

AMENDMENTS TO HOUSE BILL NO. 790

Sponsor: SENATOR PILEGGI

Printer's No. 2139

1 Amend Bill, page 2, line 27, by inserting after "BOARD, "
2 providing for executive director of the board; and
3 Amend Bill, page 2, line 33, by striking out the comma after
4 "CLUBS" and inserting
5 and

6 Amend Bill, page 2, line 33, by striking out ", HEARINGS,"
7 and inserting

8 and hearings; providing for restaurant food market liquor
9 license; further providing for issuance and transfer or
10 extension of hotel, restaurant and club liquor licenses, for

11 Amend Bill, page 2, line 40, by inserting after "LICENSES,"
12 for malt and brewed beverage retail licenses,

13 Amend Bill, page 2, lines 57 and 58, by striking out
14 "PROVIDING FOR A TRANSFER FROM THE STATE STORES FUND;"

15 Amend Bill, page 2, by inserting after line 60

16 The General Assembly finds and declares as follows:

17 (1) It is the purpose of this act to reform and
18 modernize the system by which alcohol is dispensed and
19 controlled within this Commonwealth to reflect changes in the
20 marketplace while continuing to protect the welfare, health,
21 peace and morals of the citizens of this Commonwealth.

22 (2) The 21st amendment to the United States Constitution
23 dictates that the laws of the states shall govern the
24 transportation and importation of intoxicating liquors into
25 the state for delivery and use within the state.

26 (3) Further, the United States Supreme Court has opined
27 in interpreting the 21st amendment that "the states'
28 regulatory power over this segment of commerce is largely
29 unfettered by the Constitution's commerce clause."

30 (4) Revenues derived from the operation of a system for

1 the manufacture, transportation, distribution and sale of
2 alcohol are necessary to implement and sustain a regulated
3 marketplace to continue to protect the welfare, health, peace
4 and morals of the citizens of this Commonwealth and to
5 contribute to the overall economic stability of the
6 Commonwealth.

7 (5) In order to adapt to the changing marketplace, this
8 act will:

9 (i) Permit private industry to offer additional
10 products for sale while ensuring that the laws of this
11 Commonwealth are thoroughly enforced.

12 (ii) Ensure that the value of licenses held by small
13 businesses are not devalued, but are enhanced through the
14 opportunity to expand operations and sales.

15 (iii) Provide for the operation of a retail system
16 that promotes competition and convenience to ensure that
17 the residents of this Commonwealth purchase products
18 within this Commonwealth.

19 (iv) In recognition of the growing use of e-commerce
20 sales, permit consumers to purchase products online and
21 have those products shipped directly to them.

22 (v) Establish a system by which these increased
23 opportunities will continue to contribute to overall
24 fiscal stability of the Commonwealth.

25 (6) Recognition and furtherance of all these elements is
26 essential to the welfare, health, peace and morals of the
27 citizens of this Commonwealth.

28 Amend Bill, page 192, by inserting between lines 10 and 11

29 "Food market" shall mean a reputable place of business
30 operated by a responsible person or persons of good reputation
31 that meets all of the following:

32 (1) Principally sells food, specifically dairy, fresh
33 produce, fruit, eggs, food products for consumption off the
34 premises and supplies for the table.

35 (2) Has an area under one roof of two thousand five hundred
36 square feet to thirty thousand square feet of which more than
37 seventy-five per centum of its gross floor area is used in the
38 preparation, purchase, service, consumption or storage of food,
39 food products for consumption off the premises and supplies for
40 the table.

41 * * *

42 Amend Bill, page 193, line 7, by striking out "FOUR SIX-PACKS
43 OR UP TO TWO TWELVE-PACKS" and inserting

44 three six-packs or up to one twelve-pack and one six-pack
45 in a single transaction

46 Amend Bill, page 194, by inserting between lines 2 and 3

1 Section 1.1. The act is amended by adding a section to read:
2 Section 204.1. Executive Director of Board.--The Governor
3 shall, in accordance with the provisions of the Constitution of
4 Pennsylvania, and by the advice and consent of a majority of the
5 members of the Senate, nominate and appoint an executive
6 director of the board. The executive director of the board shall
7 serve at the pleasure of the Governor. The salary of the
8 executive director shall be set by the executive board pursuant
9 to section 709 of the act of April 9, 1929 (P.L.177, No.175),
10 known as "The Administrative Code of 1929."

