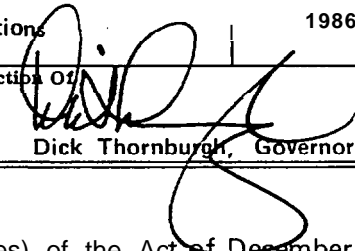


Commonwealth of Pennsylvania
GOVERNOR'S OFFICE
EXECUTIVE ORDER

Subject	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions	Number 1986-7
Date	Distribution	By Direction Of
December 1, 1986	B	 Dick Thornburgh, Governor

- WHEREAS, Section 6(a) (relating to the termination of agencies) of the Act of December 22, 1981 (P.L. 508, No. 142), known as the "Sunset Act" provides for the termination of the Pennsylvania Liquor Control Board (the "Board") on December 31, 1985; and
- WHEREAS, On December 12, 1985, a House and Senate Leadership Committee, pursuant to Section 4(a) (relating to the powers and duties of the leadership committee) of the Sunset Act approved a resolution (Sunset Review Resolution No. 1985-13), extending the existence of the Board until December 31, 1986; and
- WHEREAS, Section 6(a) of the Sunset Act provides that due to the failure of the Commonwealth to enact legislation continuing the Board in existence, the Board together with its corresponding statutory functions and duties shall terminate and go out of existence; and
- WHEREAS, Section 9 (relating to termination procedures) of the Sunset Act permits the Board to continue in existence until June 30, 1987, but only for the purpose of winding-up and concluding its affairs by transferring its records for disposition, transferring its property for disposal and terminating the employment of agency personnel; and
- WHEREAS, Section 10 (relating to causes of action; rights of bondholders) of the Sunset Act provides that termination of the Board shall not affect any rights accrued or vested under authority of an act subject to termination, and accordingly licenses, permits, registrations and certificates issued by the Board shall remain in full force and effect; and
- WHEREAS, Termination of the Board will not result in a prohibition of sales of wine and liquor because Section 103 of the Act of April 12, 1951 (P.L. 90, No. 21), known as the "Liquor Code" provides that the repeal of the Code or any part thereof shall not revive any prior laws including statutes forbidding the sale and consumption of wine and liquor; and
- WHEREAS, Following termination of the Board, various other agencies of state government will be required to assume responsibility for regulating the sale of wine and liquor including the Department of Agriculture pursuant to Section 1705 (relating to foods) of the Act of April 9, 1929 (P.L. 177, No. 175, known as the "Administrative Code of 1929"; the Department of Environmental Resources pursuant to Section 1901-A(11) of The Administrative Code of 1929 and the Act of May 23, 1945 (P.L. 926, No. 369), relating to Public Eating and Drinking Places; the Department of General Services pursuant to Section 2505 of The Administrative Code of 1929 (relating to sale of unserviceable property); and the Department of Revenue pursuant to Sections 203, 727 and 1207 of

the Act of April 9, 1929 (P.L. 343, No. 176, known as the " Fiscal Code," Sections 201 and 204 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Act of 1971," and the Act of December 5, 1933 (P.L. 38, No. 6, 1933-34 Sp.Sess.), known as the "Spirituuous and Vinuous Liquor Tax Act"; and

WHEREAS, The termination of the Board, together with its statutory functions and duties, does not expressly repeal either the Liquor Code or other laws of this Commonwealth relating to liquors and, therefore, pursuant to Section 1971 of Title 1 of the Pennsylvania Consolidated Statutes, known as the "Statutory Construction Act," the repeal of the Board shall be deemed to imply the repeal of the Code and such other laws only to the extent the preservation of the Code and such other laws is irreconcilably inconsistent with the termination of the Board; and

WHEREAS, There is a compelling and immediate need to clarify the impact of the termination of the Board and provide for an orderly transition to a system regulating the sale of alcohol in this Commonwealth without reliance upon the Board which will avoid any disruption of services to the public, provide for the private operation of wine and liquor stores, eliminate waste, mismanagement and corruption and improve the enforcement of the laws of this Commonwealth relating to alcoholic beverages.

NOW, THEREFORE, I, Dick Thornburgh, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order as follows:

1. Alcoholic Beverage Control Coordinating Council.

a. The Alcoholic Beverage Control Coordinating Council (the "Council") is hereby created as an advisory agency within the Executive Office of the Governor to supervise the administration, implementation and enforcement of the laws of this Commonwealth relating to alcoholic beverages which have not been terminated together with the Board (**as** set forth in Section 6 of this order) and **to** perform the powers and duties assigned to the Council pursuant to this order.

b. The Council shall consist of the Secretary of Agriculture, the Secretary of the Budget, the Secretary of Environmental Resources, the Secretary of General Services, the Secretary of Health, the Secretary of Revenue, the Commissioner of the State Police and the Majority and Minority Leaders of the Senate and the House of Representatives or their designees. The Governor shall designate a member of the Council to serve as chairman. The Council may appoint any staff necessary to assist it in the discharge of its duties and responsibilities.

c. All state agencies are hereby directed to assist and cooperate with the Council and are authorized pursuant to Section 501 of The Administrative Code of 1929 to perform duties on behalf of the Council or request the Council to perform duties on their behalf.

d. The function of the Council shall be to provide for planning, oversight and coordination of the activities of state agencies involved in the regulation of alcoholic beverages following the termination of the Board. The Council shall not permanently assume any direct responsibilities for the administration, regulation and control of alcoholic beverages.

2. Phase-Out Plan.

a. No operations, activities or functions of the Board, including the operation of state liquor stores, shall be discontinued, no employees of the Board shall be transferred or furloughed and no property or records of the Board shall be disposed of except as provided by this order and pursuant to a phase-out plan developed by the Board in consultation with the Council.

b. The Council shall by February 28, 1987, develop a preliminary proposal to wind-up and conclude the affairs of the Board. The plan shall include, but not be limited to, the following provisions.

(1) The plan shall provide for the transfer of appropriate employees to separate bureaus within the Department of Revenue responsible for licensing and hearings and appeals, and to a liquor law enforcement bureau supervised by the State Police Commissioner. All transfers of employees and any necessary and appropriate property and records shall be complete by June 30, 1987.

(2) The plan shall provide for the transfer of all the property, inventory records and employees of the state store system and the liquor wholesale distribution system to the Department of General Services on or before June 30, 1987, for appropriate disposition as provided by Section 3 of this order.

(3) The plan shall provide a schedule whereby all employees of the Board not transferred to the Department of Revenue, the State Police or the Department of General Services shall be made available as soon as possible for transfer to fill existing vacancies in other state agencies and to augment the activities of other state agencies.

(4) The plan shall provide for the transfer of all other property and records on or before June 30, 1987, to the Department of General Services for appropriate disposition.

c. The Council shall present its proposals to the Board on March 2, 1987, and shall assist in winding-up and concluding its affairs as provided by Section 9 of the Sunset Act.

d. The Council shall develop plans for the establishment of the following bureaus.

(1) A Liquor Licensing Bureau shall be created within the Department of Revenue to permanently assume the responsibility to issue licenses for the sale of wine and liquor for off-premises consumption and for wholesale wine and liquor distribution and to assume the responsibilities of the Board with regard to the issuance, renewal, transfer, exchange, suspension or revocation of licenses preserved by Section 5 of this order (relating to status of licenses issued by the Board).

(2) A Liquor Licensing Hearing Bureau shall be created within the Department of Revenue to conduct adjudications regarding any refusals to issue, renew, transfer or exchange a license or any suspension or revocation of licenses. Initial decisions of the Hearing Bureau shall be made by hearing examiners learned in the law and may be appealed to a three person Hearing Board established within the Hearing Bureau by the Council. Final decisions of the bureau may be reviewed by the courts of this Commonwealth in the manner provided by laws preserved by Section 7 of this order.

