

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House Bill
3 No. 252 entitled “An act relating to establishing the Agency of Controlled
4 Substances” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. TRANSFER OF POSITIONS AND ASSOCIATED
8 APPROPRIATIONS FROM THE DEPARTMENT OF LIQUOR
9 CONTROL TO THE DEPARTMENT OF PUBLIC SAFETY;
10 LEGISLATIVE INTENT; DRAFT LEGISLATION

11 (a) On the effective date of this act, all of the positions in the Department
12 of Liquor Control’s Division of Education, Licensing, and Enforcement, and
13 the appropriations associated with those positions, are transferred from the
14 Department of Liquor Control to the Department of Public Safety. These
15 positions include:

16 (A) one (1) Liquor Control Training Specialist;

17 (B) one (1) Director of Enforcement;

18 (C) one (1) Administrative Secretary;

19 (D) one (1) Executive Office Manager;

20 (E) one (1) Program Technician I;

21 (F) five (5) Investigator Supervisors;

1 (G) ten (10) Liquor Investigators;

2 (H) one (1) Administrative Assistant A;

3 (I) one (1) FDA Program Coordinator; and

4 (J) one (1) FDA Program Assistant.

5 (b) It is the intent of the General Assembly that the Department of Liquor
6 Control and the Liquor Control Board shall no longer employ the positions set
7 forth in subsection (a) of this section, and that any references in the law to any
8 of those positions in the Department of Liquor Control or the Liquor Control
9 Board shall be meant to refer to positions within the Department of Public
10 Safety.

11 (c) On or before January 15, 2016, the Office of Legislative Council shall
12 draft legislation that would amend the Vermont Statutes Annotated in
13 accordance with the provisions of this section.

14 Sec. 2. 7 V.S.A. § 104 is amended to read:

15 § 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

16 The Board shall have supervision and management of the sale of spirituous
17 liquors within the State in accordance with the provisions of this title, and
18 through the Commissioner of Liquor Control shall:

19 (1) ~~See that the laws relating to intoxicating liquor and to the~~
20 ~~manufacture, sale, transportation, barter, furnishing, importation, exportation,~~
21 ~~delivery, prescription and possession of malt and vinous beverages, spirituous~~

1 ~~liquors and alcohol by licensees and others are enforced, using for that purpose~~
2 ~~such of the monies annually available to the Liquor Control Board as may be~~
3 ~~necessary. However, the Liquor Control Board and its agents and inspectors~~
4 ~~shall act in this respect in collaboration with sheriffs, deputy sheriffs,~~
5 ~~constables, officers, and members of village and city police forces, control~~
6 ~~commissioners, the Attorney General, state's attorneys, and town and city~~
7 ~~grand jurors. When the Board acts to enforce any section of this title or any~~
8 ~~administrative rule or regulation relating to sale to minors, its investigation on~~
9 ~~the alleged violation shall be forwarded to the Attorney General or the~~
10 ~~appropriate state's attorney whether or not there is an administrative finding of~~
11 ~~wrongdoing. Nothing in this section shall be deemed to affect the~~
12 ~~responsibility or duties of such enforcement officers or agencies with respect to~~
13 ~~the enforcement of such laws. The Commissioner or his or her designee is~~
14 ~~authorized to prosecute~~ Prosecute administrative matters under this section ~~and~~
15 ~~shall have~~ through the Commissioner or his or her designee, which shall
16 include the authority to enter into direct negotiations with a licensee to reach a
17 proposed resolution or settlement of an alleged violation, subject to Board
18 approval, or dismissal with or without prejudice. When a prosecution relates
19 to the sale of alcohol to minors, the Board shall forward the alleged violation to
20 the Attorney General or the appropriate State's Attorney, regardless of whether
21 there is an administrative finding of wrongdoing.

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Sec. 3. 7 V.S.A. § 571 is amended to read:

§ 571. SEARCH OF VEHICLE OR CRAFT WITHOUT WARRANT

(a) If a sheriff, deputy sheriff, constable, police officer, ~~commissioner of liquor control or inspector duly acting for the liquor control board, Department of Public Safety liquor control investigator, or state police~~ State Police officer has reason to believe and does believe, that a person is engaged in the act of smuggling, delivering, or transporting, in violation of law, malt or vinous beverages, spirituous liquors, or alcohol in any wagon, buggy, automobile, motor vehicle, air or water craft, or other vehicle, he or she shall search for and seize without warrant, malt or vinous beverages, spirituous liquors, or alcohol found therein being smuggled, delivered, or transported contrary to law.

(b) Whenever malt or vinous beverages ~~or~~, spirituous liquors, or alcohol, transported unlawfully or alcohol possessed illegally shall be seized by such officer, he or she shall take possession of the vehicle, team, automobile, boat, air or water craft, or other conveyance and shall arrest the person in charge thereof.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

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2 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE