

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 477

Introduced by Hudkins, 21; Schellpeper, 18; Vrtiska, 1;
Wickersham, 49

Read first time January 14, 1999

Committee: General Affairs

A BILL

- 1 FOR AN ACT relating to alcoholic liquor; to create the Nebraska
- 2 Grape and Winery Board; to provide powers and duties; and
- 3 to establish and provide for distribution of fees.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Nebraska Grape and Winery Board is
2 created. The board shall consist of five members to be appointed
3 by the Governor on a nonpartisan basis. All board members shall be
4 (1) citizens of Nebraska, (2) at least twenty-one years of age, and
5 (3) either currently or previously engaged in wine or grape
6 production or research in this state. At least two board members
7 shall be members also of the Nebraska Winery and Grape Growers
8 Association. The Director of Agriculture and the vice chancellor
9 of the University of Nebraska Institute of Agriculture and Natural
10 Resources or their designees shall be ex officio members of the
11 board but shall have no vote in board matters.

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

16 Sec. 2. (1) Within thirty days after the appointment of
17 the initial board, such board shall conduct its first regular
18 meeting. During that meeting, the board members shall elect from
19 among themselves, by majority vote, a chairperson,
20 vice-chairperson, secretary, and treasurer, all to serve for terms
21 of one year from the date of election. Subsequent board meetings
22 shall take place at least once every six months and at such times
23 as called by the chairperson or by any three members of the board.

24 (2) Each member of the board shall serve for a term of
25 three years, upon completion of which he or she may, at the
26 governor's discretion, be reappointed.

27 (3) All voting members of the board shall be reimbursed
28 for their actual and necessary expenses, as provided for in

1 sections 81-1174 to 81-1177, while attending meetings of the board
2 or while engaged in the performance of official responsibilities as
3 determined by the board.

4 (4) A member of the board shall be removable by the
5 governor for cause. He or she shall first be given a written copy
6 of the charges against him or her and also an opportunity to be
7 heard publicly. In addition to all other causes, the failure of a
8 member to continue to meet any of the requirements for eligibility
9 set out in section 1 of this act shall be deemed sufficient cause
10 for removal from office.

11 Sec. 3. The duties and responsibilities of the board
12 include, but are not limited to, the following:

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

17 (2) To keep minutes of its meetings and other books and
18 records which will clearly reflect all of the acts and transactions
19 of the board and to make these records available for examination
20 upon request by members of the public;

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

24 (4) To serve as an advisory panel to the Nebraska Liquor
25 Control Commission in all matters pertaining to the wine industry;
26 and

27 (5) To adopt and promulgate rules and regulations to
28 carry out this act.

1 Sec. 4. In addition to the tax imposed by section
2 53-160:

3 (1) Each licensed wholesaler shall pay to the commission
4 six cents per gallon or fraction thereof on all wines or wine
5 products which that wholesaler sells in Nebraska; and

6 (2) Each Nebraska winery shall pay to the commission two
7 dollars for every ton of grapes crushed by its facility.

8 The charges payable under this section shall be paid and
9 collected in the same manner and at the same time as the tax
10 imposed by section 53-160.

11 Sec. 5. The revenue derived from the additional charge
12 imposed by section 4 of this act shall be remitted to the State
13 Treasurer for credit to the Winery and Grape Producers Promotional
14 Account which is hereby created as part of the Agricultural
15 Products Marketing Information Cash Fund created by section
16 81-2,164.03. Funds credited to the account shall be appropriated
17 annually for use by the Director of Agriculture, at the direction
18 of and in cooperation with the Nebraska Grape and Winery Board, to
19 develop and maintain programs for the research and advancement of
20 growing, selling, marketing, and promotion of grapes, fruits,
21 berries, honey, and other agricultural products and their
22 byproducts grown and produced in Nebraska for use in the wine
23 industry. Such expenditures may include, but need not be limited
24 to, all necessary funding for the employment of experts in the
25 fields of viticulture and enology, as deemed necessary by the
26 board, and programs aimed at improving the promotion of all
27 varieties of wines, grapes, fruits, berries, honey, and other
28 agricultural products and their byproducts grown and produced in

1 Nebraska for use in the wine industry.

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

6 Sec. 6. The Nebraska Grape and Winery Board may,
7 whenever it determines that the fees provided by section 4 of this
8 act are yielding more than is required to carry out the purposes of
9 section 5 of this act, reduce such fees for such period as it deems
10 justified, but not less than one year. If the board, after
11 reducing such fees, finds that sufficient revenue is not being
12 produced by such reduced fees, it may restore in full or in part
13 such fees, not to exceed those established in section 4 of this
14 act.

15 Sec. 7. The Nebraska Grape and Winery Board shall make
16 and publish an annual report on or before January 1 of each year,
17 which report shall set forth in detail the following:

18 (1) The name and address of each member of the board and
19 a copy of all rules and regulations promulgated by the board; and

20 (2) A detailed explanation of all programs for which the
21 board approved funding that fiscal year, pursuant to section 5 of
22 this act, for the research, discovery, promotion, and development
23 of programs for the growing, production, and marketing of Nebraska
24 wines, grapes, fruits, berries, honey, and other agricultural
25 products and their byproducts grown and produced in Nebraska for
26 use in the wine industry.

27 Each annual report shall be presented to the Nebraska
28 Liquor Control Commission within thirty days after its publication

1 and made available also to any person who requests a copy. Except
2 for the annual copy required by this section to be provided to the
3 commission, the board may charge a nominal fee to cover the costs
4 of printing and postage for making available copies of its annual
5 reports.