(3) A Liquor Law Enforcement Bureau shall be created under the supervision and control of the State Police Commissioner to assume the responsibilities of the Board with regard to the prosecution of licensees for violations of the laws and regulations of this Commonwealth. Alleged criminal violations shall be prosecuted by the Attorney General or local district attorneys before the Courts of Common Pleas in the manner provided by the Commonwealth Attorneys Act. License suspensions, revocations, bond forfeitures and other civil fines and penalties shall be prosecuted before the Liquor Licensing Hearing Bureau. Prior notice regarding any proposed license issuance, renewals, transfers, exchanges, suspensions or revocations shall be provided by the Licensing Bureau to the Liquor Law Enforcement Bureau. In all hearings before the Hearing Bureau the Enforcement Bureau shall be a party and shall advocate vigorous and strict compliance with the laws and regulations of this Commonwealth. Employees of the Liquor Law Enforcement Bureau shall not be members of the State Police but shall be administratively organized into a separate bureau consisting of Liquor Law Enforcement Officers.

e. The Council shall develop plans to be approved by the Secretary of Administration for the transfer to other state agencies of all employees of the Board not transferred to the Department of Revenue, the State Police or the Department of General Services. Within the limits of available Commonwealth resources, the plan shall provide for the placement of all employees of the Board and shall not result in the furlough or reduction in pay for any employees of the Board.

3. Divestment of State Stores and Initial Private Licensing.

a. The Council shall by June 30, 1987, develop a plan to provide for the divestment of the state store system by the Department of General Services and the issuance by the Department of Revenue of initial licenses for the private retail and wholesale distribution of liquor within this Commonwealth. The plan may include, but shall not be limited to, the following provisions.

(1) Auction of State Store Assets. The Department of General Services shall, between July 1, 1987, and March 31, 1988, sell by auction to the highest qualified bidder the right to purchase, upon the cessation of their operations the inventory, tangible property and fixtures of each state store. The department shall establish a minimum bid for each auction equal to at least \$10,000 more than the book value of the assets of any store plus the wholesale cost of anticipated surplus inventories at the time the state store ceases operation. The department shall guarantee to each bidder a minimum specified stock of surplus inventory. In order to be qualified to bid for the assets of state stores, each bidder must agree to accept a license for the operation of a private retail wine and liquor store as provided by clause (2) of this subsection and to commence the operation of a private store pursuant to the conditions provided by this section.

(2) Issuance of Private Licenses. In order to maximize the proceeds of the auction of state store assets and to facilitate the orderly transition to a private system for the retail sale of wine and liquor, the Department of Revenue shall issue to the successful bidder for the assets of each state store a private license for the sale of wine and liquor for off the premises consumption within the service territory of each state liquor store. The privately licensed operations shall provide product availability, hours of operation and customer services at least equivalent to that offered by state stores. Within areas of this Commonwealth defined as "urbanized" by the United States Census Bureau, the privately licensed establishments must operate within a one mile radius of the state store replaced by the licensee, within portions of communities defined by the Census Bureau as "Standard Metropolitan Statistical Areas" and which are not classified as "urbanized" the privately licensed establishment must be located within a four mile radius of the state store and in other areas the privately licensed establishment must be within a ten mile radius. The licensee shall commence full commercial operations within 90 days of the issuance of a license pursuant to this clause.

(3) Termination of State Store Operations. The Department of General Services shall develop a plan for the disposition of the state store system which provides for the continued operation of each state-owned liquor store for up to 90 days following the auction of the right to purchase the property of the store. The Department shall further provide for the continued operation of liquor wholesale distribution for a maximum period of twelve months to the extent necessary to provide an adequate supply of consumer products and services during the phase-in of operations of private retail outlets and wholesale distributors. Each state-owned liquor store may remain in operation for not more than 45 days, but not later than June 30, 1988, following the opening of the substitute privately licensed wine and liquor store in order to assure adequate continuity of services to the public. Upon the termination of operations of any state store, its property, fixtures and surplus inventory shall be sold to the successful bidder upon the terms of the winning bid at the auction provided by clause (1) of this subsection.

(4) Wholesale Licenses. Effective July 1, 1987, the Department of Revenue shall provide for the issuance of licenses to all liquor importers, distilleries and wineries licensed by the Board and to other applicants qualified pursuant to the laws preserved by Section 6 of this order, for sales to the Department of General Services, for private wholesale liquor distribution to supply the private retail liquor stores to be licensed pursuant to subsection (a)(2) of this section and to all retail liquor licensees.

(5) Disposition of Other Property. On or prior to July 1, 1988, the Department of General Services shall dispose of all of the inventory, tangible property, fixtures and other assets of the liquor wholesale distribution system and any other remaining property previously held by the Board pursuant to the provisions of Section 2505 of The Administrative Code of 1929 (relating to the sale of unserviceable property).

b. Applicants for licenses issued pursuant to subsection (a)(2) of this section for private retail wine and liquor stores shall be qualified to participate in the auction provided by subsection (a)(l) of this section only upon a demonstration that the applicants meet the following qualifications.

(1) Financial interests. The names and addresses of all parties with any direct or indirect legal or equitable ownership interest in the operations of the licensed establishment proposed to be operated by the applicant shall be listed in the license application including all interested individuals, general or limited partners, all stockholders of any closed corporation and all stockholders owning five percent or more of the voting stock of a public corporation, As provided by Section 404 of the Liquor Code, parties not listed in a license application or amendment thereof shall not have any ownership interest in a licensed business.

(2) Interlocking Interests. Neither the applicant nor any party with a direct or indirect legal or equitable ownership interest in the operations of the licensed establishment proposed to be operated by the applicant shall be a licensed distributor, importing distributor, importer, distiller, winery, limited winery, manufacturer, retail liquor licensee, retail dispenser or hold, directly or indirectly, more than two other licenses issued pursuant to subsection (a)(2) of this section.

(3) Criminal History. Applicants and all parties with any direct or indirect interests in the operation of licensed establishments proposed to be operated by the applicant shall be of good repute and shall demonstrate satisfactory compliance with the laws of this Commonwealth and other jurisdictions as evidenced by a detailed criminal history evaluation conducted by the State Police and the Federal Bureau of Investigation. No license shall be granted to any applicant if any person with a direct or indirect ownership interest in the activities of the applicant has been convicted of any crime involving fraud, moral turpitude or racketeering or within a period of five years immediately preceding the date of any application has been convicted of any felony.

(4) Financial Responsibility. Applicants shall post bonds, cash, negotiable securities or letters of credit equal to the minimum bidding price established by the department and shall further post bonds to assure compliance with the provisions of this order in the amount of \$25,000, or at a greater amount if determined to be necessary by the Department of Revenue, for each place at which the licensee has applied to engage in business. Applicants shall demonstrate, by submitting audited financial statements, that they possess sufficient financial resources to operate a licensed establishment, pay all taxes due and owing to the Commonwealth and assume liability for the safe operation of the licensed premises. Bonds and letters of credit shall be posted and are subject to forfeiture for violations of this order in the same manner as provided by Sections 465 and 466 of the Liquor Code.

(5) Tax Clearance Certificates. All applicants shall file a certificate obtained from the Department of Revenue indicating whether the applicant has any current tax deficiencies due and owing the Commonwealth. No applicant shall be permitted to participate in the auction if the applicant has any tax assessments or deficiencies outstanding except for amounts subject to proper appeal.

c. Licenses shall be issued pursuant to subsection (a)(2) of this section to successful bidders upon a demonstration that the licensee shall comply with the following terms and conditions and licenses shall be subject to suspension or revocation for any violations of the following requirements.

(1) Financial Interests. Notice shall be given to the department within 15 days of any change in financial interests as provided by subsection (b)(l).