11 Amend Bill, page 194, line 3, by striking out "1.1" and
12 inserting

13 1.2

14 Amend Bill, page 194, line 19, by inserting after "(A.1)"
15 (1)

16 Amend Bill, page 194, by inserting between lines 28 and 29

17 (2) Where the number of distributors and importing
18 distributors operating with a wine and spirits enhanced permit
19 exceed the number of Pennsylvania Liquor Stores in operation
20 within a county as of the effective date of this section by a
21 factor of two, the Pennsylvania Liquor Stores within a county
22 must close within six months except when the provisions of
23 paragraph (3) apply.

24 (3) Before making a decision to close a Pennsylvania Liquor
25 Store within a municipality without a distributor or importing
26 distributor operating with a wine and spirits enhanced permit,
27 the board shall take into consideration the term of the current
28 lease, the availability of and accessibility of liquor to the
29 public through the private retail market, the pricing of liquor
30 in the area and the profitability of the Pennsylvania Liquor
31 Store. If it is determined by the board that the private retail
32 market is serving the needs of the public, and the economic
33 viability of the Pennsylvania Liquor Store is unsustainable, the
34 board shall close the Pennsylvania Liquor Store.

35 Amend Bill, page 197, by inserting between lines 7 and 8

36 (1) After the completion of studies of the wine and spirits
37 wholesale system by the Pennsylvania Legislative Budget and
38 Finance Committee and the board, if the findings of either study
39 determine that leasing of the wine and spirits wholesale system
40 would not have a significant negative impact on the annual
41 fiscal stability of the Commonwealth, the board may issue a
42 request for proposal for the lease of the wholesale liquor
43 business for a period not to exceed ten years. A proposal may be
44 awarded by a unanimous vote of the board if it is determined by
45 the board that the lease would result in an increase in annual

1 gross profits to the Commonwealth.

2 Amend Bill, page 197, line 8, by striking out "1.2" and
3 inserting

4 1.3

5 Amend Bill, page 198, line 3, by inserting after "ACT;"

6 and to eating places that hold an expanded permit as provided
7 for in section 415, distributors and importing distributors who
8 hold an enhanced permit as provided for in section 416

9 Amend Bill, page 198, lines 9 and 10, by striking out all of
10 said lines and inserting

11 price. Wine sales to licensees who hold a wine expanded permit
12 shall be made at a price that includes a discount of eighteen
13 per centum from the retail price, regardless of whether the
14 licensee offers the wine for consumption on or off the premises.
15 Special spirit sales to licensees who hold a special spirits
16 expanded permit shall be made at a price that includes a
17 discount of eighteen per centum from the retail price regardless
18 of whether the licensee offers the special spirits for
19 consumption on or off the premises. Sales to licensees who hold
20 a wine or spirits enhanced permit shall be made at a price that
21 includes a discount of eighteen per centum from the retail
22 price. The

23 Amend Bill, page 199, line 22, by striking out "FOUR SIX-
24 PACKS AND UP TO TWO TWELVE-PACKS" and inserting

25 three six-packs or up to one twelve-pack and one six-pack
26 in a single transaction

27 Amend Bill, page 200, by inserting between lines 23 and 24

28 Section 2.3. The act is amended by adding a section to read:
29 Section 403.1. Food Market Restaurant License.--(a) The
30 board is authorized to issue a restaurant liquor license to a
31 food market that is not within a radius three quarters of a mile
32 of a distributor or importing distributor and if the board
33 determines there is not sufficient availability and
34 accessibility of malt or brewed beverages through the private
35 market. The three-quarters-of-a-mile radius restriction shall
36 not apply to a food market if all distributors or importing
37 distributors within a radius of three quarters of a mile do not
38 obtain an enhanced wine or spirits permit within six months of
39 the effective date of this section. The licensing period shall
40 be as established under section 402. The application and
41 issuance of the license is subject to sections 403 and 404
42 insofar as provisions of those sections are not contrary to the

1 provisions of this section. The application, renewal and filing
2 fee shall be as prescribed in section 614-A(1) of the act of
3 April 9, 1929 (P.L.177, No.175), known as "The Administrative
4 Code of 1929."

5 (b) Licenses issued under this section are subject to the
6 quota restrictions contained under section 461.

