

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senator Munson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Agriculture - Governor's Advisory Commission on Maryland Wine and**  
3 **Grape Growing**

4 FOR the purpose of repealing the provisions establishing the ~~Advisory Committee on~~  
5 ~~Maryland Wine Winery~~ and Grape ~~Growers Growers' Advisory Board~~;  
6 establishing the Governor's Advisory Commission on Maryland Wine and Grape  
7 Growing; establishing certain membership of the Commission; establishing  
8 certain terms of the members of the Commission; establishing certain  
9 procedures of the Commission; requiring the Governor to appoint certain  
10 members and to designate a certain member as Chairman; establishing certain  
11 duties and powers of the Commission; requiring the Department of Agriculture  
12 to provide staff to the Commission; repealing certain definitions; defining a  
13 certain term; and generally relating to the establishment of the Governor's  
14 Advisory Commission on Maryland Wine and Grape Growers.

15 BY repealing and reenacting, with amendments,  
16 Article - Agriculture

1 Section 10-1201 and 10-1203 through 10-1206  
2 Annotated Code of Maryland  
3 (1999 Replacement Volume and 2004 Supplement)

4 BY repealing  
5 Article - Agriculture  
6 Section 10-1202 and 10-1207  
7 Annotated Code of Maryland  
8 (1999 Replacement Volume and 2004 Supplement)

9 BY adding to  
10 Article - Agriculture  
11 Section 10-1202  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2004 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Agriculture**

17 10-1201.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) ["Board" means the Maryland Winery and Grape Growers' Advisory  
20 Board] "COMMISSION" MEANS THE GOVERNOR'S ADVISORY COMMISSION ON  
21 MARYLAND WINE AND GRAPE GROWING.

22 [(c) "Enology" means those practices and bodies of knowledge that are involved  
23 in the producing, aging, storing, and packaging of wine.]

24 [(d)] (C) "Grape grower" means a person who:

25 (1) Grows grapes for commercial purposes; and

26 (2) (i) Sells at least \$10,000 worth of grapes each year; or

27 (ii) Has planted at least 3 acres of vines of a type used for the  
28 production of wine.

29 [(e) "Secretary" means the Secretary of Agriculture or a designee of the  
30 Secretary.]

31 [(f)] (D) "Viticulture" means the cultivation and study of grapes and grape  
32 vines.

33 [(g)] (E) "Wine" has the meaning stated in Article 2B, § 1-102 of the Code.

1 [(h)] (F) "Winery" means an establishment that has a winery license or  
2 limited winery license under Article 2B, § 2-204 or § 2-205 of the Code.

3 [10-1202.

4 There is a Maryland Winery and Grape Growers' Advisory Board in the  
5 Department.]

6 10-1202.

7 THERE IS A GOVERNOR'S ADVISORY COMMISSION ON MARYLAND WINE AND  
8 GRAPE GROWING.

9 10-1203.

10 (a) (1) The [Board] COMMISSION consists of 9 members.

11 (2) Of the 9 [Board] COMMISSION members:

12 (i) [The Secretary shall serve as an ex officio member] 2 MEMBERS  
13 SHALL REPRESENT WINERIES OF THE STATE;

14 (ii) [3 shall be operators of wineries] 2 MEMBERS SHALL  
15 REPRESENT GRAPE GROWERS OF THE STATE;

16 (iii) 1 MEMBER shall be a [commercial grape grower who is not  
17 affiliated with a winery] REPRESENTATIVE OF THE OFFICE OF THE COMPTROLLER;

18 (iv) 1 member shall represent the College of Agriculture AND  
19 NATURAL RESOURCES [at] OF the University of Maryland;

20 (v) 1 member shall [represent the wholesaling segment of the wine  
21 industry] BE A MEMBER OF THE HOUSE OF DELEGATES APPOINTED BY THE  
22 SPEAKER OF THE HOUSE;

23 (vi) 1 member shall [represent the retailing segment of the wine  
24 industry] BE A MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF THE  
25 SENATE; and

26 (vii) 1 MEMBER shall be a [consumer member] REPRESENTATIVE  
27 OF THE DEPARTMENT.

28 (3) The Governor shall appoint the appointed members [from a list  
29 submitted to the Governor by the Secretary] AND SHALL DESIGNATE A CHAIRMAN  
30 FROM AMONG THE MEMBERS. [The number of names on the list shall be 3 times the  
31 number of vacancies.]