(2) Criminal Violations. Notice shall be given to the department within 15 days of any criminal indictments or convictions as provided by subsection (b)(3) and the ownership interest of any parties subject to such convictions shall be totally divested by the licensee within 30 days of the date of any conviction, guilty plea or plea of nolo contendere.

(3) Financial Responsibility. Licensees shall continue to maintain the bonding for the operation of a facility required by subsection (b)(3) of this section.

(4) Tax Collection. Licensees shall collect and remit to the Department of Revenue the Emergency Liquor Tax as provided by the Act of June 9, 1936 (P.L. 13, No. 4, Ex. Sess.) and the Sales and Use Tax as provided by Article I I of the Act of Tax Reform Code of 1971.

(5) Wholesale Purchases. Licensees shall acquire wine and liquor exclusively from , either the Board, the Department of General Services or wholesale licensees as authorized pursuant to Section 3(a)(4) of this order and shall keep a detailed log of all wholesale wine and liquor transactions.

(6) Interlocking Businesses. Licensees, and all parties with any direct or indirect interests in the operation of licensed establishments, shall comply with the provisions of Sections 411 and 443 of the Liquor Code and shall not have any direct or indirect interest in the activities of any distributor, importing distributor, importer, distiller, winery, manufacturer, retail liquor licensee, retail dispenser or more than three other licenses issued pursuant to subsection (a)(2) of this section.

(7) Inventory Control. Licensees shall establish adequate security provisions to protect their inventory from unauthorized sale or diversion and prevent its unauthorized distribution.

(8) Hours of Operation. Licensees shall limit their hours of operation in a manner to be determined by the Council.

(9) Sales to Minors. Licensees shall establish procedures to ensure that sales of wine and liquor are not made to minors, intoxicated individuals or mentally ill or incompetent persons.

(10) On-Premises Consumption. No licensees shall permit the consumption of alcoholic beverages on the premises of the licensed establishment, except for the sampling or tasting of products as approved by the Council.

(11) Employees. Licensees shall comply with the provisions of Section 493(13) of the Liquor Code regarding the employment of minors in any capacity which involves the sale, handling or distribution of alcoholic beverages.

(12) Local Regulations. Licensees shall operate only at locations for which they were authorized to conduct business and shall operate only at locations for which they have all required local approvals for their intended business activities including zoning approvals and business permits.

(13) Local Option. No licensee shall make retail sales of wine and liquor in any municipality which has prohibited the operation of a state store or prohibited the sale of malt or brewed beverages for off-premises consumption pursuant to Section 472 of the Liquor Code.

(14) Related Business Activities. No licensee shall engage in any separate business activities upon any licensed premises without prior approval of, the Department of Revenue.

(15) Sales of Motor Fuel. No license shall be issued for a place of business where the principal business will be the sale of liquid fuels or oil.

(16) Business Locations. No license shall be granted if the proposed location to be licensed is within 300 feet of any church, hospital, charitable institution, school or public playground unless the activities of the licensee will not interfere with the operation of such church, hospital, charitable institution, school or public playground and no license shall be granted if the proposed business is located in any area which will be detrimental to the welfare, health, peace or morals of the inhabitants of the neighborhood within 500 feet of the place to be licensed.

(17) Amusement Places. No licensee shall operate any theater, circus, museum or other place of amusement or any bowling alley, game room, video arcade or other recreational area or have any passageway or communication between a licensed premise and a place of amusement or recreation.

(18) Consumer Services. Licensees may make deliveries, accept checks and credit cards and provide other consumer services except to the extent restricted by the Council.

d. Licenses issued pursuant to subsection (a)(2) of this section shall be nontransferable prior to July 1, 1988. In the event the licensee ceases to conduct commercial operations or fails to provide the consumer service required by this order, the Department of Revenue shall revoke the license and as soon as practicable issue a replacement license. On or after July 1, 1988, such licenses shall be transferable, but only upon the prior approval of the department to persons complying with the provisions of this order.

4. Long-Term Plan for the Regulation of Alcoholic Beverages.

a. The Council shall, by June 30, 1988, prepare and submit to the Governor a long-term plan for the regulation of alcoholic beverages following the transition period provided by Section 2 of this order. The long-term plan may provide for the issuance of additional numbers and types of private retail wine and liquor licenses or may provide recommendations for legislation to establish a new statutory wine and liquor control system.

b. In developing a long-term plan the Council shall consider the advisability of issuing the following additional types of licenses.

(1) incidental Wine Sales. The Council shall consider whether to provide for the issuance to qualified holders of restaurant, golf course, hotel and club liquor licenses of permits to make incidental retail sales of wine and wine products for off the premises consumption. The Council may develop and propose reasonable volume limitations for such sales consistent with the operations and activities of the permit holders.

(2) Wine Sales. The Council shall consider whether to provide for the issuance to qualified applicants of permits to make retail sales of wine and wine products for off the premises consumption subject to the terms and conditions and additional requirements to be proposed by the Council acting on behalf of the Departments of Agriculture, Environmental Resources and Revenue.

(3) Retail Liquor Licenses. The Council shall consider whether to provide for the issuance to qualified applicants of permits to make retail sales of liquor and wine or wine only for off the premises consumption upon a demonstration that the applicant can satisfy the requirements of this order and any additional requirements established by the Council acting on behalf of the Departments of Agriculture, Environmental Resources and Revenue.

c. The Council shall conduct public hearings and shall meet with liquor control officials of surrounding states to evaluate alternative methods for licensing the private sale of wine and liquor.

5. Continuation **of Licenses Issued by the Board.**

a. Pursuant to Section 10 (relating to causes of action; rights of bondholders) of the Act of December 22, 1981 (P.L. 508, No. 142), known as the "Sunset Act," all licenses, permits, registrations, and certificates issued by the Board prior to January 1, 1987, shall continue in full force and effect and shall not be impaired by the termination of the Board. Licenses, permits, registrations and certifications contained in full force and effect include, but are not limited to, the following:

Restaurant, hotel, club, airport, golf course and caterers licenses as provided by Section 401 of the Liquor Code.

Sunday sales permits as provided by Section 406 of the Liquor Code.

Approvals of secondary service areas as provided by Section 406.1 of the Liquor Code.

Public service licenses as provided by Section 408 of the Liquor Code.

Trade show or convention licenses as provided by Section 408.1 of the Liquor Code.

City-owned stadia licenses as provided by Section 408.2 of the Liquor Code.

Performing arts facilities licenses as provided by Section 408.3 of the Liquor Code.

Special occasion permits as provided by Section 408.4 of the Liquor Code.

City-owned art museum and non-profit art museum licenses as provided by Section 408.5 of the Liquor Code.

Performing arts facility licenses as provided by Section 408.6 of the Liquor Code.

Performing arts facility licenses as provided by Section 408.7 of the Liquor Code.

Trade show and convention licenses as provided by Section 408.8 of the Liquor Code.

Stadium and restaurant licenses as provided by Section 408.9 of the Liquor Code.

Sacramental wine licenses as provided by Section 409 of the Liquor Code.

Liquor importers licenses and warehouse permits as provided by Section 410 of the Liquor Code.

Malt and brewed beverage manufacturers, distributors and importing distributors licenses as provided by Section 431 of the Liquor Code,

Hotel, eating place, golf course and club retail dispenser's licenses as provided by Section 432 of the Liquor Code.

Public service licenses as provided by Section 433 of the Liquor Code.

Stadium or arena permits as provided by Section 433.1 of the Liquor Code.

National veteran's organizations licenses as provided by Section 461.1 of the Liquor Code.

Amusement permits as provided by Section 463 of the Liquor Code.

Sunday permits as provided by Section 492 of the Liquor Code.

Distillery, winery, bonded warehouse, bailee for hire and transporters licenses as provided by Section 501 of the Liquor Code.

