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2	The Committee on Finance to which was referred Senate Bill No. 138
3	entitled "An act relating to promoting economic development" respectfully
4	reports that it has considered the same and recommends that the bill be
5	amended as follows:
6	First: By striking out in their entirety Secs. 1–4 (Vermont employment
7	growth incentive); 20 (angel investor tax credit; millennial enterprise zone tax
8	credit); and 21 (down payment assistance program)
9	Second: By striking out in their entirety Secs. 50–57 (fortified wines) and
10	inserting in lieu thereof new Secs. 50-61 to read:
11	Sec. 50. 7 V.S.A. § 2 is amended to read:
12	§ 2. DEFINITIONS
13	The following words as used in this title, unless a contrary meaning is
14	required by the context, shall have the following meaning:

15 ***

(15) "Manufacturer's or rectifier's license": a license granted by the Liquor Control Board that permits the holder to manufacture or rectify spirituous liquors spirits or fortified wines for export and sale to the Liquor Control Board, or malt beverages and vinous beverages for export and sale to bottlers or wholesale dealers. This license permits a manufacturer of vinous beverages or fortified wines to receive from another manufacturer licensed in

or outside this state State bulk shipments of vinous beverages to rectify with
the licensee's own product, provided that the vinous beverages or fortified
wines produced by a Vermont manufacturer may contain no more than
25 percent imported vinous beverage. The Liquor Control Board may grant to
a licensed manufacturer or rectifier a first-class restaurant or cabaret license or
first- and third-class restaurant or cabaret license permitting the licensee to sell
alcoholic beverages to the public only at the manufacturer's premises, which,
for the purposes of a manufacturer of malt beverages, includes up to two
licensed establishments that are located on the contiguous real estate of the
holder of the manufacturer's license, provided the manufacturer owns or has
direct control over those establishments. A manufacturer of malt beverages
who also holds a first-class restaurant or cabaret license may serve to a
customer malt beverage by the glass, not to exceed eight glasses at one time
and not to exceed four ounces in each glass. The Liquor Control Board may
grant to a licensed manufacturer or a rectifier of malt beverages a second-class
license permitting the licensee to sell alcoholic beverages to the public
anywhere on the manufacturer's or rectifier's premises. A licensed
manufacturer or rectifier of vinous beverages may serve, with or without
charge, at an event held on premises of the licensee or the vineyard property,
spirits and vinous and malt beverages, provided the licensee gives the
Department written notice of the event, including details required by the

1	Department, at least five days before the event. Any beverages not
2	manufactured by the licensee and served at the event shall be purchased on
3	invoice from a licensed manufacturer or wholesale dealer or the Liquor Control
4	Board.

5 ***

- (19) "Second-class license": a license granted by the control commissioners permitting the licensee to export malt or vinous beverages and to sell malt or vinous beverages to the public for consumption off the premises for which the license is granted. The Liquor Control Board may grant a second-class licensee a fortified wine permit that permits the licensee to export and to sell fortified wines to the public for consumption off the licensed premises.
- (20) "Spirits" or "spirituous liquors": beverages that contain more than one percent of alcohol obtained by distillation, by chemical synthesis, or through concentration by freezing; and vinous beverages containing more than 16 23 percent of alcohol; and all vermouths of any alcohol content; malt beverages containing more than 16 percent of alcohol or more than six percent of alcohol if the terminal specific gravity thereof is less than 1.009; in each case measured by volume at 60 degrees Fahrenheit.

20 ***

(22) "Third-class license": a license granted by the Liquor Control

Board permitting the licensee to sell spirituous liquors spirits and fortified

wines for consumption only on the premises for which the license is granted.

(23) "Vinous beverages": all fermented beverages of any name or description manufactured or obtained for sale from the natural sugar content of fruits, or other agricultural product, containing sugar, the alcoholic content of which is not less than one percent nor more than 16 percent by volume at 60 degrees Fahrenheit, except that all vermouths shall be purchased and retailed by and through the Liquor Control Board as authorized in chapters 5 and 7 of this title.