32 (b) Before taking office each appointee to the Board shall take the oath  
33 required by Article I, § 9 of the Maryland Constitution.

34 (c) (1) The term of an appointed member is 3 years.

1 [(2) The terms of the appointed members serving on July 1, 1987 expire  
2 as follows:

3 (i) 2 members in 1988;

4 (ii) 3 members in 1989; and

5 (iii) 3 members in 1990.]

6 [(3)] (2) At the end of a term, a member continues to serve until a  
7 successor is appointed and qualifies.

8 [(4)] (3) A member who is appointed after a term has begun serves only  
9 for the rest of the term and until a successor is appointed and qualifies.

10 [(5)] (4) An appointed member may not serve more than 2 consecutive  
11 terms.

12 (d) The Governor may remove a member for incompetence or misconduct.

13 10-1204.

14 (a) From among its members, the [Board] COMMISSION annually shall elect a  
15 chairman and vice chairman.

16 (b) The manner of election of officers shall be as the [Board] COMMISSION  
17 determines.

18 10-1205.

19 (a) A majority of the members then serving on the [Board] COMMISSION is a  
20 quorum.

21 (b) The [Board] COMMISSION shall determine the times and places of its  
22 regular and special meetings.

23 (c) The chairman of the [Board] COMMISSION:

24 (1) May call a special meeting at any time; and

25 (2) Shall call a special meeting when requested by 2 or more members of  
26 the [Board] COMMISSION.

27 (d) A member of the [Board] COMMISSION:

28 (1) May not receive compensation; but

29 (2) Is entitled to reimbursement for expenses under the Standard State  
30 Travel Regulations, as provided in the State budget.

1 (e) The Department shall provide staff services and support for the [Board]  
2 COMMISSION.

3 10-1206.

4 The [Board] COMMISSION shall:

5 (1) Advise and recommend to the [Secretary] MARYLAND WINE AND  
6 GRAPE PROMOTION COUNCIL the allocation of funds FROM THE MARYLAND WINE  
7 AND GRAPE PROMOTION FUND to projects regarding viticultural and enological  
8 practices and promotion, marketing, and education programs deemed necessary or  
9 advisable to accomplish the purposes of this subtitle AND TITLE 2, SUBTITLE 11 OF  
10 THIS ARTICLE; [and]

11 (2) [Evaluate the funding options available to the wine industry to  
12 accomplish the purposes of this subtitle] PROVIDE A FORUM TO ADDRESS THE ISSUES  
13 THAT ARE RELEVANT TO WINERIES AND GRAPE GROWERS;

14 (3) IDENTIFY STRATEGIES TO FACILITATE GROWTH OF VITICULTURE OF  
15 THE STATE;

16 (4) STUDY THE POLICIES OF THE WINE AND GRAPE INDUSTRIES OF  
17 OTHER STATES AND IDENTIFY WHICH, IF ANY, POLICIES SHOULD BE ADOPTED BY  
18 THE WINE AND GRAPE INDUSTRY OF THIS STATE; AND

19 (5) ISSUE AN ANNUAL REPORT TO THE GOVERNOR ON THE  
20 COMMISSION'S FINDINGS AND RECOMMENDATIONS.

21 [10-1207.

22 On recommendation of the Board, the Secretary has the following powers and  
23 duties:

24 (1) To receive and dispense funds;

25 (2) To enter into contracts for the purpose of developing new or improved  
26 markets or marketing methods for wine and grape products;

27 (3) To contract for research services to improve viticultural and  
28 enological practices in Maryland;

29 (4) To make recommendations as may be necessary to accomplish the  
30 purposes of this subtitle with respect to vines and wines used or produced in  
31 Maryland;

32 (5) To enter into agreements with any local, State, or national  
33 organization or agency engaged in education for the purpose of disseminating  
34 information on wine or other viticultural projects;

1           (6)       To enter into contracts with commercial entities for the purpose of  
2 developing marketing, advertising, and other promotional programs designed to  
3 promote the growth of the Maryland wine industry; and

4           (7)       To acquire any licenses or permits necessary for the Board to perform  
5 its duties.]

6       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 ~~October~~ July 1, 2005.