

E & R AMENDMENTS TO LB 477

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           "Section 1. (1) The Nebraska Grape and Winery Board is  
4 created. The board shall consist of five members to be appointed  
5 by the Governor on a nonpartisan basis. All board members shall be  
6 (a) citizens of Nebraska, (b) at least twenty-one years of age, and  
7 (c) either engaged in or previously engaged in wine or grape  
8 production or research in this state. At least two board members  
9 shall be members of the Nebraska Winery and Grape Growers  
10 Association. In addition, the Director of Agriculture and the vice  
11 chancellor of the University of Nebraska Institute of Agriculture  
12 and Natural Resources or their designees shall be ex officio  
13 members of the board but shall have no vote in board matters.

14           (2) Whenever a vacancy occurs on the board for any  
15 reason, the Governor shall appoint an individual to fill such  
16 vacancy pursuant to the qualifications set forth in subsection (1)  
17 of this section.

18           Sec. 2. (1) Within thirty days after the appointment of  
19 the initial members of the Nebraska Grape and Winery Board, such  
20 board shall conduct its first regular meeting. During that  
21 meeting, the board members shall elect from among themselves, by  
22 majority vote, a chairperson, vice-chairperson, secretary, and  
23 treasurer, all to serve for terms of one year from the date of  
24 election. Subsequent board meetings shall take place at least once

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1 every six months and at such times as called by the chairperson or  
2 by any three board members.

3 (2) Each board member shall serve for a term of three  
4 years, upon completion of which he or she may, at the Governor's  
5 discretion, be reappointed.

6 (3) All voting board members shall be reimbursed for  
7 their actual and necessary expenses, as provided for in sections  
8 81-1174 to 81-1177, while attending meetings of the board or while  
9 engaged in the performance of official responsibilities as  
10 determined by the board.

11 (4) A board member shall be removable by the Governor for  
12 cause. The board member shall first be given a written copy of the  
13 charges against him or her and also an opportunity to be heard  
14 publicly. In addition to all other causes, the failure of a board  
15 member to continue to meet any of the requirements for eligibility  
16 set out in section 1 of this act shall be deemed sufficient cause  
17 for removal from office.

18 Sec. 3. The duties and responsibilities of the Nebraska  
19 Grape and Winery Board include, but are not limited to, the  
20 following:

21 (1) To establish a public forum whereby any producer of  
22 wine, grapes, or other wine-producing agricultural products has the  
23 opportunity, at least once annually, to discuss with the board its  
24 policy and procedures;

25 (2) To keep minutes of its meetings and other books and  
26 records which will clearly reflect all of the acts and transactions  
27 of the board and to make these records available for examination

1 upon request by members of the public;

2 (3) To authorize and approve the Director of  
3 Agriculture's expenditure of funds collected pursuant to section 4  
4 of this act;

5 (4) To serve as an advisory panel to the Nebraska Liquor  
6 Control Commission in all matters pertaining to the wine industry;  
7 and

8 (5) To adopt and promulgate rules and regulations to  
9 carry out this act.

10 Sec. 4. Each Nebraska winery shall pay to the Nebraska  
11 Liquor Control Commission twenty dollars for every ton of grapes  
12 crushed by its facility. Gifts, grants, or bequests may be  
13 received for the support of the Nebraska Grape and Winery Board.  
14 Funds paid pursuant to the charge imposed by this section and funds  
15 received from gifts, grants, or bequests shall be remitted to the  
16 State Treasurer for credit to the Winery and Grape Producers  
17 Promotional Account which is hereby created as part of the  
18 Agricultural Products Marketing Information Cash Fund created by  
19 section 81-2,164.03. Funds credited to the account shall be  
20 appropriated annually for use by the Director of Agriculture, at  
21 the direction of and in cooperation with the board, to develop and  
22 maintain programs for the research and advancement of the growing,  
23 selling, marketing, and promotion of grapes, fruits, berries,  
24 honey, and other agricultural products and their byproducts grown  
25 and produced in Nebraska for use in the wine industry. Such  
26 expenditures may include, but are not limited to, all necessary  
27 funding for the employment of experts in the fields of viticulture

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1 and enology, as deemed necessary by the board, and programs aimed  
2 at improving the promotion of all varieties of wines, grapes,  
3 fruits, berries, honey, and other agricultural products and their  
4 byproducts grown and produced in Nebraska for use in the wine  
5 industry.

6 Funds credited to the account shall be used for no other  
7 purposes than those stated in this section. Any funds not expended  
8 during a fiscal year may be maintained in the account for  
9 distribution or expenditure during subsequent fiscal years.

10 Sec. 5. The Nebraska Grape and Winery Board shall make  
11 and publish an annual report on or before January 1 of each year,  
12 which report shall set forth in detail the following:

13 (1) The name and address of each board member and a copy  
14 of all rules and regulations adopted and promulgated by the board;  
15 and

16 (2) A detailed explanation of all programs for which the  
17 board approved funding that fiscal year, pursuant to section 4 of  
18 this act, for the research, discovery, promotion, and development  
19 of programs for the growing, production, and marketing of Nebraska  
20 wines, grapes, fruits, berries, honey, and other agricultural  
21 products and their byproducts grown and produced in Nebraska for  
22 use in the wine industry.

23 Each annual report shall be presented to the Nebraska  
24 Liquor Control Commission within thirty days after its publication  
25 and made available also to any person who requests a copy. Except  
26 for the annual copy required by this section to be provided to the  
27 commission, the board may charge a nominal fee to cover the costs

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1 of printing and postage for making available copies of its annual  
2 reports.".

3 2. On page 1, line 1, strike "alcoholic liquor" and  
4 insert "wine".