

# Comments of the Independent Regulatory Review Commission



## Pennsylvania Liquor Control Board Regulation #54-81 (IRRC #3086)

### Economic Development Licenses

February 4, 2015

We submit for your consideration the following comments on the proposed rulemaking published in the December 6, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

#### **1. Section 3.105. Quarterly filing of applications and application hearings. – Clarity.**

This proposed rulemaking establishes the type of evidence an applicant seeking an economic development license must submit to the Board to demonstrate that it has exhausted reasonable means to find a suitable license within the existing county quota law. Under Subsection (e)(1)(3), an applicant must provide, “An explanation as to why it is not economically feasible for the applicant business to pay the amount requested for an existing restaurant liquor or eating place retail dispenser license.” The Pennsylvania State Association of Township Supervisors submitted comments contending that this requirement is vague because it does not specify what the Board would consider to be economically feasible or not. We agree that this provision lacks clarity and suggest that the final-form regulation be amended to set forth the criteria an applicant must meet to prove that buying an existing license is not economically feasible.

#### **2. Implementation procedures; Timetables for compliance; Extent to which reports, forms or other paperwork are required.**

In order for this Commission to evaluate the effort that will be required for an applicant to comply with this rulemaking, we request the following information related to the number of licenses in each county of the Commonwealth:

- The number of active restaurant liquor licenses;
- The number of restaurant liquor licenses in safekeeping;
- The number of active eating place retail dispenser licenses; and
- The number of active eating place retail dispenser licenses in safekeeping.