Alcohol, physician, pharmacist and other exception permits as issued as provided by Section 502 of the Liquor Code.

Denatured ethyl alcohol permits as provided by Section 502.1 of the Liquor Code.

Limited winery licenses as provided by Section 505.2 of the Liquor Code.

Distillery certificate broker permits as provided by Section 702 of the Liquor Code.

Agents registrations as provided by Section 722 of the Liquor Code.

b. Except as otherwise provided by this order, licensees, permittees, registrants and certificate holders operating after the termination of the Board shall be limited to the powers, duties and responsibilities vested in the licensee pursuant to the Act of April 12, 1951 (P.L. 90, No. 21), known as the "Liquor Code" and any rules, regulations or orders of the Board. The Board may, with the advice and assistance of the Council, until June 30, 1987, supervise the activities of licensees and ensure compliance with the terms and conditions of licensed activities. Thereafter, the activities of licensees shall be supervised and regulated as provided by Section 2 of this order.

c. Licenses, permits, registrations and approvals may be transferred, renewed or exchanged as provided by provisions of the Liquor Code preserved by Section 7 of this order.

d. Licensees, permittees, registrants and certificate holders shall pay any fees as provided by provisions of the Liquor Code preserved by Section 7 of this order. Such fees shall be paid to the Department of Revenue.

6. Terminated Statutory Functions and Duties of the Board. The continuation of the following functions and duties of the Board conflict irreconcilably with the termination of the Board and upon the termination of the Board, therefore, the following acts and parts of acts relating to the statutory functions and duties of the Board are terminated and cannot be enforced except to the extent otherwise provided by this order.

a. **The Act of December 20, 19__** (1933-34 Sp.Sees., P.L. 89, No. ____) insofar as the act authorizes the Board to expend monies **in the State Stores Fund** and authorizes the Board to direct payments of monies in the fund.

b. The Act of December 20, 19__ (1933-34 Sp.Sess., P.L. 90, No. ____) insofar as the act limits transfers into the General Fund **based upon** the gross sales volume of state stores.

c. The Act of June 9, 1936 (Ex. Sess., P.L. 13, No. 4) insofar as the act designates the Board as the Commonwealth agency responsible for collecting the tax.

d. The Act of June 24, 1939 (P.L. 806, No. 358) insofar as the act authorizes the Board to issue any new licenses.

e. The Act of April 12, 1951 (P.L. 90, No. 21), known as the "Liquor Code" as follows:

Section 104(c) (Interpretation of act) insofar as the section prohibits the manufacture of and transactions in liquor except under the control of the Board.

Section 201 (Appointment of members; terms; salaries).

Section 202 (Qualifications of members).

Section 203 (Chairman of Board).

Section 204 (Secretary of Board).

Section 205 (Bonds required of members and secretary).

Section 206 (Board subject to Administrative Code).

Section 207 (General powers of Board).

Section 208 (Specific subjects on which Board may adopt regulations).

Section 209 (Officers and investigators of the Board to be peace officers; powers) except as preserved by Section 7 of this order.

Article I I I (Pennsylvania Liquor Stores).

Section 401 (Authority to issue liquor licenses to hotels, restaurants and clubs) insofar as the section authorizes the Board to issue new hotel, restaurant, club and caterers licenses.

Section 402 (License districts; license year; hearings) insofar as the section authorizes the Board to establish license districts and license years and appoint hearing examiners.

Section 403 (Applications for hotel, restaurant and club liquor licenses) insofar as the section authorizes the Board to receive and process new applications for licenses and to receive and process applications for the transfer of licenses.

Section 404 (Issuance of hotel, restaurant and club liquor licenses) insofar as the section authorizes the Board to issue licenses.

Section 405 (License fees) insofar as the section requires the transmittal of fees to the Board and authorizes the Board to impose penalties for dishonored checks.

Section 406.1 (Secondary service area) insofar as the section authorizes the Board to review and approve secondary service areas.

Section 408 (Public service liquor licenses) insofar as the section authorizes the Board to issue new public service licenses, revoke licenses and receive monthly reports from licensees.

Section 408.1 (Trade show and convention licenses) insofar as the section authorizes the Board to issue licenses to new trade shows and convention centers in cities of the first or second class.

Section 408.2a (City-owned stadia) insofar as the section authorizes the Board to issue licenses to new stadia.

Section 408.3 (Performing arts facilities) insofar as the section authorizes the Board to issue licenses to new performing arts facilities in cities of the first and second class.

Section 408.4 (Special occasion permits) insofar as the section designates the Board as the Commonwealth agency authorized to issue special occasion permits.

Section 408.5 (Licenses for city-owned art museums, cities first class and art museums maintained by certain non-profit corporations in cities of the second class) insofar as the section authorizes the Board to issue licenses to new art museums.

Section 408.6 (Performing arts facilities) insofar as the section authorizes the Board to issue licenses to new performing arts facilities in cities of the third class.

Section 408.7 (Performing arts facilities) insofar as the Board is required to approve transfers of performing arts facility licenses in cities of the first and second class.

Section 408.8 (Trade shows and convention licenses; cities of the third class) insofar as the section authorizes the Board to issue licenses to new trade shows and convention centers in cities of the third class.

Section 408.9 (Stadium and restaurant licenses in third class cities) insofar as the section authorizes the Board to issue any new restaurant licenses.

Section 409 (Sacramental wine license; fees; privileges; restrictions) insofar as the section authorizes the Board to issue new sacramental wine licenses and to revoke such licenses.

Section 410 (Liquor importers' licenses; fees; privileges; restrictions) insofar as the, section authorizes the Board to issue new liquor importers' licenses and warehouse permits, restricts sales to the Board and requires the consignment of shipments to the Board.

Section 431 (Malt and brewed beverages manufacturers', distributors' and importing distributors' licenses) insofar as the section authorizes the Board to issue new licenses and inspect licenses.

Section 432 (Malt and brewed beverages retail licenses) insofar as the section authorizes the Board to issue new licenses and revoke or suspend licenses.

Section 433 (Public service licenses) insofar as the section authorizes the Board to issue new public services licenses, revoke licenses and receive monthly reports.

Section 433.1 (Stadium or arena permits) insofar as the section authorizes the Board to issue new special permits in certain classes of municipalities and school districts.

Section 434 (License year) insofar as the section authorizes the Board to revise license renewal periods.

Section 435 (Filing of applications for distributors', importing distributors' and retail dispensers' licenses; filing fee) insofar as the section establishes procedures and filing applications for new licenses and requires applications for renewals or transfers to be filed with the Board.

Section 436 (Application for distributors', importing distributors' and retail dispensers' licenses) insofar as the section designates the content of applications for new licenses.

Section 437 (Prohibitions against the grant of licenses) insofar as the section relates to the grant of new licenses.

Section 439 (Malt or brewed beverage license fees) insofar as the section relates to new licenses and requires fees to be remitted to the Commonwealth through the Board.

Section 440 (Sales by manufacturers of malt or brewed beverages; minimum quantities) insofar as the Board is authorized to approve new types of containers.

Section 444 (Malt or brewed beverages manufactured outside this Commonwealth) insofar as the section authorizes the Board to issue new reciprocal regulations and orders and designates the Board as the agency responsible for the receipt of fees, seizure and disposal of contraband, conducting certain hearings, imposing fines and entering orders.

Section 461 (Limiting number of retail licenses to be issued in each municipality) insofar as the section authorizes the Board to grant new retail licenses.

Section 461 .1 (Incorporated units of National Veterans' Organizations) insofar as the section authorizes the Board to issue new licenses.

Section 462 (Licensed places may be closed during period of emergency) insofar as the section empowers the Board to take certain actions.

