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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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Committee Report: Favorable

Senate action: Adopted

Read second time: April 1, 2005

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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 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

1 Article - Agriculture  
2 Section 10-1202  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2004 Supplement)

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

7 **Article - Agriculture**

8 10-1201.

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

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

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

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

16 (1) Grows grapes for commercial purposes; and

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

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

20 [(e) "Secretary" means the Secretary of Agriculture or a designee of the  
21 Secretary.]

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

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

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

27 [10-1202.

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

30 10-1202.

31 THERE IS A GOVERNOR'S ADVISORY COMMISSION ON MARYLAND WINE AND  
32 GRAPE GROWING.

1 10-1203.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) 2 members in 1988;

30 (ii) 3 members in 1989; and

31 (iii) 3 members in 1990.]

32 [(3)] (2) At the end of a term, a member continues to serve until a  
33 successor is appointed and qualifies.

1            [(4)]    (3)    A member who is appointed after a term has begun serves only  
2 for the rest of the term and until a successor is appointed and qualifies.

3            [(5)]    (4)    An appointed member may not serve more than 2 consecutive  
4 terms.

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

6 10-1204.

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

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

11 10-1205.

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

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

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

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

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

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

21            (1)    May not receive compensation; but

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

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

26 10-1206.

27        The [Board] COMMISSION shall:

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

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

4 (3) IDENTIFY STRATEGIES TO FACILITATE GROWTH OF VITICULTURE OF  
5 THE STATE;

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

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

11 [10-1207.

12 On recommendation of the Board, the Secretary has the following powers and  
13 duties:

14 (1) To receive and dispense funds;

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

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

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

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

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

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

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