11 ***

(28) "Fourth-class license" or "farmers' market license": the license granted by the Liquor Control Board permitting a manufacturer or rectifier of malt or beverages, vinous beverages, fortified wines, or spirits to sell by the unopened container and distribute, by the glass, with or without charge, beverages manufactured by the licensee. No more than a combined total of ten fourth-class and farmers' market licenses may be granted to a licensed manufacturer or rectifier. At only one fourth-class license location, a manufacturer or rectifier of vinous beverages, malt beverages, fortified wines, or spirits may sell by the unopened container and distribute by the glass, with or without charge, vinous beverages, malt beverages, fortified wines, or spirits

produced by no more than five additional manufacturers or rectifiers, provided
these beverages are purchased on invoice from the manufacturer or rectifier. A
manufacturer or rectifier of vinous beverages, malt beverages, fortified wines,
or spirits may sell its product to no more than five additional manufacturers or
rectifiers. A fourth-class licensee may distribute by the glass no more than two
ounces of malt or vinous beverage with a total of eight ounces to each retail
customer and no more than one-quarter ounce of spirits or fortified wine with a
total of one ounce to each retail customer for consumption on the
manufacturer's premises or at a farmers' market. A farmers' market license is
valid for all dates of operation for a specific farmers' market location.
* * *
(38) "Fortified wines": vinous beverages, including those to which
spirits have been added during manufacture, containing at least 16 percent
alcohol but no more than 23 percent alcohol by volume at 60 degrees
Fahrenheit, and all vermouths containing no more than 23 percent alcohol by
volume at 60 degrees Fahrenheit.
Sec. 51. 7 V.S.A. § 104 us amended to read:

provisions of this title, and through the Commissioner of Liquor Control shall:

liquors spirits and fortified wines within the State in accordance with the

§ 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

The Board shall have supervision and management of the sale of spirituous

1	* * *
2	Sec. 52. 7 V.S.A. § 107 is amended to read:
3	§ 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL
4	The commissioner of liquor control Commissioner of Liquor Control shall:
5	* * *
6	(2) Make regulations subject to the approval of the board Board
7	governing the hours during which such agencies shall be open for the sale of
8	spirituous liquors, spirits and fortified wines and governing the qualifications
9	and, deportment, and salaries of the agencies' employees therein and the
10	salaries thereof.
11	(3) Make regulations subject to the approval of the board Board
12	governing:
13	(A) the prices at which spirituous liquors spirits shall be sold in such
14	by local agencies, and the method of for their delivery thereof, and the
15	quantities of spirituous liquors to spirits that may be sold to any one person at
16	any one time; and
17	(B) the minimum prices at which fortified wines shall be sold by
18	local agencies and second-class licensees that hold fortified wine permits, the
19	method for their delivery, and the quantities of fortified wines that may be sold
20	to any one person at any one time.

1	(4) Supervise the quantities and qualities of spirituous liquor spirits and
2	fortified wines to be kept as stock in such local agency agencies and make
3	regulations subject to the approval of the board Board regarding the filling of
4	requisitions therefor on the commissioner of liquor control Commissioner of
5	<u>Liquor Control</u> .
6	(5) Purchase through the commissioner of buildings and general services
7	spirituous liquors Commissioner of Buildings and General Services spirits and
8	fortified wines for and in behalf of the liquor control board Liquor Control
9	Board, supervise the storage thereof and the distribution to local agencies,
10	druggists and, licensees of the third class, and holders of fortified wine permits,
11	and make regulations subject to the approval of the board Board regarding the
12	sale and delivery from such the central storage plant.
13	* * *
14	Sec. 53. 7 V.S.A. § 110 is amended to read:
15	§ 110. SPECIAL BRANDS; PURCHASE BY COMMISSIONER OF
16	LIQUOR CONTROL
17	If any person shall desire to purchase any class, variety, or brand of
18	spirituous liquor spirits or fortified wine which any local agency or fortified
19	wine permit holder does not have in stock, the commissioner of liquor control
20	Commissioner of Liquor Control shall order the same through the
21	commissioner of buildings and general services Commissioner of Buildings

