

SENATE BILL NO. 1422

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

5916S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 262.820, 262.826, 262.835, and 262.856, RSMo, and section 311.554 as enacted by house bill no. 1041, one hundred third general assembly, first regular session, and to enact in lieu thereof five new sections relating to the Missouri wine, grape, and spirits board.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 262.820, 262.826, 262.835, and
2 262.856, RSMo, and section 311.554 as enacted by house bill no.
3 1041, one hundred third general assembly, first regular
4 session, are repealed and five new sections enacted in lieu
5 thereof, to be known as sections 262.820, 262.826, 262.835,
6 262.856, and 311.554, to read as follows:

262.820. There is hereby created the "Missouri Wine
2 [and], Grape, **and Spirits** Board", a body politic and
3 corporate, an independent instrumentality exercising
4 essential public functions, with duties and powers as set
5 forth in sections 262.820 to 262.859.

262.826. As used in sections 262.820 to 262.859, the
2 following terms shall mean:

3 (1) "Board", the Missouri wine [and], grape, **and**
4 **spirits** board established pursuant to section 262.820;

5 (2) "Council", the Missouri wine marketing and
6 research council established pursuant to section 275.462;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 (3) **"Distilled spirits", beverages produced by**
8 **distillation from fermented grain, fruit, or other**
9 **agricultural products.**

262.835. The powers of the board shall be vested in
2 eleven members, who shall be residents of this state. [The
3 board shall be composed of seven industry members who shall
4 represent the Missouri grape and wine industry, food service
5 industry, or media marketing industry. These seven members
6 shall be current members of the Missouri grape and wine
7 advisory board as of the effective date of this act. Such
8 members shall serve the remainder of their terms established
9 for the advisory board. Upon the expiration of the terms of
10 such members, the members of the board representing the
11 industry shall be appointed by the governor, with the advice
12 and consent of the senate. Except for ex officio members,]
13 Each board member **shall be** appointed by the governor [shall]
14 **with the advice and consent of the senate as follows: five**
15 **members shall be from the grape and wine industry, three**
16 **members shall be from the distilled spirits industry, one**
17 **member shall be a representative of the Missouri division of**
18 **tourism, one member shall be a representative of the**
19 **Missouri department of agriculture, and one member shall be**
20 **a member of the public with expertise in marketing or**
21 **economic development. Each member shall** serve a four-year
22 term ending four years from the date of expiration of the
23 term for which his or her predecessor was appointed; except
24 that a person appointed to fill a vacancy prior to the
25 expiration of such a term shall be appointed for the
26 remainder of the term. No board member appointed under
27 sections 262.820 to 262.859 by the governor shall serve more
28 than two consecutive full terms. Each appointed board
29 member shall hold office for the term of the member's

30 appointment and until a successor is appointed and
31 qualified. [The board shall have four ex officio members,
32 including the president of the Missouri Grape Growers
33 Association, the president of the Missouri Vintners
34 Association, the president of the Missouri Wine Marketing
35 and Research Council, and the director of the department of
36 agriculture. Ex officio members shall be voting members of
37 the board and their terms will coincide with the time they
38 hold the elected or appointed office qualifying them to be a
39 member of the board.]

262.856. The board shall have all of the powers
2 necessary and convenient to carry out and effectuate the
3 purposes and provisions of sections 262.820 to 262.859,
4 including, but not limited to, the power to:

5 (1) Receive and accept from any source, aid, or
6 contributions of money, property, labor, or other things of
7 value to be held, used, and applied to carry out the
8 purposes of sections 262.820 to 262.859, subject to the
9 conditions upon which the grants or contributions are made,
10 including, but not limited to, gifts, or grants from any
11 department, agency, or instrumentality of the United States
12 for any purpose consistent with sections 262.820 to
13 262.859. **All moneys collected under this subdivision shall**
14 **be deposited into the Missouri wine and grape fund,**
15 **established under section 311.554;**