Section 463 (Places of amusement not to be licensed; penalty) insofar as the section authorizes the issuance of new licenses.

Section 464 (Hearings upon refusal of licenses, renewals or transfers; appeals) insofar as the section deals with the issuance of new licenses and designates the Board as the agency responsible for conducting certain hearings.

Section 465 (All licensees to furnish bond) insofar as the section deals with the issuance of new licenses and authorizes the Board to approve, accept, retain and order the forfeiture of bonds.

Section 466 (Disposition of cash and securities upon forfeiture of bond) insofar as the section authorizes the Board to order the forfeiture of bonds.

Section 468 (Licenses not assignable; transfers) insofar as the section designates the Board as responsible for reviewing, approving or disapproving the transfer of licenses.

Section 469 (Applications for transfer; fees) insofar as the section requires the filing of applications with the Board and the payment of fees to the Commonwealth through the Board.

Section 470 (Renewal of licenses; temporary provisions for licenses in armed service) insofar as the section designates the Board as the agency responsible for the receipt, processing, approval or disapproval of renewal applications and requires fees due the Commonwealth to be paid through the Board and requires bonds to be deposited with the Board.

Section 470.1 (Renewal of hotel liquor licenses; special provisions) insofar as the section authorizes the Board to provide new special exemptions from renewal requirements not heretofore granted for specific licensees.

Section 471 (Revocation and suspension of licenses; fines) insofar as the section designates the Board as the agency responsible for revoking or suspending licenses, conducting hearings and imposing fines.

Section 472 (Local option) insofar as the section deals with the operation of state stores.

Section 472.2 (Granting of liquor licenses in certain municipalities) insofar as the section authorizes the Board to issue new licenses.

Section 472.3 (Exchange of certain licenses) insofar as the section designates the Board as the agency responsible for exchanging certain licenses.

Section 474 (Surrender of club licenses for benefit of licensees) insofar as the section designates the Board as the agency to which club licenses may be surrendered and which may revoke club licenses at the termination of the surrender period.

Section 491 (Unlawful acts relative to liquor, alcohol and liquor licenses) as follows:

Subsection (1) (Sales of liquor) insofar as the subsection restricts certain sales of liquor for off-premise consumption to state stores and authorizes the Board to adopt new regulations;

Subsection (2) (Possession or transportation of liquor or alcohol) insofar as the subsection requires certain liquor and alcohol to be acquired only from state stores;

Subsection (3) (Purchase of liquor or alcohol);

Subsection (4) (possession and use of decanters) insofar as the subsection authorizes the Board to adopt new regulations;

Subsection (7) (Sales of liquor by manufacturers and licensed importers) insofar as the subsection restricts certain sales only to the Board and state stores;

Subsection (8) (Importation and sales of alcohol) insofar as the subsection restricts certain sales only to the Board or state stores;

Subsection (9) (Possession of Alcohol) insofar as the subsection requires certain alcohol to be acquired from state stores;

Subsection (10) (fortifying, adulterating or contaminating liquor) insofar as the subsection authorizes the Board to adopt new regulations; and

Subsection (13) (Violation of certain rules and regulations of the Board).

Section 492 (Unlawful acts relative to malt or brewed beverages and licensees) as follows:

Subsection (5) (Sales of malt or brewed beverages by hotels, eating places or public service licensees during prohibited hours), insofar as the subsection requires notice to the Board regarding daylight savings time;

Subsection (8) (Transportation of malt or brewed beverages) insofar as the subsection authorizes the Board to issue licenses and permits, requires fees payable to the Commonwealth to be paid through the Board and directs certain bonds to be deposited with the Board;

Subsection (10) (Importing or transporting malt or brewed beverages without tax stamps) insofar as the subsection authorizes the Board to issue new rules and regulations;

Subsection (11) (Delivery of malt or brewed beverages with other commodities) insofar as the subsection authorizes the Board to approve the delivery of certain commodities; and

Subsection (12) (Distributors and importing distributors engaging in other business) insofar as the subsection authorizes the Board to issue new rules and regulations.

Section 493 (Unlawful acts relative to liquor, malt or brewed beverages and licensees) as follows:

Subsection (2) (Purchase or sale of liquor or malt or brewed beverages on credit) insofar as the subsection authorizes the Board to adopt new rules and regulations;

Subsection (9) (Retail licensees furnishing free lunch, etc.) insofar as the subsection authorizes the Board to approve the sale of certain articles of food not heretofore approved or to adopt new rules and regulations;

Subsection (10) (Entertainment on licensed premises (except clubs); permits; fees) insofar as the subsection authorizes the Board to issue new entertainment permits and collect permit fees due the Commonwealth;

Subsection (12) (Failure to have records on premises) insofar as the subsection grants the Board access to licensed premises;

Subsection (13) (Retail licenses employing minors) insofar as the subsection authorizes the Board to adopt new rules and regulations;

Subsection (14) (Permitting undesirable persons or minors to frequent premises) insofar as the subsection requires notice of certain gatherings to be provided to the Board;

Subsection (21) (Refusing right of inspection) insofar as the subsection applies to the Board or its authorized employees; and

Subsection (25) (Employment of females in licensed premises) insofar as the subsection authorizes the Board to revoke or refuse licenses.

Section 495 (Identification cards) insofar as the section authorizes the Board to issue new identification cards and allows the examination of files by any officer, agent or employee.

Section 496 (Reporting of worthless checks) insofar as the section requires reports to be made to the Board.

Section 502 (Exceptions) insofar as the section authorizes the Board to specify new types of exceptions.

Section 502.1 (Production of denatured ethyl alcohol) insofar as the section requires annual registration fees due the Commonwealth to be paid through the Board and provides that required records and monthly production and utilization reports must be filed with the Board.

Section 504 (Applications; filing fees) insofar as the section applies to the issuance of new licenses except for new denatured ethyl alcohol licenses.

Section 505 (Licenses issued) insofar as the section applies to the issuance of new licenses.

Section 505.2 (Limited wineries) insofar as the section authorizes the Board to enforce its rules and regulations and to adopt new rules and regulations.

Section 505.3 (Distilleries) insofar as the section authorizes the Board to adopt new rules and regulations.

Section 506 (Bonds required) insofar as the section provides that bonds, cash and securities in lieu of bonds and confessions of judgment required by the section must be filed with the Board and bonds may be forfeited by the Board.

Section 507 (Hearings upon refusal of licenses) insofar as the section relates to the issuance of new licenses and designates the Board as the agency responsible for conducting hearings regarding license renewals.

Section 509 (License must be posted; business hours) insofar as the section requires the issuance of licenses by the Board.

Section 512 (Records to be kept) insofar as the section authorizes the Board to prescribe new record-keeping requirements or adopt new rules and regulations.

Section 513 (Premises and records subject to inspection) insofar as the section designates the Board and persons designated or authorized by the Board as responsible for conducting inspections.

Section 514 (Suspension and revocation of licenses) insofar as the section designates the Board as the agency responsible for the suspension and revocation of licenses and conducting hearings.

Section 516 (Compromise penalty in lieu of suspension) insofar as the section designates the Board as the agency responsible for accepting compromise penalties.

Section 517 (Expiration of licenses; renewals) insofar as the section designates the Board as the Commonwealth agency for renewing licenses and receiving reports regarding changes in officers of licensee corporations.

Section 519 (Penalties) insofar as the section authorizes the Board to inspect or designate persons to inspect licensed activities.

Article VI, Subdivision (A) (Forfeitures) insofar as the subdivision designates the Board as the Commonwealth agency with discretion to initiate forfeiture proceedings.

Section 703 (Authority to issue permits to distillery certificate brokers) insofar as the section authorizes the Board to issue new distillery certificate permits.

Section 704 (Application for permit; filing fee) insofar as the section applies to applications for new permits and requires fees payable to the Commonwealth to be remitted through the Board.