1	and General Services upon the payment of a reasonable deposit by the
2	purchaser in such proportion of the approximate cost of the order as shall be
3	prescribed by the regulations of the liquor control board Liquor Control Board.
4	Sec. 54. 7 V.S.A. § 112 is amended as follows:
5	§ 112. LIQUOR CONTROL FUND
6	The liquor control fund Liquor Control Fund is hereby established. It shall
7	consist of all receipts from the sale of spirits, fortified wines, and other items
8	by the department of liquor control Department of Liquor Control; fees paid to
9	the department of liquor control Department of Liquor Control for the benefit
10	of the department Department; all other amounts received by the department of
11	liquor control Department of Liquor Control for its benefit; and all amounts
12	which that are from time to time appropriated to the department of liquor
13	control Department of Liquor Control.
14	Sec. 55. 7 V.S.A. § 222 is amended to read:
15	§ 222. FIRST- AND SECOND-CLASS LICENSES, GRANTING OF; SALE
16	TO MINORS; CONTRACTING FOR FOOD SERVICE
17	With the approval of the Liquor Control Board, the control commissioners
18	may grant the following licenses to a retail dealer for the premises where the
19	dealer carries on business the following:
20	* * *

(2) Upon making application and, paying the license fee provided in
section 231 of this title, and upon satisfying the Board that such premises are
leased, rented, or owned by the retail dealer and are a safe, sanitary, and proper
place from which to sell malt and vinous beverages, a second-class license for
the premises where such dealer shall carry on the business, which shall
authorize such dealer to export malt and vinous beverages, and to sell malt and
vinous beverages to the public from such premises for consumption off the
premises and upon satisfying the Board that such premises are leased, rented,
or owned by such retail dealers and are safe, sanitary, and a proper place from
which to sell malt and vinous beverages. A retail dealer carrying on business
in more than one place shall be required to acquire a second-class license for
each place where he or she shall so sell the retail dealer sells malt and vinous
beverages. No malt or vinous beverages shall be sold by a second-class
licensee to a minor.
* * *

- (5)(A) The holder of a first-class license may serve a sampler flight of up to 32 ounces in the aggregate of malt beverages to a single customer at one time.
- (B) The holder of a first-class license may serve a sampler flight of up to 12 ounces in the aggregate of vinous beverages to a single customer at one time.

1	(C) The holder of a third-class license may serve a sampler flight of
2	up to four ounces in the aggregate of spirituous liquors spirits or fortified wines
3	to a single customer at one time.
4	(6) The Liquor Control Board may grant a fortified wine permit to a
5	second-class licensee if the licensee files an application accompanied by the
6	license fee as provided in section 231 of this title. The holder of a fortified
7	wine permit may sell fortified wines to the public from the licensed premises
8	for consumption off the premises. The Liquor Control Board shall issue no
9	more than 150 fortified wine permits in any single year. The holder of a
10	fortified wine permit shall purchase all fortified wines to be offered for sale to
11	the public pursuant to the permit through the Liquor Control Board at a price
12	equal to no more than 75 percent of the current retail price for the fortified
13	wine established by the Commissioner pursuant to subdivision 107(3)(B) of
14	this title.
15	Sec. 56. 7 V.S.A. § 224 is amended to read:
16	§ 224. THIRD-CLASS THIRD-CLASS LICENSES; OPEN CONTAINERS
17	(a) The liquor control board Liquor Control Board may grant to a person
18	who operates a hotel, restaurant, cabaret, or club a license of the third class if
19	the person files an application accompanied by the license fee as provided in
20	section 231 of this title for the premises in which the business of the hotel,
21	restaurant, cabaret, or club is carried on. The holder of a third-class third-class

license may sell spirituous liquors spirits and fortified wines for consumption only on the premises covered by the license. The applicant for a third-class third-class license shall satisfy the liquor control board Liquor Control Board that the applicant is the bona fide owner or lessee of the premises and that the premises are operated for the purpose covered by the license.

6 ***

- (c) A person who holds a third-class third-class license shall purchase from the liquor control board Liquor Control Board all spirituous liquors spirits and fortified wines dispensed in accordance with the provisions of the third-class third-class license and this title.
- 11 Sec. 57. 7 V.S.A. § 225 is amended to read:
- 12 § 225. EDUCATIONAL SAMPLING EVENT PERMIT
 - (a) The liquor control board Liquor Control Board may grant an educational sampling event permit to a person to conduct an event that is open to the public and at which malt beverages, vinous beverages, fortified wines, or spirituous liquors spirits, or all three four are served only for the purposes of marketing and educational sampling, provided the event is also approved by the local licensing authority. At least 15 days prior to the event, an applicant shall submit an application to the department Department in a form required by the department Department. The application shall include a list of the alcoholic beverages to be acquired for sampling at the event, and the