7 (c) Licenses issued under this section are restaurant liquor
8 licenses for all purposes, except as provided herein. The
9 following additional restrictions and privileges apply:

10 (1) A license issued under this section shall license the
11 premises of a food market located under one roof.

12 (2) Malt or brewed beverages, or wine sold pursuant to an
13 authorized expanded permit, sold within a licensed food market
14 shall be placed under the roof of a licensed premises, in a
15 specifically designated area on the inside perimeter and not in
16 the aisle of the premises, as approved by the board.

17 (3) Notwithstanding any other provisions of law, malt or
18 brewed beverages or wine sold pursuant to an authorized expanded
19 permit, sold within a food market shall not be available for
20 consumption on the licensed premises.

21 (4) Licenses issued under this section shall not be required
22 to meet the requirements defining a restaurant contained in
23 section 102.

24 (d) Licenses issued under this section are subject to
25 section 493(13).

26 Section 2.4. Section 404 of the act, amended January 6, 2006
27 (P.L.1, No.1), is amended to read:

28 Section 404. Issuance, Transfer or Extension of Hotel,
29 Restaurant and Club Liquor Licenses.--Upon receipt of the
30 application and the proper fees, and upon being satisfied of the
31 truth of the statements in the application that the applicant is
32 the only person in any manner pecuniarily interested in the
33 business so asked to be licensed and that no other person will
34 be in any manner pecuniarily interested therein during the
35 continuance of the license, except as hereinafter permitted, and
36 that the applicant is a person of good repute, that the premises
37 applied for meet all the requirements of this act and the
38 regulations of the board, that the applicant seeks a license for
39 a hotel, restaurant or club, as defined in this act, and that
40 the issuance of such license is not prohibited by any of the
41 provisions of this act, the board shall, in the case of a hotel
42 or restaurant, grant and issue to the applicant a liquor
43 license, and in the case of a club may, in its discretion, issue
44 or refuse a license: Provided, however, That in the case of any
45 new license or the transfer of any license to a new location or
46 the extension of an existing license to cover an additional area
47 the board may, in its discretion, grant or refuse such new
48 license, transfer or extension if such place proposed to be
49 licensed is within three hundred feet of any church, hospital,
50 charitable institution, school, or public playground, or if such
51 new license, transfer or extension is applied for a place which

1 is within two hundred feet of any other premises which is
2 licensed by the board: And provided further, That the board's
3 authority to refuse to grant a license because of its proximity
4 to a church, hospital, charitable institution, public playground
5 or other licensed premises shall not be applicable to license
6 applications submitted for public venues or performing arts
7 facilities: And provided further, That the board shall refuse
8 any application for a new license, the transfer of any license
9 to a new location or the extension of an existing license to
10 cover an additional area if, in the board's opinion, such new
11 license, transfer or extension would be detrimental to the
12 welfare, health, peace and morals of the inhabitants of the
13 neighborhood within a radius of five hundred feet of the place
14 proposed to be licensed: And provided further, That the board
15 shall have the discretion to refuse a license to any person or
16 to any corporation, partnership or association if such person,
17 or any officer or director of such corporation, or any member or
18 partner of such partnership or association shall have been
19 convicted or found guilty of a felony within a period of five
20 years immediately preceding the date of application for the said
21 license. [The board shall refuse any application for a new
22 license, the transfer of any license to a new location or the
23 extension of any license to cover an additional area where the
24 sale of liquid fuels or oil is conducted.] The board may enter
25 into an agreement with the applicant concerning additional
26 restrictions on the license in question. If the board and the
27 applicant enter into such an agreement, such agreement shall be
28 binding on the applicant. Failure by the applicant to adhere to
29 the agreement will be sufficient cause to form the basis for a
30 citation under section 471 and for the nonrenewal of the license
31 under section 470. If the board enters into an agreement with an
32 applicant concerning additional restrictions, those restrictions
33 shall be binding on subsequent holders of the license until the
34 license is transferred to a new location or until the board
35 enters into a subsequent agreement removing those restrictions.
36 If the application in question involves a location previously
37 licensed by the board, then any restrictions imposed by the
38 board on the previous license at that location shall be binding
39 on the applicant unless the board enters into a new agreement
40 rescinding those restrictions. The board may, in its discretion,
41 refuse an application for an economic development license under
42 section 461(b.1) or an application for an intermunicipal
43 transfer of a license if the board receives a protest from the
44 governing body of the receiving municipality. The receiving
45 municipality of an intermunicipal transfer or an economic
46 development license under section 461(b.1) may file a protest
47 against the transfer of a license into its municipality, and the
48 receiving municipality shall have standing in a hearing to
49 present testimony in support of or against the issuance or
50 transfer of a license. Upon any opening in any quota, an
51 application for a new license shall only be filed with the board

1 for a period of six months following said opening.

