addition of this article. Such contracts  
13 shall not be subject to the provisions of 62 Pa.C.S. Ch. 5  
14 (relating to source selection and contract formation).  
15       Amend Bill, page 24, line 20, by striking out "SIX" and  
16 inserting  
17       As the State liquor stores wind down operations, six  
18       Amend Bill, page 24, lines 22 and 23, by striking out all of  
19 line 22 and "THE" in line 23 and inserting  
20       which shall be allocated by county. The additional  
21       Amend Bill, page 25, line 5, by striking out "REGION" and  
22 inserting  
23       county  
24       Amend Bill, page 25, line 16, by inserting after "section,"  
25       in consultation with its advisors and the board,  
26       Amend Bill, page 25, line 30, by striking out "consultant"  
27 and inserting  
28       advisors  
29       Amend Bill, page 26, line 8, by striking out "consultant" and  
30 inserting  
31       advisors  
32       Amend Bill, page 54, line 26, by inserting after "MAY"  
33       authorize the board to

1 Amend Bill, page 55, line 14, by inserting after "BOARD"  
2 , in consultation with the department and its advisors,  
3 Amend Bill, page 59, lines 10 through 21, by striking out all  
4 of said lines  
5 Amend Bill, page 68, line 11, by striking out "TEMPORARY"  
6 Amend Bill, page 71, lines 3 and 4, by striking out "in the  
7 Pennsylvania Bulletin and"  
8 Amend Bill, page 79, line 27, by striking out "department"  
9 and inserting  
10 board  
11 Amend Bill, page 79, line 29, by striking out "department"  
12 and inserting  
13 board  
14 Amend Bill, page 80, line 2, by striking out "department" and  
15 inserting  
16 board  
17 Amend Bill, page 80, line 7, by striking out "department" and  
18 inserting  
19 board  
20 Amend Bill, page 80, line 16, by striking out "department"  
21 and inserting  
22 board  
23 Amend Bill, page 80, line 22, by striking out "department's"  
24 and inserting  
25 board's  
26 Amend Bill, page 80, line 23, by striking out "department"  
27 and inserting  
28 board  
29 Amend Bill, page 84, line 26, by inserting after "under "  
30 Article II of

Amend Bill, page 87, line 8, by inserting after "department"  
 , in consultation with the board,

Amend Bill, page 90, lines 19 and 20, by striking out "and  
except as provided under subsection (f)"

Amend Bill, page 90, line 30; page 91, lines 1 through 16, by  
striking out all of said lines on said pages

Amend Bill, page 91, line 19, by striking out "and the retail  
divestiture strategy committee"

Amend Bill, page 92, lines 11 through 15, by striking out all  
of said lines and inserting

(3) The department shall contract with advisors  
necessary to assist the department and the board in  
administering the duties under paragraph (2). The contracts  
shall not be subject to the provisions of 62 Pa.C.S. Ch. 5  
(relating to source selection and contract formation).

Amend Bill, page 93, by inserting between lines 11 and 12

(3) The three additional points awarded under paragraph  
(1) shall be in addition to any points that shall be afforded  
to a veteran meeting the requirements of 51 Pa.C.S. § 7103  
(relating to additional points in grading civil service  
examinations).

Amend Bill, page 93, line 22, by inserting after "authority"  
over nonveteran candidates

Amend Bill, page 94, line 24, by striking out "agency" and  
inserting

Pennsylvania Higher Education Assistance Agency

Amend Bill, page 94, line 28, by striking out "agency's" and  
inserting

Pennsylvania Higher Education Assistance Agency's

Amend Bill, page 97, line 9, by striking out "effects" and  
inserting

impact

Amend Bill, page 97, lines 11 through 14, by striking out "":

1 in line 11, all of lines 12 and 13 and "(2)" in line 14

2 Amend Bill, page 101, line 20, by inserting after "account"  
3 which is hereby established

4 Amend Bill, page 101, line 21, by inserting after "Fund."  
5 Funds in the restricted account shall be used for programs  
6 under Subarticle D and any other use specified by statute.

7 Amend Bill, page 104, line 5, by striking out "LIQUOR STORE"  
8 and inserting  
9 liquor wholesale licensee

10 Amend Bill, page 119, by inserting between lines 2 and 3

11 (n) (1) Grocery store licensees selling wine for off-  
12 premises consumption shall be required to obtain a sales tax  
13 license from the Department of Revenue.

14 (2) A grocery store licensee selling wine for off-premises  
15 consumption shall be considered a Pennsylvania Liquor Store for  
16 purposes of collecting and remitting taxes under Article II of  
17 the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform  
18 Code of 1971." A grocery store licensee selling wine for off-  
19 premises consumption may not be required to pay the sales tax  
20 when making wholesale purchases but shall collect the tax at  
21 retail.