1	application shall be accompanied by a fee in the amount required pursuant to
2	section 231 of this title. No more than four educational sampling event permits
3	shall be issued annually to the same person. An educational sampling event
4	permit shall be valid for no more than four consecutive days. The permit
5	holder shall assure ensure all the following:
6	* * *
7	(b) An educational sampling event permit holder:
8	* * *
9	(2) May transport malt beverages, vinous beverages, fortified wines, and
10	spirituous liquors spirits to the event site, and those beverages may be served at
11	the event by the permit holder or the holder's employees, volunteers, or
12	representatives of a manufacturer, bottler, or importer participating in the
13	event, provided they meet the server age and training requirements under this
14	chapter.
15	(3) [Deleted.] [Repealed.]
16	* * *
17	(d) Taxes for the alcoholic beverages served at the event shall be paid as
18	follows:
19	* * *
20	(3) Spirituous liquors: \$19.80 per gallon served.
21	(4) Fortified wines: \$19.80 per gallon served.

1	Sec. 58. 7 V.S.A. § 231 is amended to read:
2	§ 231. FEES FOR LICENSES AND PERMITS; DISPOSITION OF FEES
3	(a) The following fees shall be paid:
4	* * *
5	(23) For a fortified wine permit, \$100.00.
6	* * *
7	Sec. 59. 7 V.S.A. § 422 is amended to read:
8	§ 422. TAX ON SPIRITUOUS LIQUOR
9	(a) A tax is assessed on the gross revenue on from the retail sale of
10	spirituous liquor spirits and fortified wines in the State of Vermont, including
11	fortified wine, sold by the Liquor Control Board, or sold by the retail sale of
12	spirits and fortified wines in Vermont by a manufacturer or rectifier of
13	spirituous liquor spirits or fortified wines, in accordance with the provisions of
14	this title. The tax shall be at the following rates based on the gross revenue of
15	the retail sales by the seller in the current year:
16	(1) if the gross revenue of the seller is \$500,000.00 or lower, the rate of
17	tax is five percent;
18	(2) if the gross revenue of the seller is between \$500,000.00 and
19	\$750,000.00, the rate of tax is \$25,000.00 plus 10 percent of the gross revenues
20	over \$500,000.00;

1	(3) if the gross revenue of the seller is over \$750,000.00 or more, the
2	rate of tax is 25 percent.
3	* * *
4	Sec. 60. STATUTORY REVISION
5	The Legislative Council, in its statutory revision capacity pursuant to
6	2 V.S.A. § 424, is authorized to correct instances of the words "spirituous
7	liquors" and "spirits" appearing in Title 7 of the Vermont Statutes Annotated
8	to "spirits and fortified wines" as necessary to implement the intent of the
9	revisions to 7 V.S.A. § 2 in this act.
10	* * *
11	Sec. 61. STUDY; REPORT
12	(a) On or before January 15, 2018, the Commissioner of Liquor Control, in
13	consultation with the holders of second-class licenses and fortified wine
14	permits, shall evaluate whether the number of fortified wine permits issued
15	pursuant to 7 V.S.A. § 222 is sufficient, and how the issuance of fortified wine
16	permits has affected the sales of fortified wines in Vermont and the variety of
17	fortified wines available to Vermont consumers.
18	(b) The Commissioner of Liquor Control shall report to the House
19	Committee on General, Housing and Military Affairs and the Senate
20	Committee on Economic Development, Housing and General Affairs regarding
21	his or her findings on or before January 15, 2018. The Commissioner's report

1	shall include a recommendation regarding the appropriate number of fortified
2	wine permits to be issued pursuant to 7 V.S.A. § 222.
3	Third: By striking out in its entirety Sec. 100 (effective dates) and inserting
4	in lieu thereof a new Sec. 100 to read:
5	Sec. 100. EFFECTIVE DATE
6	This act shall take effect on July 1, 2015.
7	and by renumbering the remaining sections and any internal cross-references to
8	be numerically correct.
9	
10	(Committee vote:)
11	
12	Senator
13	FOR THE COMMITTEE