2 Amend Bill, page 200, line 24, by striking out "2.3" and
3 inserting

4 2.5

5 Amend Bill, page 201, line 15, by striking out "SECTIONS" and
6 inserting

7 Section

8 Amend Bill, page 201, line 27, by striking out "FOUR SIX-
9 PACKS OR UP TO TWO TWELVE-PACKS" and inserting

10 three six-packs or up to one twelve-pack and one six-pack
11 in a single transaction

12 Amend Bill, page 203, line 26, by striking out the period
13 after "LICENSE" and inserting

14 : Provided, That a restaurant liquor licensee who obtained a
15 license through section 403.1 shall file a written application
16 with the board for a wine expanded permit and the board shall
17 approve the application if it determines there is not sufficient
18 availability and accessibility of wine through the private
19 retail market.

20 Amend Bill, page 204, line 1, by inserting after "AND "
21 special

22 Amend Bill, page 204, line 6, by inserting after "AND "
23 special

24 Amend Bill, page 205, by inserting between lines 8 and 9

25 (7) An expanded permit holder shall utilize a transaction
26 scan device to verify the age of an individual who appears to be
27 under thirty-five years of age before making a sale of liquor.
28 An expanded permit holder may not sell or share data from the
29 use of a transaction scan device provided that the licensee may
30 use the data to show the enforcement bureau of the board that
31 the licensee is in compliance with this act. As used in this
32 paragraph, the term "transaction scan device" means a device
33 capable of deciphering, in an electronically readable format,
34 the information encoded on the magnetic strip or bar code of an
35 identification card under section 495(a).

36 Amend Bill, page 205, lines 11 through 18, by striking out
37 all of said lines and inserting

1 (1) For a wine expanded permit:
2 (i) Two thousand dollars (\$2,000) for licensees whose total
3 annual alcohol purchase from the board is less than one hundred
4 thousand dollars (\$100,000) in the prior calendar year.
5 (ii) Four thousand dollars (\$4,000) for licensees whose
6 total annual alcohol purchase from the board is between one
7 hundred thousand and one dollar (\$100,001) and two hundred
8 thousand dollars (\$200,000) in the prior calendar year.
9 (iii) Six thousand dollars (\$6,000) for licensees whose
10 total annual purchase from the board is greater than two hundred
11 thousand and one dollar (\$200,001) in the prior calendar year.
12 (2) For a special spirits expanded permit, a fee of two
13 thousand dollars (\$2,000).

14 Amend Bill, page 205, lines 24 through 30; page 206, lines 1
15 and 2, by striking out all of lines 24 through 30 on page 205
16 and all of line 1 and "(II) A WINE EXPANDED PERMIT" in line 2
17 on page 206 and inserting

18 (1) A wine expanded permit holder may sell in a single
19 transaction

20 Amend Bill, page 206, lines 6 through 10, by striking out all
21 of lines 6 through 9 and "(IV)" in line 10 and inserting

22 (2)

23 Amend Bill, page 206, line 10, by striking out the comma
24 after "PERMIT" and inserting

25 holder may sell in a single transaction

26 Amend Bill, page 206, line 14, by striking out "(2)" and
27 inserting

28 (3)

29 Amend Bill, page 207, line 17, by inserting after "OR"
30 special

31 Amend Bill, page 208, lines 16 and 17, by striking out "
32 EIGHT" in line 16 and all of line 17 and inserting

33 :

34 (A) Four thousand dollars (\$4,000) for licensees whose total
35 annual alcohol purchase from the board is less than two hundred
36 thousand dollars (\$200,000) in the prior calendar year.

37 (B) Eight thousand dollars (\$8,000) for licensees whose
38 total annual alcohol purchase from the board is between two

1 hundred thousand and one dollar (\$200,001) and four hundred
2 thousand dollars (\$400,000) in the prior calendar year.
3 (C) Twelve thousand dollars (\$12,000) for licensees whose
4 total annual purchase from the board is greater than four
5 hundred thousand and one dollar (\$400,001) in the prior calendar
6 year.