22 Amend Bill, page 143, line 12, by inserting after "GROWLER"  
23 filled with malt or brewed beverages

24 Amend Bill, page 225, line 11, by striking out "a section"  
25 and inserting

26 sections

27 Amend Bill, page 225, by inserting between lines 21 and 22

28 Section 493.3. Licensees and Taxes.--Notwithstanding any  
29 other provision of this act or the act of March 4, 1971 (P.L.6,  
30 No.2), known as the "Tax Reform Code of 1971," the following  
31 shall apply:

32 (1) The sale of malt and brewed beverages and wine and  
33 spirits by an entity licensed under this act, including the sale  
34 of malt and brewed beverages and wine and spirits from the areas  
35 of a licensee's premises utilized under a retail license for  
36 consumption on the premises, shall be considered a sale by a  
37 retail dispenser under section 201 of the "Tax Reform Code of  
38 1971."

39 (2) The sale of malt and brewed beverages and wine and

spirits to an entity described in paragraph (1) for the purpose of sales from the areas of a licensee's premises utilized under a retail license for consumption on the premises shall be considered a sale to a retail dispenser subject to the tax imposed under Article II of the "Tax Reform Code of 1971."

(3) Except for sales under paragraphs (1) and (2), any other sale of malt and brewed beverages shall be considered a sale by a distributor, and any other sale of wine or spirits shall be considered a sale of liquor by a Pennsylvania Liquor Store under section 201 of the "Tax Reform Code of 1971."

Amend Bill, page 242, lines 3 through 30; page 243, lines 1 through 30; page 244, lines 1 and 2, by striking out all of said lines on said pages and inserting

#### SUPPLEMENTAL PROVISIONS

##### Section 801-A. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Emergency act." The act of June 6, 1936 (Sp.Sess., P.L.13, No.4), entitled, as reenacted, "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board."

##### Section 802-A. Controlling provisions.

For the purpose of the emergency act, the following shall apply:

(1) The term "board" in the emergency act shall include:

(i) The board only to the extent the board is making sales:

(A) to the general public; or

(B) of liquor sold for on-premises consumption to licensees holding a license permitting on-premises consumption of liquor.

(ii) A wine or spirits retail licensee.

(iii) A wine or spirits wholesale licensee only to the extent the wholesale licensee makes sales of liquor sold for on-premises consumption to licensees holding a license permitting on-premises consumption of liquor.

(iv) A grocery store licensee only to the extent that the sales of liquor are not sold under a license authorizing the on-premises consumption of liquor.

(v) Any entity selling liquor to another entity that is not required to pay the tax imposed by the emergency act.

(2) The term "net price" shall mean total receipts received from the sale of liquor without any deductions for cost or expenses, including, but not limited to:

1           (i) Any reimbursement from manufacturers, purchasers  
2           or other parties.

3           (ii) In the case of a bundled sale which includes  
4           liquor, the term includes the entire purchase price  
5           charged for the bundled sale, unless a fair market price  
6           for the liquor is separately stated on the sales document  
7           given to the purchaser, then the term shall only include  
8           the price charged for the liquor.

9           (3) The tax imposed by the emergency act shall be  
10          included in any advertised price, shelf price or any other  
11          price for a container of liquor and shall not be listed as an  
12          itemized tax on any sales receipt for the sale of liquor.

13          (4) The emergency act shall be administered and enforced  
14          under the provisions of Article II of the act of March 4,  
15          1971 (P.L.6, No.2), known as the Tax Reform Code of 1971,  
16          including the provisions of Article II concerning returns,  
17          payment, assessment and enforcement where applicable, except  
18          that the exclusions and exemptions under Article II of the  
19          Tax Reform Code of 1971 shall not apply to the emergency act,  
20          except for the resale exemption, provided that exemption  
21          shall not be claimed for liquor purchased for on-premises  
22          consumption.

23          (5) The term "fiscal month" shall mean "calendar month."

24          Amend Bill, page 244, lines 3 through 13, by striking out all  
25          of said lines

26          Amend Bill, page 244, line 14, by striking out "45" and  
27          inserting

28                  44

29          Amend Bill, page 244, by inserting between lines 19 and 20

30                  (3) The amendment or addition of sections 207, 215 and  
31                  301 of the act shall take effect upon completion of  
32                  divestiture of retail sale operations under Subarticle B of  
33                  Article III-A of the act.

34                  (4) The amendment or addition of section 208 of the act  
35                  shall take effect upon completion of divestiture of wholesale  
36                  operation under Subarticle C of Article III-A of the act.

37          Amend Bill, page 244, line 20, by striking out "(3)" and  
38          inserting

39                  (5)