Section 705 (Issuance of permits) insofar as the section deals with the issuance of new permits and designates the Board as the Commonwealth agency responsible for renewing permits.

Section 707 (Permit fee; permits not assignable; display of permit; term of permit) insofar as the section requires annual fees due the Commonwealth to be paid through the Board.

Section 708 (Records to be kept) insofar as the section authorizes the Board to designate new record-keeping requirements and designates the Board as the Commonwealth agency responsible for inspecting records.

Section 709 (Renewal of Permits) insofar as the section designates the Board as the Commonwealth agency responsible for the renewal of permits.

Section 710 (Permit hearings; appeals from refusal of the Board to issue or renew permits) insofar as the section deals with the issuance of new permits and designates the Board as the Commonwealth agency responsible for conducting hearings regarding the renewal of permits.

Section 711 (Procedure of appeal; record to be certified; cost of preparing record; appeal to supreme court) insofar as the section designates the Board as the Commonwealth agency responsible for representing the Commonwealth in appeals, certifying the record and receiving the payment of certain costs.

Section 7 12 (Revocation and suspension of permit) insofar as the section designates the Board as the Commonwealth agency responsible for the revocation or suspension of permits.

Section 722 (Registered agents) insofar as the section designates the Board as the Commonwealth agency with which distillery certificate brokers shall register their agents.

Section 724 (Registration and issuance of identification card) insofar as the section designates the Board as the Commonwealth agency responsible for registering the agents of distillery certificate brokers and issuing identification cards to such agents.

Section 725 (Hearings upon refusal of the board; appeals) insofar as the section deals with the issuance of new licenses and designates the Board as the Commonwealth agency responsible for conducting hearings regarding the renewal of distillery certificate broker permits.

Section 726 (Revocation and suspension of agents' registrations) insofar as the section designates the Board as the Commonwealth agency responsible for the revocation or suspension of agents' registrations.

Section 727 (Identification cards) insofar as the section designates the Board as the Commonwealth agency responsible for issuing identification cards to agents, changing registrations, receiving certain notifications and receiving surrendered identification cards.

Section 741 (Duties of Board) insofar as the section designates the Board as the Commonwealth agency responsible for the administration and enforcement of Article VI I and conducting investigations.

Section 801 (Monies paid into liquor license fund and returned to municipalities) insofar as the section designates the Board as the Commonwealth agency to which fees shall be paid and which shall make payments to municipalities and authorizes the Board to appropriate monies in the Liquor License Fund for refunds and to deduct from payments to municipalities certain amounts.

f. The Act of October 15, 1980 (P.L. 950, No. 64), known as the "Commonwealth Attorneys Act" insofar as the Act designates the Board as an independent agency and pursuant to Chapter 4 authorizes the Board to appoint and fix the compensation of counsel, authorizes counsel of the Board to assume certain duties and powers and authorizes the Board to supersede and intervene in certain actions.

g. Any other acts or parts of acts relating to the statutory functions and duties of the Board except insofar as the acts or parts thereof relate to rights vested or accrued prior to December 31, 1986, impose general penal provisions, restrictions or regulatory requirements, enact taxes or otherwise contain provisions the continuation of which is not irreconcilably inconsistent with the termination of the Board,

7. Laws Relating to Alcoholic Beverages and Intoxicating Liquors Unaffected by the Termination of the Board. All acts or parts of acts by which rights were vested or accrued prior to December 31, 1986, which impose penal provisions or general requirements or restrictions, enact taxes or which contain provisions relating to intoxicating liquors the continuation of which is not irreconcilably inconsistent with the termination of the Board are preserved in full force and effect; Such statutes preserved include, but are not limited to, the following acts or parts of acts.

a. Sections 203, 727 and 1207 of the Act of April 9, 1929 (P.L. 343, No. 1760, known as the "Fiscal Code."

b. The Act of May 5, 1933 (P.L. 284, No. 104), known as the "Malt Beverage Tax Law. "

c. The Act of December 5, 1933 (Sp.Sess. 1933-34, P.L. 38, No. 6), known as the "Spirituous and Vinous Liquor Tax Law."

d. The Act of December 20, 19__ (1933-34 Sp.Sess., P.L. 89, No. __) insofar as the act authorizes the expenditure of monies in the State Stores Fund by Commonwealth agencies other than the Board, authorizes the transfer of monies into the General Fund and requires the Governor to approve expenditures paid out of the fund.

e. The Act of December 20, 19__ (1933-34 Sp.Sess., P.L. 90, No. __) relating to the transfer and utilization of monies in the General Fund and the State Stores Fund except as terminated pursuant to Section 6 of this order.

f. The Act of June 9, 1936 (Ex. Sess., P.L. 13, No. __) imposing an Emergency Liquor Tax except as terminated pursuant to Section 6 of this order.

g. The Act of May 25, 1939 relating to the transfer of monies between the General Fund and the State Stores Fund (P.L. 191, No. 99).

h. The Act of June 24, 1939 (P.L. 806, No. 358) relating to the quota system except as terminated pursuant to Section 6 of this order.

i. The Act of April 12, 1951 (P.L. 90, No. 21), known as the "Liquor Code" as follows:

Section 101 (Short Title).

Section 102 (Definitions).

Section 103 (Saving Clause).

Section 104 (Interpretation of Act) except insofar as the Section 104(c) prohibits the manufacture of and transactions in liquor except under the control of the Board.

Section 209 (Officers and investigators of the Board to be peace officers; powers) except insofar as the section authorizes the Board to designate employes as enforcement officers.

Section 210 (Restrictions on members of the Board and employes of the Commonwealth) insofar as the section restricts the activities of employes of this Commonwealth.

Section 401 (Authority to issue liquor licenses to hotels, restaurants and clubs) insofar as the section delineates the rights and responsibilities of hotel, restaurant, club and caterer licensees.

Section 402 (License districts; license year; hearings) insofar as the section establishes times at which licensees must pay license renewal fees and grants licensees rights to hearings before examiners.

Section 403 (Applications for hotel, restaurant and club liquor licenses) insofar as the section establishes the right of licensees to transfer licenses, imposes requirements for the transfer of licenses, imposes citizenship and incorporation requirements, restricts the activities of club licensees, establishes public notice requirements and declares the making of intentional false statements to be a misdemeanor.

Section 404 (Issuance of hotel, restaurant and club licenses) insofar as the section restricts pecuniary interests in licenses, requires the posting of bonds and the payment of fees, prohibits operations within 300 feet of a church, hospital, charitable institution, school or public playground, prohibits the sale of liquid fuels or oil by licensees, prohibits activities detrimental to the public health and welfare, restricts transfers to parties convicted of felonies and imposes other requirements and conditions upon the operation of licensees and the transfer of licenses.

Section 405 (License fees) insofar as the section requires licensees to pay fees to this Commonwealth and establishes a penalty for the attempted payment of fees with dishonored checks.

Section 406 (Sales by liquor licensees; restrictions).

Section 406.1 (Secondary service area) insofar as the section requires licensees to pay fees for the use of secondary service areas, restricts the size and nature of secondary service areas and permits specified activities within secondary service areas.

Section 407 (Sale of malt or brewed beverages by liquor licensees).

Section 408 (Public service liquor licenses) insofar as the section specifies rights, responsibilities and limitations upon the activities of public service licensees, requires licensees to file monthly reports and requires the payment of fees.

Section 408.1 (Trade show or convention licenses) insofar as the section specifies rights, responsibilities and limitations upon activities of trade show and convention licenses, requires the posting of bonds and the payment of fees, authorizes the periodic renewal of licenses and the renewal of licenses upon the selection of new concessionaires and upon the reissuance of contracts.

Section 408.2 (Effect of other laws).

