

1 Introduced by

2 Referred to Committee on

3 Date:

4 Subject: Alcoholic beverages; Department of Liquor Control

5 Statement of purpose of bill as introduced: This bill proposes to increase the
6 membership of the Vermont Liquor Control Board from five to seven; to limit
7 Board members to a maximum of two five-year terms; to establish the number
8 of Board members necessary for a quorum and for the Board to take action;
9 and to provide for the appointment of the Commissioner of Liquor Control by
10 the Governor from a pool of candidates proposed by the Liquor Control Board.

11 An act relating to the Commissioner of Liquor Control and the Liquor
12 Control Board

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

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

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

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

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

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

7 (B) The Governor shall fill a vacancy occurring during a term by an
8 appointment for the unexpired term in accordance with the provisions of
9 3 V.S.A. § 257(b).

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

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

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

15 (c)(1) A majority of the members of the Board shall constitute a quorum.

16 (2) Action of the Board shall be taken upon a majority vote of the Board
17 members present and voting at a meeting.

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

2 § 106. COMMISSIONER OF LIQUOR CONTROL; REPORTS;

3 RECOMMENDATIONS

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

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

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

18 (c) At the time of his or her appointment, the Commissioner shall have
19 demonstrated expertise in the business of producing, distributing, and selling
20 alcoholic beverages.

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

2 § 107. DUTIES OF COMMISSIONER OF LIQUOR CONTROL

3 The Commissioner of Liquor Control shall:

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

10 (2) ~~Make regulations~~ Recommend rules subject to ~~the approval of~~ and
11 adoption by the Board governing the hours during which such agencies shall
12 be open for the sale of spirits and fortified wines and governing the
13 qualifications, department, and salaries of the agencies' employees.

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

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

19 (B) the minimum prices at which fortified wines shall be sold by
20 local agencies and second-class licensees that hold fortified wine permits, the

1 method for their delivery, and the quantities of fortified wines that may be sold
2 to any one person at any one time.

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

7 (5) Purchase through the Commissioner of Buildings and General
8 Services spirits and fortified wines for and in behalf of the 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~~ recommend rules subject to ~~the approval of~~ and adoption
12 by the Board regarding the sale and delivery from the central storage plant.

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

15 (7) ~~[Repealed.]~~ Recommend rules subject to approval and adoption by
16 the Board governing the business, operational, financial, and revenue standards
17 that must be met for the establishment and continued operation of a local
18 agency.

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

1 Sec. 4. RULEMAKING

2 On or before January 1, 2017, the Commissioner shall prepare and submit
3 to the Liquor Control Board for its approval and adoption his or her
4 recommendation for rules to govern the business, operational, financial, and
5 revenue standards that must be met for the establishment and continued
6 operation of local agencies.

7 Sec. 5. TRANSITIONAL PROVISION; NEW INITIAL STAGGERED
8 APPOINTMENTS

9 Of the two new member positions on the Liquor Control Board established
10 in Sec. 1 of this act, in 7 V.S.A. § 101(b)(1), the Governor shall appoint one
11 member for a three-year term and one member for a five-year term. These
12 appointments shall be made on or before February 1, 2017.

13 Sec. 6. EFFECTIVE DATE

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