7 Amend Bill, page 208, lines 18 and 19, by striking out "FOUR
8 THOUSAND" in line 18 and all of line 19 and inserting

9 :

10 (A) Two thousand dollars (\$2,000) for licensees whose total
11 annual alcohol purchase from the board is less than one hundred
12 thousand dollars (\$100,000) in the prior calendar year.

13 (B) Four thousand dollars (\$4,000) for licensees whose total
14 annual alcohol purchase from the board is between one hundred
15 thousand and one dollar (\$100,001) and two hundred thousand
16 dollars (\$200,000) in the prior calendar year.

17 (C) Six thousand dollars (\$6,000) for licensees whose total
18 annual purchase from the board is greater than two hundred
19 thousand and one dollar (\$200,001) in the prior calendar year.

20 Amend Bill, page 208, lines 20 and 21, by striking out "FOUR
21 THOUSAND" in line 20 and all of line 21 and inserting

22 :

23 (A) Two thousand dollars (\$2,000) for licensees whose total
24 annual alcohol purchase from the board is less than one hundred
25 thousand dollars (\$100,000) in the prior calendar year.

26 (B) Four thousand dollars (\$4,000) for licensees whose total
27 annual alcohol purchase from the board is between one hundred
28 thousand and one dollar (\$100,001) and two hundred thousand
29 dollars (\$200,000) in the prior calendar year.

30 (C) Six thousand dollars (\$6,000) for licensees whose total
31 annual purchase from the board is greater than two hundred
32 thousand and one dollar (\$200,001) in the prior calendar year.

33 Amend Bill, page 209, line 19, by striking out ".750" and
34 inserting

35 .750

36 Amend Bill, page 210, line 8, by striking out "(RESERVED)."
37 and inserting

38 An enhanced permit holder shall utilize a transaction scan
39 device to verify the age of an individual who appears to be less
40 than thirty-five years of age before making a sale of liquor. An
41 expanded permit holder may not sell or share data from the use
42 of a transaction scan device provided that the licensee may use
43 the data to show the enforcement bureau of the board that the

1 licensee is in compliance with this act. As used in this
2 paragraph, the term "transaction scan device" means a device
3 capable of deciphering, in an electronically readable format,
4 the information encoded on the magnetic strip or bar code of an
5 identification card under section 495(a).

6 Amend Bill, page 212, line 5, by inserting a bracket before
7 "THE"

8 Amend Bill, page 212, line 7, by inserting a bracket after
9 "CONDUCTED."

10 Amend Bill, page 215, by inserting between lines 21 and 22

11 Section 6.1. Section 432(d) of the act, amended January 6,
12 2006 (P.L.1, No.1), is amended to read:

13 Section 432. Malt and Brewed Beverages Retail Licenses.--
14 * * *

15 (d) The board shall, in its discretion, grant or refuse any
16 new license, the transfer of any license to a new location or
17 the extension of an existing license to cover an additional area
18 if such place proposed to be licensed is within three hundred
19 feet of any church, hospital, charitable institution, school, or
20 public playground, or if such new license, transfer or extension
21 is applied for a place which is within two hundred feet of any
22 other premises which is licensed by the board. The board shall
23 refuse any application for a new license, the transfer of any
24 license to a new location or the extension of an existing
25 license to cover an additional area if, in the board's opinion,
26 such new license, transfer or extension would be detrimental to
27 the welfare, health, peace and morals of the inhabitants of the
28 neighborhood within a radius of five hundred feet of the place
29 to be licensed. The board may enter into an agreement with the
30 applicant concerning additional restrictions on the license in
31 question. If the board and the applicant enter into such an
32 agreement, such agreement shall be binding on the applicant.
33 Failure by the applicant to adhere to the agreement will be
34 sufficient cause to form the basis for a citation under section
35 471 and for the nonrenewal of the license under section 470. If
36 the board enters into an agreement with an applicant concerning
37 additional restrictions, those restrictions shall be binding on
38 subsequent holders of the license until the license is
39 transferred to a new location or until the board enters into a
40 subsequent agreement removing those restrictions. If the
41 application in question involves a location previously licensed
42 by the board, then any restrictions imposed by the board on the
43 previous license at that location shall be binding on the
44 applicant unless the board enters into a new agreement
45 rescinding those restrictions. The [board shall refuse any
46 application for a new license, the transfer of any license to a