Section 408.2a (City-owned stadia) insofar as the section specifies the rights, responsibilities and limitations upon activities of stadia licensees, requires the posting of bonds and payment of fees, authorizes the periodic renewal of licenses and the renewal of licenses upon the selection of new concessionaires and the reissuance of contracts.

Section 408.3 (Performing arts facilities) insofar as the section specifies the rights, responsibilities and limitations upon activities of performing arts facility licensees in cities of the first and second class, requires the posting of bonds and the payment of fees, authorizes the periodic renewal of licenses and the renewal of licenses upon the selection of new concessionaires and the reissuance of contracts.

Section 408.4 (Special occasion permits) insofar as the section specifies the rights, responsibilities and limitations upon activities of persons issued special occasion permits, authorizes the issuance of special occasion permits, and establishes penalties for violation of the terms of special occasion permits.

Section 408.5 (Licenses for city-owned art museums, cities first class and art museums maintained by certain nonprofit corporations in cities of the second class) insofar as the section specifies the rights, responsibilities and limitations upon the activities of licensees, requires the posting of bonds and the payment of fees, authorizes the periodic renewal of licenses and the renewal of licenses upon the selection of new concessionaires and the reissuance of contracts.

Section 408.6 (Performing arts facilities) insofar as the section specifies the rights, responsibilities and limitations upon the activities of performing arts facility licensees in cities of the third class, requires the posting of bonds and the payment of fees, authorizes the periodic renewal of licenses and the renewal of licenses upon the selection of new concessionaires and the reissuance of contracts.

Section 408.7 (Performing arts facilities) insofar as the section authorizes performing arts facility licensees in cities of the first and second class to transfer their licenses, specifies the rights, responsibilities and limitations upon the activities of transferees, requires the posting of bonds and the payment of fees, authorizes the periodic renewal of licenses upon the selection of new concessionaires or the reissuance of contracts.

Section 408.8 (Trade show and convention licenses; cities of the third class) insofar as the section specifies the rights, responsibilities and limitations upon activities of trade show and convention licensees, requires the posting of bonds and the payment of fees, authorizes the periodic renewal of licenses and the renewal of licenses upon the selection of new concessionaires and the reissuance of contracts.

Section 408.9 (Stadium and restaurant licenses in third class cities) insofar as the section authorizes activities by restaurant licensees operating on the same parcel of land as the stadium in cities of the third class.

Section 409 (Sacramental wine license; fees; privileges; restrictions) insofar as the section delineates the privileges and restrictions upon the operation of sacramental wine licensees, requires the posting of bonds and payment of fees, provides for the revocation of licenses and establishes procedures for license revocations.

Section 410 (Liquor importers' licenses; fees; privileges; restrictions) insofar as the section delineates the privileges and restrictions upon the activities of liquor licenses and holders of warehouse permits, requires the posting of bonds and the payment of fees, imposes citizenship and incorporation requirements, requires the retention of records, provides for the revocation of licenses and establishes procedures for license revocation.

Section 411 (Interlocking business prohibited).

Section 431 (Malt and brewed beverages manufacturers', distributors' and importing distributors' licenses) insofar as the section delineates the privileges and restrictions upon the operation of manufacturers, distributors and importing distributors, requires the posting of bonds and the payment of fees, establishes citizenship and incorporation requirements and regulates business practices among licensees.

Section 432 (Malt and brewed beverages retail licenses) insofar as the section delineates the privileges and restrictions upon the operation of malt and brewed beverage licensees, requires the posting of bonds and the payment of fees, authorizes the renewal and transfer of licenses, establishes citizenship and incorporation requirements, restricts activities within certain municipalities, restricts activities within 300 feet of any church, hospital, charitable institution, school or public playground, prohibits the sale of liquid fuels or oil, prohibits practices detrimental to the public health and welfare, revokes licenses of persons convicted of felonies, requires the posting of public notices, and restricts hours and types of operations.

Section 433 (Public service licenses) insofar as the section specifies rights, responsibilities and limitations upon the activities of public service licensees, requires licensees to file monthly reports, provides for the revocation or suspension of licenses and permits parties to file appeals.

Section 433.1 (Stadium or arena permits) insofar as the section authorizes activities by holders of special permits in certain classes of municipalities and school districts and provides for privileges and restrictions upon the operation of -permit&es.

Section 434 (License year) insofar as the section designates the annual renewal period for licensees.

Section 435 (Filing of applications for distributors', importing distributors' and retail dispensers' licenses; filing fees) insofar as the section establishes procedures and imposes fees for the transfer or renewal of licenses.

Section 436 (Application for distributors', importing distributors' and retail dispensers' licenses) insofar as the section designates the content of applications to transfer licenses, restricts the activities of applicants for transfers and declares intentional false statements to be a misdemeanor.

Section 437 (Prohibitions against the grant of licenses) insofar as the section relates to the transfer, renewal and exchange of licenses and imposes quota restrictions upon the transfer of licenses.

Section 438 (Number and kind of licenses allowed same licensee).

Section 439 (Malt or brewed beverage license fees) insofar as the section requires the payment of fees to the Commonwealth for the renewal of licenses.

Section 440 (Sales by manufacturers of malt or brewed beverages; minimum quantities) except as terminated by Section 6 of this order.

Section 441 (Distributors' and importing distributors' restrictions on sales, storage, etc.).

Section 442 (Retail dispensers' restrictions on purchases and sales).

Section 443 (Interlocking businesses prohibited).

Section 444 (Malt or brewed beverages manufactured outside this Commonwealth) insofar as the section imposes fees and restrictions on out-of-state manufacturers and Pennsylvania licensees, requires compliance with reciprocal regulations or orders previously issued by the Board, declares certain beverages to be contraband and authorizes their confiscation and disposal, permits the initiation of actions to enjoin violations, imposes fines, prohibits the importation of certain beverages, declares certain violations to be misdemeanors and requires written opinions.

Section 461 (Limiting number of retail licenses to be issued in each municipality) insofar as the section permits the transfer of certain retail licenses.

Section 461.1 (Incorporated units of National Veterans' Organizations) insofar as the section defines terms, provides for the suspension or revocation of licenses and restricts transfers.

Section 462 (Licensed places may be closed during period of emergency) insofar as the Governor shall assume emergency responsibilities previously exercised by the Board and recognizes daylight savings time orders and regulations previously issued by the Board.

Section 463 (Places of amusement not to be licensed; penalty) insofar as the section restricts the activities of existing licensees, restricts the transfer of licenses and declares certain actions to be a misdemeanor.

Section 464 (Hearings upon refusal of licenses, renewals or transfers; appeals) insofar as the section requires hearings for license renewals, transfers, suspensions or revocations, establishes procedures for hearings, provides for appeals and governs jurisdiction.

Section 465 (All licensees to furnish bonds) insofar as the section imposes bonding requirements upon existing licensees and their transferees, requires a confession of judgment and authorizes the revocation and forfeiture of bonds.

Section 466 (Disposition of cash and securities upon forfeiture of bond) insofar as the section delineates certain duties of the State Treasurer.

Section 467 (Display of license).

Section 468 (Licenses not assignable; transfers) insofar as the section prohibits the assignment of licenses, authorizes and imposes restrictions, limitations and conditions upon the transfer of licenses and defines terms.

Section 469 (Applications for transfers; fees) insofar as the section requires the filing of transfer applications and the payment of fees.

Section 470 (Renewal of licenses; temporary provisions for licensees in armed forces) insofar as the section authorizes license renewals, imposes fees, requires the posting of bonds, and establishes restrictions and limitations upon license renewals.

Section 470.1 (Renewal of hotel liquor licenses; special provisions) insofar as the section restricts the transfer of certain licenses.

