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By: **Senator Munson**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

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 and Grape Growers; establishing the Governor's Advisory  
6 Commission on Maryland Wine and Grape Growing; establishing certain  
7 membership of the Commission; establishing certain terms of the members of  
8 the Commission; establishing certain procedures of the Commission; requiring  
9 the Governor to appoint certain members and to designate a certain member as  
10 Chairman; establishing certain duties and powers of the Commission; requiring  
11 the Department of Agriculture to provide staff to the Commission; and generally  
12 relating to the establishment of the Governor's Advisory Commission on  
13 Maryland Wine and Grape Growers.

14 BY repealing and reenacting, with amendments,  
15 Article - Agriculture  
16 Section 10-1201 and 10-1203 through 10-1206  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2004 Supplement)

19 BY repealing  
20 Article - Agriculture  
21 Section 10-1202 and 10-1207  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume and 2004 Supplement)

24 BY adding to  
25 Article - Agriculture  
26 Section 10-1202  
27 Annotated Code of Maryland  
28 (1999 Replacement Volume and 2004 Supplement)

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

3 **Article - Agriculture**

4 10-1201.

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

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

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

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

12 (1) Grows grapes for commercial purposes; and

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

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

16 [(e) "Secretary" means the Secretary of Agriculture or a designee of the  
17 Secretary.]

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

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

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

23 [10-1202.

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

26 10-1202.

27 THERE IS A GOVERNOR'S ADVISORY COMMISSION ON MARYLAND WINE AND  
28 GRAPE GROWING.

29 10-1203.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (i) 2 members in 1988;

27 (ii) 3 members in 1989; and

28 (iii) 3 members in 1990.]

29 [(3)] (2) At the end of a term, a member continues to serve until a  
30 successor is appointed and qualifies.

31 [(4)] (3) A member who is appointed after a term has begun serves only  
32 for the rest of the term and until a successor is appointed and qualifies.

33 [(5)] (4) An appointed member may not serve more than 2 consecutive  
34 terms.

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

2 10-1204.

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

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

7 10-1205.

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

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

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

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

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

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

17 (1) May not receive compensation; but

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

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

22 10-1206.

23 The [Board] COMMISSION shall:

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

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

1           (3)     IDENTIFY STRATEGIES TO FACILITATE GROWTH OF VITICULTURE OF  
2 THE STATE;

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

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

8 [10-1207.

9     On recommendation of the Board, the Secretary has the following powers and  
10 duties:

11           (1)     To receive and dispense funds;

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

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

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

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

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

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

27     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2005.