1 location where the sale of liquid fuels or oil is conducted or
2 the extension of an existing license to cover an additional
3 area: And provided further, That the] board shall have the
4 discretion to refuse a license to any person or to any
5 corporation, partnership or association if such person, or any
6 officer or director of such corporation, or any member or
7 partner of such partnership or association shall have been
8 convicted or found guilty of a felony within a period of five
9 years immediately preceding the date of application for the said
10 license. The board may, in its discretion, refuse an application
11 for an economic development license under section 461(b.1) or an
12 application for an intermunicipal transfer or a license if the
13 board receives a protest from the governing body of the
14 receiving municipality. The receiving municipality of an
15 intermunicipal transfer or an economic development license under
16 section 461(b.1) may file a protest against the approval for
17 issuance of a license for economic development or an
18 intermunicipal transfer of a license into its municipality, and
19 such municipality shall have standing in a hearing to present
20 testimony in support of or against the issuance or transfer of a
21 license. Upon any opening in any quota, an application for a new
22 license shall only be filed with the board for a period of six
23 months following said opening.

24 * * *

25 Amend Bill, page 217, lines 23 and 24, by striking out "FOUR
26 SIX-PACKS AND UP TO TWO TWELVE-PACKS" and inserting
27 three six-packs or up to one twelve-pack and one six-pack
28 in a single transaction

29 Amend Bill, page 219, line 1, by inserting after "AMENDED"
30 and the section is amended by adding subsections

31 Amend Bill, page 219, by inserting between lines 27 and 28
32 (c) (1) The holder of a brewery license may, at the
33 discretion of the board, obtain a farmers market permit. The
34 permit shall entitle the holder to participate in more than one
35 farmers market at any given time and an unlimited number
36 throughout the year and sell malt or brewed beverages produced
37 under the authority of the underlying brewery license by the
38 bottle or in a package not to exceed one hundred forty-four
39 ounces. Samples not to exceed four fluid ounces per brand of
40 malt or brewed beverages may be offered free of charge. A
41 farmers market permit shall be issued upon proper application
42 and payment of an annual fee of two hundred fifty dollars
43 (\$250). A permit holder may participate in more than one farmers
44 market at any given time. Sales by permit holders shall take
45 place during the standard hours of operation of the farmers
46 market. Written notice of the date, times and location the

1 permit is to be used shall be provided by the permit holder to
2 the enforcement bureau at least two weeks prior to the event.
3 Except as provided in this subsection, breweries utilizing
4 farmers market permits shall be governed by all applicable
5 provisions of this act as well as by all applicable regulations
6 adopted by the board.

7 (2) The term "farmers market" as used in this subsection
8 shall include any building, structure or other place:

9 (i) owned, leased or otherwise in the possession of a
10 person, municipal corporation or public or private organization;

11 (ii) used or intended to be used by two or more farmers or
12 an association of farmers, who are certified by the Department
13 of Agriculture to participate in the Farmers Market Nutrition
14 Program subject to 7 CFR Pt. 249 (relating to Senior Farmers'
15 Market Nutrition Program (SFMNP)), for the purpose of selling
16 agricultural commodities produced in this Commonwealth directly
17 to consumers;

18 (iii) which is physically located within this Commonwealth;
19 and

20 (iv) which is not open for business more than twelve hours
21 each day.

22 (3) The permit, as authorized by this subsection, is only
23 available to breweries who produce less than one hundred
24 thousand barrels per year. All brands of malt or brewed
25 beverages sold or provided under the farmers market permit must
26 be registered as set forth by this act.

27 (d) The holder of a brewery license may also sell wines
28 produced by a licensed limited winery or distilled liquor
29 produced by a licensed limited distillery.

30 Amend Bill, page 222, line 9, by striking out "468(E) OF THE
31 ACT, ADDED" and inserting

32 468(a) and (e) of the act, amended or added December 20, 2000
33 (P.L.992, No.141), February 21, 2002 (P.L.103, No.10), June 28,
34 2011 (P.L.55, No.11) and

35 Amend Bill, page 222, line 11, by striking out "TRANSFERS.--*
36 * *" and inserting

37 Transfers.--(a) (1) Licenses issued under this article may
38 not be assigned. The board, upon payment of the transfer filing
39 fee, is hereby authorized to transfer any license issued by it
40 under the provisions of this article from one person to another
41 or from one place to another, or both. Except for restaurant
42 liquor and eating place retail dispenser licenses transferred
43 under section 461(b.4), if the license is a retail license, the
44 new location must be within the same county as the existing
45 location or, if the municipality is located in more than one
46 county, within the same municipality as the existing location.

