

SECOND REGULAR SESSION

SENATE BILL NO. 851

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER.

Read 1st time January 29, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3612.011

AN ACT

To repeal section 311.554, RSMo 1994, relating to taxation of certain Missouri products, and to enact in lieu thereof six new sections relating to the same subject.

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

Section A. Section 311.554, RSMo 1994, is repealed and six new sections enacted in lieu thereof, to be known as sections 311.554, 1, 2, 3, 4 and 5, to read as follows:

311.554. 1. In addition to the charges imposed by [section] **sections 311.550 and section 3 of this act**, there shall be paid to and collected by the director of revenue for the privilege of selling wine, an additional **prorata** charge of [six] **eight** cents per gallon [or fraction thereof]. The additional charge shall be paid and collected in the same manner and at the same time that the charges imposed by section 311.550 are paid and collected.

2. The revenue derived from the additional charge imposed by subsection 1 shall be deposited by the state treasurer to the credit of a separate account in the marketing development fund created by section 261.035, RSMo. Moneys to the credit of the account shall be appropriated annually for use by the division of the state department of agriculture concerned with market development in developing programs for growing, selling, and marketing of grapes and grape products grown in Missouri, including all necessary funding for the employment of experts in the fields of viticulture and enology as deemed necessary, and programs aimed at improving marketing of all varieties of grapes grown in Missouri; and shall be appropriated and used for no other purpose.

[3. This section shall become effective January 1, 1984, and shall terminate on October 1, 2001.]

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

Section 1. As used in sections 1 to 5 of this act, the following terms mean:

(1) “Commercial producer”, an individual or legal entity in this state who produces at least five thousand gallons of wine in a calendar year;

(2) “Grape or grapes”, grapes used for the production of wine produced by commercial producers in this state;

(3) “Grape juice”, grape juice used for the production of wine produced by commercial producers in this state.

Section 2. 1. There is hereby created the “Missouri Wine Marketing and Research Council” which shall consist of five members elected by commercial producers. The members of the council shall be citizens and residents of the state and shall be commercial producers. Each member shall be elected for a term of three years, except that of the members first elected, one shall be elected for a term of one year, two shall be elected for a term of two years and two shall be elected for a term of three years. Vacancies in the council shall be filled for the unexpired term in the same manner as original elections are made.

2. All members may be reimbursed for actual and necessary expenses incurred by them in the performance of their duties.

3. The council shall:

(1) Provide a list of commercial producers of wine in this state to the department of agriculture;

(2) Administer the Missouri wine marketing and research development fund;

(3) Elect from among their membership a president, vice president, and secretary-treasurer, whose duties shall be established in the bylaws of the council;

(4) Draft and adopt bylaws of the council;

(5) Communicate with commercial producers in order to enhance enology research, education and development of markets for wine produced in Missouri;

(6) Perform any other duties deemed necessary to carry out the functions described in this subsection.

Section 3. In addition to any other licenses and charges imposed by chapter 311, RSMo, there shall be collected by the director of the department of agriculture and paid to the director of the department of revenue for deposit in the Missouri wine marketing and research development fund an additional prorata charge of three dollars per ton of grapes or one hundred sixty gallons of grape juice processed by commercial producers in this state. The charges shall be paid and collected pursuant to sections 4 and 5 of this act.

Section 4. The revenue derived from the additional charge imposed by section 3 of this act shall be deposited by the director of the department of revenue in the treasury to the credit of the “Missouri Wine Marketing and Research Development

Fund”, which is hereby created. Moneys in the fund shall be appropriated annually by the general assembly through the department of agriculture for the use and benefit of the Missouri wine marketing and research council. Such moneys shall be specified in the annual appropriations of the department of agriculture for the Missouri wine and marketing research council and shall be transferred by the director of the department of agriculture to the treasurer of the council, to be used only for enology research, education and marketing of wine produced in Missouri, except that the Missouri wine marketing and research council shall reimburse the department of agriculture for expenses incurred in collecting moneys for the fund. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund.

Section 5. Payment of the charges provided in sections 3 to 5 of this act, shall be made by each commercial producer in this state. Each commercial producer, on or before the fifteenth day of January, shall file with the director of the department of agriculture, on forms prescribed and furnished by the director, a signed written report in duplicate, in such form as is required by the director to enable the director to compute, and assure the accuracy of, the charges due on all grapes and grape juice processed during the preceding year. Payment of the charges in the amount disclosed by the report shall accompany the report.

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