

1 Sec. 2. 7 V.S.A. § 101 is amended to read:

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

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

6 (b) The Governor shall appoint the Commissioner of Liquor Control with
7 the advice and consent of the Senate.

8 (c) The Liquor Control Board shall consist of five persons, not more than
9 three members of which shall belong to the same political party. Biennially,
10 with the advice and consent of the Senate, the Governor shall appoint a person
11 as a member of such Board for a staggered five-year term, whose term of
12 office shall commence on February 1 of the year in which such appointment is
13 made. The Governor shall biennially designate a member of such Board to be
14 its Chair.

15 Sec. 3. 7 V.S.A. § 104 is amended to read:

16 § 104. DUTIES; AUTHORITY TO RESOLVE ALLEGED VIOLATIONS

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

20 (1) ~~See that the laws relating to intoxicating liquor and to the~~
21 ~~manufacture, sale, transportation, barter, furnishing, importation, exportation,~~

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

1 the Attorney General or the appropriate State's Attorney, regardless of whether
2 there is an administrative finding of wrongdoing.

3 * * *

4 Sec. 4. 7 V.S.A. § 106 is amended to read:

5 § 106. COMMISSIONER OF LIQUOR CONTROL; REPORTS;
6 RECOMMENDATIONS

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

15 Sec. 5. 7 V.S.A. § 571 is amended to read:

16 § 571. SEARCH OF VEHICLE OR CRAFT WITHOUT WARRANT

17 (a) If a sheriff, deputy sheriff, constable, police officer, ~~commissioner of~~
18 liquor control or inspector duly acting for the liquor control board, Department
19 of Public Safety liquor control investigator, or ~~state police~~ State Police officer
20 has reason to believe and does believe, that a person is engaged in the act of
21 smuggling, delivering, or transporting, in violation of law, malt or vinous

1 beverages, spirituous liquors, or alcohol in any wagon, buggy, automobile,
2 motor vehicle, air or water craft, or other vehicle, he or she shall search for and
3 seize without warrant, malt or vinous beverages, spirituous liquors, or alcohol
4 found therein being smuggled, delivered, or transported contrary to law.

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

10 * * * Department of Public Safety * * *

11 Sec. 6. 20 V.S.A. chapter 113 (Commissioner and members), subchapter 2 is
12 amended to read:

13 Subchapter 2. Public Safety Officers and State Police

14 § 1901. DIVISION OF PUBLIC SAFETY OFFICERS; CREATION AND
15 PURPOSE

16 The Division of Public Safety Officers is created under the Department of
17 Public Safety to provide specialized law enforcement services within the State.
18 The Division includes liquor control investigators, who shall have the powers
19 and duties regarding the enforcement of liquor laws as set forth in Title 7 of the
20 Vermont Statutes Annotated.
21 §§ 1902–1910. Reserved.

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Sec. 7. EFFECTIVE DATE

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This act shall take effect on passage.