47 (2) In the case of distributor and importing distributor

1 licenses, the board may transfer any such license from its place
2 in a municipality to a place in any other municipality within
3 the same county, or from one place to another place within the
4 same municipality, or exchange a distributor license for an
5 importing distributor license or an importing distributor
6 license for a distributor license, if the building for which the
7 license is to be issued has, in the case of an importing
8 distributor license, an area under one roof of two thousand five
9 hundred square feet and, in the case of a distributor license,
10 an area under one roof of one thousand square feet: And
11 provided, That, in the case of all transfers of distributor or
12 importing distributor licenses, whether from a place within the
13 same municipality to another place within the same municipality
14 or from a place in a municipality to a place in any other
15 municipality within the same county, and, in the case of an
16 exchange of a distributor license for an importing distributor
17 license or an importing distributor license for a distributor
18 license, the premises to be affected by the transfer or exchange
19 shall contain an office separate and apart from the remainder of
20 the premises to be licensed for the purpose of keeping records,
21 required by the board, adequate toilet facilities for employees
22 of the licensee and an entrance on a public thoroughfare:
23 Provided, however, That in the event that the majority of the
24 voting electors of a municipality, at an election held under the
25 provisions of any law so empowering them to do, shall vote
26 against the issuance of distributor or importing distributor
27 licenses in such municipality, the board is hereby authorized to
28 transfer any such distributor or importing distributor license
29 from its place in such municipality to a place in any other
30 municipality within the same county, upon application prior to
31 the expiration of any such license and upon payment of the
32 transfer filing fee and the execution of a new bond; but no
33 transfer shall be made to a person who would not have been
34 eligible to receive the license originally nor for the
35 transaction of business at a place for which the license could
36 not lawfully have been issued originally, nor, except as herein
37 provided, to a place as to which a license has been revoked.

38 (3) [No license shall be transferred to any place or
39 property upon which is located as a business the sale of liquid
40 fuels and oil.] Except in cases of emergency such as death,
41 serious illness, or circumstances beyond the control of the
42 licensee, as the board may determine such circumstances to
43 justify its action, transfers of licenses may be made only at
44 times fixed by the board. In the case of the death of a
45 licensee, the board may transfer the license to the surviving
46 spouse or personal representative or to a person designated by
47 him. From any refusal to grant a transfer or upon the grant of
48 any transfer, the party aggrieved shall have the right of appeal
49 to the proper court in the manner hereinbefore provided.

50 (4) In the event the license to be transferred has been
51 ordered to serve a suspension under section 471 and has not

1 served the suspension at the time the board considers the
2 application and all appeals regarding the suspension have been
3 exhausted, the board may require the transferee to serve the
4 suspension as a condition for approval of the transfer. Further,
5 the board may convert the outstanding suspension into a fine and
6 require the transferee to pay the fine as a condition for
7 approval of the transfer. If the board converts the outstanding
8 suspension to a fine, the fine need not comply with the minimum
9 and maximum amounts set forth in section 471 for the underlying
10 citation.

11 * * *

12 Amend Bill, page 235, by inserting between lines 4 and 5

13 (D) The sales and use tax imposed under section 1003 of the
14 act of December 18, 1984 (P.L.1005, No.205), known as the
15 "Municipal Pension Plan Funding Standard and Recovery Act."

16 Amend Bill, page 235, line 5, by striking out "(D)" and
17 inserting

18 (E)

19 Amend Bill, page 235, line 9, by striking out all of said
20 line

21 Amend Bill, page 240, line 13, by inserting after "AND"
22 special

23 Amend Bill, page 244, lines 28 and 29, by striking out "FOUR
24 SIX-PACKS OR UP TO TWO TWELVE-PACKS" and inserting

25 three six-packs or up to one twelve-pack and one six-pack
26 in a single transaction

27 Amend Bill, page 248, line 15, by striking out "SECTIONS" and
28 inserting

29 a section

30 Amend Bill, page 248, lines 25 through 30; page 249, line 1,
31 by striking out all of said lines on said pages

32 Amend Bill, page 249, by inserting between lines 1 and 2

33 Section 1002. Small Brewers Tax Credits.--(a) A tax credit
34 or credits shall be allowed for each calendar year to a
35 taxpayer, not to exceed in total amount the amount of qualifying
36 capital expenditures made by the taxpayer and certified by the
37 secretary.