16 (2) To **conduct research and** work with and counsel the
17 viticulture [and], enology, **and distillation** experts on the
18 needs and requirements of grape producers and wine makers so
19 as to optimize their work in developing the best strains of
20 all grape varieties related to soil and climate conditions
21 throughout the state and developing the art of wine making
22 utilizing Missouri produced grapes;

23 (3) To review progress and final reports from these
24 experts to determine the potential of economic forecasts for
25 developing the Missouri grape and wine industries;

26 (4) To [confer and cooperate with similar boards or
27 councils in other states to further understandings and
28 accords on the grape and wine industries] **develop**
29 **initiatives to promote the production and sale of Missouri**
30 **wine, grapes, and distilled spirits, including but not**
31 **limited to cooperative advertising and branding;**

32 (5) **To coordinate with the division of tourism to**
33 **promote beverage tourism in the state;**

34 (6) To approve and recommend desirable amendments to
35 these powers of the board; **and**

36 [(6)] (7) To perform such other duties as may be
37 necessary to proper operations of the board.

311.554. 1. In addition to the charges imposed by
2 section 311.550, there shall be paid to and collected by the
3 director of revenue for the privilege of selling wine, an
4 additional charge of ten and one-half cents per gallon or
5 fraction thereof. The additional charge shall be paid and
6 collected in the same manner and at the same time that the
7 charges imposed by section 311.550 are paid and collected.

8 2. Until June 30, 2006, the revenue derived from the
9 additional charge imposed by subsection 1 shall be deposited
10 by the state treasurer to the credit of a separate account
11 in the marketing development fund created by section
12 261.035. Beginning July 1, 2006, the revenue derived from
13 such additional charge shall be deposited by the state
14 treasurer in the Missouri wine and grape fund created by
15 this section. Moneys to the credit of both the marketing
16 development fund and the Missouri wine and grape fund shall
17 be used only for market development in developing programs

18 for growing, selling, and marketing of grapes and grape
19 products grown in Missouri, including all necessary funding
20 for the employment of experts in the fields of viticulture
21 [and], enology, **and distillation** as deemed necessary, and
22 programs aimed at improving marketing of all varieties of
23 grapes grown in Missouri; and shall be appropriated and used
24 for no other purpose. **Beginning August 28, 2026, all moneys**
25 **collected by the Missouri wine, grape, and spirits board**
26 **pursuant to section 262.856 shall be deposited into the**
27 **Missouri wine and grape fund to carry out the provisions of**
28 **this section.**

29 3. There is hereby created in the state treasury the
30 "Missouri Wine and Grape Fund", which shall consist of money
31 collected under this section. The state treasurer shall be
32 custodian of the fund and shall approve disbursements from
33 the fund to the department of agriculture for use solely by
34 the Missouri wine [and], grape, **and spirits** board created
35 under section 262.820 in accordance with sections 30.170 and
36 30.180. Upon appropriation, money in the fund shall be used
37 solely for the administration of this section.
38 Notwithstanding the provisions of section 33.080 to the
39 contrary, any moneys remaining in the fund at the end of the
40 biennium shall not revert to the credit of the general
41 revenue fund. The state treasurer shall invest moneys in
42 the fund in the same manner as other funds are invested.
43 Any interest and moneys earned on such investments shall be
44 credited to the fund.

45 4. In addition to the charges imposed by subsection 1
46 of this section and section 311.550, there shall be paid to
47 and collected by the director of revenue for the privilege
48 of selling wine an additional charge of ten and one-half
49 cents per gallon or fraction thereof. Until June 30, 2006,

50 this additional ten and one-half cents per gallon shall be
51 deposited by the state treasurer to the credit of a separate
52 account in the marketing development fund created by section
53 261.035. Beginning July 1, 2006, the revenue derived from
54 such additional charge shall be deposited by the state
55 treasurer in the Missouri wine and grape fund created in
56 this section.

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