

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 964

Introduced by Price, 26

Read first time January 6, 2006

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Grape and Winery Board;
2 to amend sections 53-301, 53-302, 53-303, 53-304, and
3 53-305, Reissue Revised Statutes of Nebraska; to rename
4 the board and a fund; to change provisions relating to
5 membership; to add and change provisions relating to
6 required payments; to harmonize provisions; and to repeal
7 the original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-301, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-301 (1) The Nebraska Grape and Winery Board is
4 created. ~~The~~ Until the effective date of this act, the board
5 shall consist of five members to be appointed by the Governor on
6 a nonpartisan basis. All board members shall be (a) citizens of
7 Nebraska, (b) at least twenty-one years of age, and (c) either
8 engaged in or previously engaged in wine or grape production
9 or research in this state. At least two board members shall be
10 members of the Nebraska Winery and Grape Growers Association. In
11 addition, the Director of Agriculture and the vice chancellor of
12 the University of Nebraska Institute of Agriculture and Natural
13 Resources or their designees shall be ex officio members of the
14 board but shall have no vote in board matters.

15 (2) On and after the effective date of this act:

16 (a) The board shall be known as the Nebraska Wine and
17 Grape Promotional Board and shall consist of seven members to
18 be appointed by the Governor on a nonpartisan basis. All board
19 members shall be citizens of Nebraska, at least twenty-one years of
20 age, and, either before or at the time of appointment, engaged in
21 research on or the marketing or promotion of grapes or wine; and

22 (b) The board shall consist of (i) one commercial grape
23 grower, (ii) one commercial winery owner, (iii) one member of an
24 association of restaurant owners, (iv) one professional in the
25 travel and tourism industry, (v) one member of an association

1 of bed and breakfast establishment owners, (vi) one professional
2 researcher in viticulture or enology, and (vii) one at-large
3 member. At least two of the members shall also be members of the
4 Nebraska Winery and Grape Growers Association. Members serving on
5 the Nebraska Grape and Winery Board on the effective date of this
6 act shall serve on the Nebraska Wine and Grape Promotional Board
7 until their terms expire and their successors are appointed and
8 qualified. In addition, the Director of Agriculture and the vice
9 chancellor of the University of Nebraska Institute of Agriculture
10 and Natural Resources shall be ex officio members of the board but
11 shall have no vote in board matters.

12 ~~(2)~~ (3) 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. Section 53-302, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 53-302 (1) Within thirty days after the appointment
19 of the initial members of the Nebraska Wine and Grape and
20 Winery Promotional Board, such board shall conduct its first
21 regular meeting. During that meeting, the board members shall
22 elect from among themselves, by majority vote, a chairperson,
23 vice-chairperson, secretary, and treasurer, all to serve for terms
24 of one year from the date of election. Subsequent board meetings
25 shall take place at least once every ~~six~~ four months and at such

1 times as called by the chairperson or by any three board members.

2 (2) Each board member shall serve for a term of three
3 years, upon completion of which he or she may, at the Governor's
4 discretion, be reappointed. No member shall serve more than two
5 consecutive terms.

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
9 while engaged in the performance of official responsibilities as
10 determined by the board.

11 (4) A board member shall be removable by the Governor
12 for cause. The board member shall first be given a written copy of
13 the 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 53-301 shall be deemed sufficient cause for
17 removal from office.

18 Sec. 3. Section 53-303, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 53-303 The duties and responsibilities of the Nebraska
21 Wine and Grape and Winery Promotional Board include, but are not
22 limited to, the following:

23 (1) To establish a public forum whereby any producer
24 of wine, grapes, or other wine-producing agricultural products
25 has the opportunity, at least once annually, to discuss with the

1 board its policy and procedures. The public forum required by this
2 subdivision shall be in addition to any regular meetings of the
3 board;

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

8 (3) To authorize and approve the Department of
9 Agriculture's expenditure of funds collected pursuant to section
10 53-304;

11 (4) To serve as an advisory panel to the Nebraska Liquor
12 Control Commission in all matters pertaining to the wine industry;
13 and

14 (5) To adopt and promulgate rules and regulations to
15 carry out sections 53-301 to 53-305.

16 Sec. 4. Section 53-304, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 53-304 Each Nebraska winery shall pay to the Nebraska
19 Liquor Control Commission twenty dollars for every one hundred
20 sixty gallons of juice produced or received by its facility.
21 Gifts, grants, or bequests may be received for the support of
22 the Nebraska Wine and Grape and Winery Promotional Board. Funds
23 paid pursuant to the ~~eharge~~ charges imposed by this section
24 and funds received from gifts, grants, or bequests shall be
25 remitted to the State Treasurer for credit to the Winery and Grape

1 ~~Producers~~ Wine and Grape Promotional Fund which is hereby created.
2 For administrative purposes, the fund shall be located in the
3 Department of Agriculture. All revenue credited to the fund shall
4 be used by the department, at the direction of and in cooperation
5 with the board, to develop and maintain programs for the research
6 and advancement of the growing, selling, marketing, and promotion
7 of grapes, fruits, berries, honey, and other agricultural products
8 and their byproducts grown and produced in Nebraska for use in
9 the wine industry. Such expenditures may include, but are not
10 limited to, all necessary funding for the employment of experts
11 in the fields of viticulture and enology, as deemed necessary
12 by the board, and programs aimed at improving the promotion of
13 all varieties of wines, grapes, fruits, berries, honey, and other
14 agricultural products and their byproducts grown and produced in
15 Nebraska for use in the wine industry.

16 Funds credited to the fund shall be used for no other
17 purposes than those stated in this section. Any funds not expended
18 during a fiscal year may be maintained in the fund for distribution
19 or expenditure during subsequent fiscal years. Any money in the
20 fund available for investment shall be invested by the state
21 investment officer pursuant to the Nebraska Capital Expansion Act
22 and the Nebraska State Funds Investment Act. Any money in the
23 Winery and Grape Producers Promotional Fund on the effective date
24 of this act shall be transferred to the Wine and Grape Promotional
25 Fund on such date.

1 Sec. 5. Section 53-305, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 53-305 The Nebraska Wine and Grape and Winery Promotional
4 Board shall make and publish an annual report on or before January
5 1 of each year, which report shall set forth in detail the
6 following:

7 (1) The name and address of each board member and a copy
8 of all rules and regulations adopted and promulgated by the board;
9 and

10 (2) A detailed explanation of all programs for which
11 the board approved funding that fiscal year, pursuant to section
12 53-304, for the research, discovery, promotion, and development of
13 programs for the growing, production, and marketing of Nebraska
14 wines, grapes, fruits, berries, honey, and other agricultural
15 products and their byproducts grown and produced in Nebraska for
16 use in the wine industry.

17 Each annual report shall be presented to the Nebraska
18 Liquor Control Commission within thirty days after its publication
19 and made available also to any person who requests a copy. Except
20 for the annual copy required by this section to be provided to the
21 commission, the board may charge a nominal fee to cover the costs
22 of printing and postage for making available copies of its annual
23 reports.

24 Sec. 6. Original sections 53-301, 53-302, 53-303, 53-304,
25 and 53-305, Reissue Revised Statutes of Nebraska, are repealed.