1 (b) A taxpayer desiring to claim a tax credit or credits
2 under this section shall, within one year of the date of the
3 original purchase of the qualifying capital expenditures, in
4 accordance with regulations promulgated by the secretary, report
5 annually to the secretary the nature, amounts and dates of
6 qualifying capital expenditures made by him and such other
7 information as the secretary shall require. If satisfied as to
8 the correctness of such a report, the secretary shall issue to
9 the taxpayer a certificate establishing the amount of qualifying
10 capital expenditures made by the taxpayer and included within
11 said report. The taxpayer shall also provide to the secretary
12 the number of employees, total production of malt or brewed
13 beverages and the amount of capital expenditures made by the
14 taxpayer at each location operated by the taxpayer or a parent
15 corporation, subsidiary, joint venture or affiliate. The
16 taxpayer shall notify the secretary of any contract for
17 production held with another manufacturer. The secretary shall
18 file a report annually with the Chief Clerk of the House of
19 Representatives and with the Secretary of the Senate outlining
20 the employment, production, expenditures and tax credits
21 authorized under this section.

22 (c) Upon receipt from a taxpayer of a certificate from the
23 secretary issued under subsection (a), the secretary shall grant
24 a tax credit or credits in the amount certified against any tax
25 due under Article XX of the act of March 4, 1971 (P.L.6, No.2),
26 known as the "Tax Reform Code of 1971," in the calendar year in
27 which the expenditures were incurred or against any tax becoming
28 due from the taxpayer under Article XX of the "Tax Reform Code
29 of 1971," in the following three calendar years. No credit shall
30 be allowed against any tax due for any taxable period ending
31 before January 1, 2013, and no taxpayer shall be eligible to
32 receive a tax credit for a qualifying expenditure made on or
33 before December 31, 2009.

34 (d) (1) As used in this section, the following words and
35 phrases shall have the meanings given to them in this subsection
36 unless the context clearly indicates otherwise:

37 "Amounts paid." The phrase means:

38 (i) amounts actually paid; or

39 (ii) at the taxpayer's election, amounts promised to be paid
40 under firm purchase contracts actually executed during any
41 calendar year: Provided, however, That there shall be no
42 duplication of "amounts paid" under this definition.

43 "Qualifying capital expenditures." Amounts paid by a
44 taxpayer for the purchase of items of plant, machinery or
45 equipment for use by the taxpayer within this Commonwealth in
46 the manufacture and sale of malt or brewed beverages: Provided,
47 however, That the total amount of qualifying capital
48 expenditures made by a taxpayer within a single calendar year
49 shall not exceed two hundred thousand dollars (\$200,000) and
50 must have been made on or after January 1, 2010.

51 "Secretary." The Secretary of Revenue of the Commonwealth of

Pennsylvania where not otherwise qualified.
"Taxpayer." A manufacturer of malt or brewed beverages
claiming a tax credit or credits under this section after making
a qualifying capital expenditure.
(2) Except as otherwise provided in clause (1), the
definitions in section 2002 of the "Tax Reform Code of 1971,"
shall apply to this section.

Amend Bill, page 249, by inserting between lines 27 and 28

(vii) Determine whether the current quota system in
each individual county is meeting consumer demand.

Amend Bill, page 250, by inserting between lines 21 and 22

(vii) Determine whether the current quota system in
each individual county is meeting consumer demand.

Amend Bill, page 251, by inserting between lines 2 and 3

Section 29. The regulations of the board at 40 Pa. Code §§
3.52 (relating to connection with other business), 3.53
(relating to restriction on storage and sales where board has
approved connection with other business), 3.54 (relating to
separation between licensed premises and other business) and
3.56 (relating to licensed premises operated in conjunction with
other business) are abrogated to the extent the regulations are
inconsistent with this act.

Amend Bill, page 251, line 3, by striking out "29" and
inserting

30

Amend Bill, page 251, line 14, by striking out "30" and
inserting

31