Section 471 (Revocation and suspension of licenses; fines) insofar as the section provides for the revocation and suspension of licenses in certain instances, designates procedures for suspensions and revocations, imposes fines, provides for appeals and governs jurisdiction.

Section 472 (Local option) except insofar as the section deals with the operation of state stores.

Section 472.1 (Clubs) insofar as the section restricts the activities of certain clubs.

Section 472.2 (Granting liquor licenses in certain municipalities) insofar as the section restricts the activities of certain licensees and limits the transfer of licenses.

Section 472.3 (Exchange of certain licenses) insofar as the section authorizes the exchange of certain licenses, imposes requirements upon the exchange of licenses and provides an exemption from the quota system.

Section 474 (Surrender of club licenses for benefit of licensees) insofar as the section allows club licenses to be surrendered for certain periods, provides for the revocation of licenses at the conclusion of such period and restricts transfers.

Section 491 (Unlawful acts relative to liquor, alcohol and liquor licenses) as follows:

Subsection (1) (Sales of liquor) insofar as the subsection restricts sales of liquor contrary to preserved sections of the Liquor Code and the provisions of this order;

Subsection (2) (Possession or transportation of liquor and alcohol) insofar as the subsection restricts the acquisition of liquor pursuant to preserved sections of the Liquor Code and the provisions of this order;

Subsection (4) (Possession and use of decanters) except insofar as the section authorizes the Board to adopt new regulations;

Subsection (5) (Failure to break empty liquor containers);

Subsection (6) (Sales by restaurant and hotel liquor licensees);

Subsection (7) (Sales by manufacturers and licensed importers) insofar as the subsection restricts sales by manufacturers and licensed importers contrary to preserved provisions of the Liquor Code and the provisions of this order;

Subsection (8) (Importation and sales of alcohol) insofar as the section applies to the importation of alcohol and restricts sales in the manner provided by preserved provisions of the Liquor Code and the requirements of this order;

Subsection (9) (Possession of alcohol) insofar as the subsection restricts the possession of alcohol to alcohol acquired in conformity with the preserved sections of the Liquor Code and the requirements of this order;

Subsection (10) (Fortifying, adultering or contaminating liquor) except insofar as the subsection authorizes the Board to adopt new regulations;

Subsection (11) (Importation of liquor);

Subsection (12) (Delivery of liquor of certain licensees); and

Subsection (14) (Offering commission or gift to members of the Board or state employe).

Section 492 (Unlawful acts relative to malt or brewed beverages and licensees) except as terminated by Section 6 of this order.

Section 493 (Unlawful acts relative to liquor, malt and brewed beverages and licensees) except as terminated by Section 6 of this order.

Section 494 (Penalties).

Section 495 (Identification cards) insofar as the section permits the use of identification cards previously issued by the Board, allows the use of photo drivers' license or identification cards issued by the Department of Transportation, requires licensees to maintain certain files, requires the presentation of identification cards or the completion of an alternative identification certificates, declares certain acts to be unlawful and imposes penalties and provides certain defenses in civil and criminal prosecutions,

Section 497 (Liability of licensees).

Section 501 (License required),

Section 502 (Exceptions) except as terminated by Section 6 of this order.

Section 502.1 (Production of denatured ethyl alcohol) insofar as the section permits certain persons to manufacture, distill, hold in storage or use denatured ethyl alcohol, requires the payment of an annual fee to the Commonwealth, restricts the sale of denatured ethyl alcohol, requires the maintenance of records and the filing of reports with the Commonwealth and establishes penalties for violations.

Section 503 (Qualifications for license).

Section 504 (Applications; filing fees) insofar as the section applies to the renewal of existing licenses and the issuance of new denatured ethyl alcohol licenses.

Section 505 (Licenses issued) insofar as the section applies to the renewal of existing licenses.

Section 505.1 (Bonded warehouse license privilege restrictions).

Section 505.2 (Limited wineries) except as terminated by Section 6 of this order.

Section 505.3 (Distilleries) except as terminated by Section 6 of this order.

Section 506 (Bond required) except as terminated by Section 6 of this order.

Section 507 (Hearings upon refusal of licenses) insofar as the section provides for hearings regarding the renewal of licenses and establishes the procedure for such hearings.

Section 508 (License fees).

Section 509 (License must be posted; business hours) except as terminated by Section 6 of this order.

Section 510 (Containers to be labeled).

Section 511 (License to specify each place authorized for use).

Section 512 (Records to be kept) except as terminated by Section 6 of this order.

Section 513 (Premises and records subject to inspection) except as terminated by Section 6 of this order.

Section 514 (Suspension and revocation of licenses) insofar as the section provides for suspensions and revocations, requires hearings and bond forfeiture and establishes procedures for revocation and suspension proceedings.

Section 515 (Appeals) insofar as the section establishes a procedure for appealing license suspensions, revocations or non-renewals.

Section 516 (Compromise penalty in lieu of suspension) insofar as the section allows the Commonwealth to accept a compromise penalty.

Section 517 (Expiration of license renewals) insofar as the section provides for the expiration and renewal of licenses and requires licensees to file with the Commonwealth notice of changes of corporate officers.

Section 518 (Unlawful acts).

Section 519 (Penalties) except as terminated by Section 6 of this order.

Article VI, Subdivision (A) (Forfeitures) except insofar as the subdivision designates the Board as the agency with discretion regarding the initiation of forfeiture proceedings.

Article VI, Subdivision (B) (Nuisances).

Section 701 (Definitions and interpretation).

Section 702 (Unlawful to act as a distillery certificate broker or to buy or sell distillery bonded warehouse certificate without permit).

Section 703 (Authority to issue permits to distillery certificate brokers) insofar as the section deals with the renewal of previously issued permits.

Section 704 (Application for permit; filing fee) insofar as the section applies to the renewal of permits, imposes fees, establishes application requirements and declares certain offenses to be a misdemeanor.

Section 705 (Issuance of permits) insofar as the section establishes requirements for the renewal of permits.

Section 706 (Office of place of business to be maintained).

Section 707 (Permit fee, permits not assignable or transferable; term of permit) except as terminated pursuant to Section 6 of this order.

Section 708 (Records to be kept) except as terminated pursuant to Section 6 of this order.

Section 709 (Renewal of permits) except as terminated pursuant to Section 6 of this order.

Section 710 (Permit hearings; appeals from refusal of the Board to issue or renew permits) insofar as the section authorizes hearings regarding the renewal of permits and establishes procedures for the conduct of hearings.

Section 711 (Procedure of appeal; record to be certified; cost of preparing record; appeal to supreme court) except as terminated pursuant to Section 6 of this order.

Section 712 (Revocation and suspension of permit) except as terminated pursuant to Section 6 of this order.

Section 722 (Registered agents) except as terminated pursuant to Section 6 of this order.

Section 723 (Registration fee).

Section 724 (Registration and issuance of identification card) except as terminated pursuant to Section 6 of this order.

Section 725 (Hearings upon refusal of Board; appeals) insofar as the section requires a hearing upon the nonrenewal of a distillery certificate brokers' permit.

Section 726 (Revocation and suspension of agents' registrations) except as terminated pursuant to Section 6 of this order.

Section 727 (Identification cards) except as terminated pursuant to Section 6 of this order.

Article VII, Subdivision (D) (Exemptions).

Section 741 (Duties of Board) insofar as the duties specified in the section are transferred to another agency pursuant to this order.

Section 751 (Penalties).

Section **801** (Monies paid into liquor license fund and returned to municipalities) insofar as the section requires fees to be paid into the Liquor License Fund, authorizes the payment of monies to certain municipalities and authorizes the use of monies in the fund for refunds.

Section 802 (Monies paid into the state stores fund for use of the Commonwealth).

Section 803 (Alcohol tax monies paid into General Fund).

Section 902 (General repeal clause).

J. Sections 201 and 204 of the Act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971."