

## **BILL ANALYSIS**

Senate Research Center

S.B. 880  
By: Nelson  
Business & Commerce  
3/5/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 880 reconfigures the Wine Industry Development Advisory Committee (committee) to better reflect the membership of the Texas wine industry and requires the committee to submit an annual report to the commissioner of agriculture with recommendations to enhance the industry.

As proposed, S.B. 880 amends current law relating to certain committees and programs to develop the wine industry in this state through the Department of Agriculture.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 50B.002, Agriculture Code, to read as follows:

Sec. 50B.002. WINE INDUSTRY DEVELOPMENT ADVISORY COMMITTEE.

SECTION 2. Amends Section 50B.002, Agriculture Code, by amending Subsections (a) and (b) and adding Subsections (b-1) and (g), as follows:

(a) Requires the commissioner of agriculture (commissioner) to appoint a wine industry development advisory committee (committee), rather than wine industry development and marketing advisory committee, to:

- (1) and (2) Makes nonsubstantive changes;
- (3) assist and advise the commissioner in determining the best and most productive and efficient expenditures of the wine industry development fund.

(b) Provides that the committee consists of members appointed by the commissioner to represent a diverse cross-section of the wine industry, including representatives of:

- (1) grape growers representing various regions of this state;
- (2) wineries representing a variety of small, medium, and large formats from the various regions of this state;
- (3) researchers or educators specializing in viticulture or enology;
- (4) consumers who are not affiliated with the alcoholic beverage industry;
- (5) the Texas Department of Agriculture; and
- (6) the Texas Alcoholic Beverage Commission.

Deletes existing text providing that the committee consists of members appointed by the commissioner who represent wholesalers, package stores, and retailers. Makes conforming and nonsubstantive changes.

(b-1) Provides that the members described by Subsections (b)(4) and (6) are nonvoting members.

(g) Requires the committee, not later than September 1 of each year, to provide the commissioner with a written report containing:

(1) a summary of the committee's discussions, conclusions, and recommendations from the fiscal year preceding that date;

(2) a proposed schedule and plan of action for the fiscal year beginning on that date designed to implement and further the objectives of this chapter and Chapter 110 (Texas Wine Marketing Assistance Program in Department of Agriculture), Alcoholic Beverage Code;

(3) a proposed budget and prioritized spending plan for expenditures of the wine industry development fund; and

(4) other information requested by the commissioner or determined by a majority of the committee to be appropriate for inclusion in the report.

SECTION 3. Amends Chapter 50B, Agriculture Code, by adding Section 50B.0025, as follows:

Sec. 50B.0025. ANNUAL PLAN AND BUDGET. Requires the commissioner, not later than November 1 of each year, to prepare for the current fiscal year the schedule and plan of action and budget and prioritized spending plan described by Section 50B.002(g), considering the recommendations of the committee under that section and following them to the extent the commissioner considers appropriate.

SECTION 4. Amends Section 50B.003(b), Agriculture Code, as follows:

(b) Requires that money in the account, except as provided by Sections 205.03(l) (requiring that the remaining amount of revenue be deposited in the general revenue fund to the credit of the wine industry development fund and to be appropriated only to the Department of Agriculture if certain criteria is met), (m) (requiring that revenue derived under Subsection (b)(1) and not otherwise appropriated under Subsections (c)-(k) be appropriated only for certain purposes), and (n) (requiring that revenue derived under Subsection (b)(2) and not otherwise appropriated under Subsections (c)-(k) be appropriated only for the purposes of increasing the economic impact of the Texas wine producing industry on the state), Alcoholic Beverage Code, be appropriated only to the Texas Department of Agriculture (TDA) and to be used only for the purpose of:

(1) providing funding to public or private entities to conduct surveys, research, and other projects related to:

(A) and (B) Makes no change to these paragraphs;

(C) eliminating and eradicating diseases and pests, rather than eliminating and eradicating Pierce's disease, the glassy-winged sharpshooter, and other diseases and pests, that negatively impact the production of grapes and wine in the United States; and

(D) Makes no change to this paragraph.

(2) any administrative costs TDA incurs in fulfilling the purposes described by Subdivision (1).

Deletes existing text requiring that money in the account be appropriated only to TDA and be used only for certain purposes as set forth.

SECTION 5. Repealer: Section 50B.0015 (Definition), Agriculture Code.

SECTION 6. Provides that, on the effective date of this Act, the wine industry development and marketing advisory committee is abolished. Authorizes the commissioner to appoint a person who previously served on that committee to the wine industry development advisory committee established under Section 50B.002, Agriculture Code, as amended by this Act.

SECTION 7. Effective date: September 1, 2015.