S.251

Introduced by Senators Baruth and Degree

Referred to Committee on

Date:

Subject: Alcoholic beverages; Liquor Control Board; Commissioner of Liquor Control; Department of Liquor Control

Statement of purpose of bill as introduced: This bill proposes to limit Liquor Control Board members to a maximum of two five-year terms; to establish the number of Board members necessary for a quorum and for the Board to take action; to provide for the appointment of the Commissioner of Liquor Control by the Governor from a pool of candidates proposed by the Liquor Control Board; and to direct the Legislative Council, in consultation with the Board, Department, and Attorney General, to prepare a draft bill that would reorganize and clarify the statutory provisions of Title 7.

An act relating to the Commissioner of Liquor Control and the Liquor Control Board
It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 7 V.S.A. § 101 is amended to read:

§ 101. COMPOSITION OF DEPARTMENT; COMMISSIONER OF
LIQUOR CONTROL; LIQUOR CONTROL BOARD

(a) The Department of Liquor Control, created by 3 V.S.A. § 212, shall include the Commissioner of Liquor Control and the Liquor Control Board.

(b)(1) The Liquor Control Board shall consist of five persons, not more than three members of which shall belong to the same political party.

   (2)(A) Biennially, with the advice and consent of the Senate, the Governor shall appoint a person as a member of such the Board for a staggered five-year term, whose staggered five-year terms.

   (B) The Governor shall fill a vacancy occurring during a term by an appointment for the unexpired term in accordance with the provisions of 3 V.S.A. § 257(b).

   (C) A member’s term of office shall commence on February 1 of the year in which such appointment is made the member is appointed.

   (3) A member of the Board may serve for no more than two terms.

   (4) The Governor shall biennially designate a member of such the Board to be its Chair.

   (c)(1) A majority of the members of the Board shall constitute a quorum.
Action of the Board shall be taken upon a majority vote of the Board members present and voting at a meeting.

Sec. 2. 7 V.S.A. § 106 is amended to read:

§ 106. COMMISSIONER OF LIQUOR CONTROL; REPORTS; RECOMMENDATIONS

The board shall employ an executive officer, who shall be the secretary of the board and shall be called the commissioner of liquor control. The commissioner shall be appointed for an indefinite period and shall be subject to removal upon the majority vote of the entire board. At such times and in such detail as the board directs, the commissioner shall make reports to the board concerning the liquor distribution system of the state, together with such recommendations as he deems proper for the promotion of the general good of the state.

(a)(1) With the advice and consent of the Senate, the Governor shall appoint from among no fewer than three candidates proposed by the Liquor Control Board a Commissioner of Liquor Control for a term of four years.

(2) The Board shall review the applicants for the position of Commissioner of Liquor Control and by a vote of the majority of the members of the Board shall select candidates to propose to the Governor. The Board shall consider each applicant’s administrative expertise and his or her
knowledge regarding the business of distributing and selling alcoholic beverages.

(b) The Commissioner shall serve at the pleasure of the Governor until the end of the term for which he or she is appointed or until a successor is appointed.

Sec. 3. 7 V.S.A. § 107 is amended to read:

§ 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL

The Commissioner of Liquor Control shall:

(1) In towns which vote to permit the sale of spirits and fortified wines, establish such number of local agencies therein as the Board shall determine, enter into agreements for the rental of necessary and adequate quarters, and employ suitable assistants for the operation thereof. However, it shall not be obligatory upon the Liquor Control Board to establish an agency in every town which votes to permit the sale of spirits and fortified wines.

(2) Make regulations, Recommend rules subject to the approval of and adoption by the Board governing the hours during which such local agencies shall be open for the sale of spirits and fortified wines and governing the qualifications, deportment, and salaries of the agencies’ employees, and the business, operational, financial, and revenue standards that must be met for the establishment of an agency and its continued operation.
(3) Make regulations recommend rules subject to the approval of and
adoption by the Board governing:

(A) the prices at which spirits shall be sold by local agencies, the
method for their delivery, and the quantities of spirits that may be sold to any
one person at any one time; and

(B) the minimum prices at which fortified wines shall be sold by
local agencies and second-class licensees that hold fortified wine permits, the
method for their delivery, and the quantities of fortified wines that may be sold
to any one person at any one time.

(4) Supervise the quantities and qualities of spirits and fortified wines to
be kept as stock in local agencies and make regulations recommend rules
subject to the approval of and adoption by the Board regarding the filling of
requisitions therefor on the Commissioner of Liquor Control.

(5) Purchase through the Commissioner of Buildings and General
Services spirits and fortified wines for and in behalf of the Liquor Control
Board, supervise the their storage thereof and the distribution to local agencies,
and, licensees of the third-class, third-class licensees, and holders of
fortified wine permits, and make regulations recommend rules subject to the
approval of and adoption by the Board regarding the sale and delivery from the
central storage plant.
(6) Check and audit the income and disbursements of all local agencies; and the central storage plant.

(7) [Repealed.]

(8) Devise methods and plans for eradicating intemperance and promoting the general good of the State and make effective such methods and plans as part of the administration of this title.

Sec. 4. RULEMAKING

On or before January 1, 2017, the Commissioner shall prepare and submit to the Liquor Control Board for its approval and adoption his or her recommendation for rules to govern the business, operational, financial, and revenue standards for local agencies as necessary to implement this act.

Sec. 5. LEGISLATIVE COUNCIL; DRAFT LEGISLATION

On or before January 15, 2017, the Legislative Council, in consultation with the Commissioner of Liquor Control, the Liquor Control Board, and the Office of the Attorney General, shall prepare and submit a draft bill to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs that makes statutory amendments of a technical nature to improve the clarity of Title 7 through the reorganization of its provisions and the modernization of its statutory language. The draft bill shall also identify all statutory sections of Title 7 that the General Assembly must amend substantively in order to
remove out-of-date and obsolete provisions or to more accurately reflect the current practices and programs of the Liquor Control Board and the Department of Liquor Control.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2016.