

1 Introduced by

2 Referred to Committee on

3 Date:

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

5 Control; Department of Liquor Control

6 Statement of purpose of bill as introduced: This bill proposes to limit Liquor
7 Control Board members to no more than two consecutive five-year terms; to
8 provide for the appointment of the Commissioner of Liquor Control by the
9 Governor from a pool of candidates proposed by the Liquor Control Board;
10 and to direct Legislative Council, in consultation with the Board, Department,
11 and Attorney General, to prepare a draft bill that would reorganize and clarify
12 the statutory provisions of Title 7.

13 An act relating to the Commissioner of Liquor Control and the Liquor
14 Control Board

15 It is hereby enacted by the General Assembly of the State of Vermont:

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

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

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

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

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

6 (B) The Governor shall fill a vacancy occurring during a term by an
7 appointment for the unexpired term in accordance with the provisions of
8 3 V.S.A. § 257(b).

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

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

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

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

16 § 106. COMMISSIONER OF LIQUOR CONTROL; REPORTS;
17 RECOMMENDATIONS

18 ~~The board shall employ an executive officer, who shall be the secretary of~~
19 ~~the board and shall be called the commissioner of liquor control. The~~
20 ~~commissioner shall be appointed for an indefinite period and shall be subject to~~
21 ~~removal upon the majority vote of the entire board. At such times and in such~~

1 ~~detail as the board directs, the commissioner shall make reports to the board~~
2 ~~concerning the liquor distribution system of the state, together with such~~
3 ~~recommendations as he deems proper for the promotion of the general good of~~
4 ~~the state.~~

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

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

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

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

18 § 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL

19 The Commissioner of Liquor Control shall:

20 (1) In towns ~~which~~ that vote to permit the sale of spirits and fortified
21 wines, establish ~~such number of~~ local agencies ~~therein~~ as the Board shall

1 determine, ~~enter into agreements for the rental of necessary and adequate~~
2 ~~quarters, and employ suitable assistants for the operation thereof.~~ However, it
3 ~~shall not be obligatory upon~~ the Liquor Control Board shall not be obligated to
4 establish an agency in every town ~~which~~ that votes to permit the sale of spirits
5 and fortified wines.

6 (2) ~~Make regulations~~ Recommend rules subject to the approval of and
7 adoption by the Board governing the hours during which ~~such~~ local agencies
8 shall be open for the sale of spirits and fortified wines ~~and governing,~~ the
9 qualifications, ~~department, and salaries~~ of the agencies' employees, and the
10 business, operational, financial, and revenue standards that must be met for the
11 establishment of an agency and its continued operation.

12 (3) ~~Make regulations~~ Recommend rules subject to the approval of and
13 adoption by the Board governing:

14 (A) the prices at which spirits shall be sold by local agencies, the
15 method for their delivery, and the quantities of spirits that may be sold to any
16 one person at 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 spirits and fortified wines to
2 be kept as stock in local agencies and ~~make regulations~~ recommend rules
3 subject to ~~the approval of~~ and adoption by the Board regarding the filling of
4 requisitions therefor on the Commissioner of Liquor Control.

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

12 (6) Check and audit the income and disbursements of all local agencies;
13 and the central storage plant.

14 (7) [Repealed.]

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

18 **Sec. 4. RULEMAKING**

19 On or before July 1, 2017, the Commissioner shall prepare and submit to
20 the Liquor Control Board for its approval and adoption his or her

1 recommendation for rules to govern the business, operational, financial, and
2 revenue standards for local agencies as necessary to implement this act.

3 Sec. 5. LEGISLATIVE COUNCIL; DRAFT LEGISLATION

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

16 Sec. 6. 7 V.S.A. § 102 is amended to read:

17 § 102. REMOVAL

18 After Notwithstanding any provision of 3 V.S.A. § 2004 to the contrary,
19 after notice and hearing, the ~~governor~~ Governor may remove a member of the
20 liquor control board Liquor Control Board for incompetency, failure to
21 discharge his or her duties, malfeasance, immorality, or other cause inimical to

1 the general good of the state State. In case of such removal, the governor
2 Governor shall appoint a person to fill the unexpired term.

3 Sec. 7. EFFECTIVE DATE

4 This act shall take effect on July 1, 2016.

DRAFT