

SENATE BILL No. 19

January 11, 1989, Introduced by Senator GAST and referred to the
Committee on Regulatory Affairs.

A bill to amend section 16b of Act No. 8 of the Public Acts
of the Extra Session of 1933, entitled as amended
"The Michigan liquor control act,"
as added by Act No. 123 of the Public Acts of 1985, being section
436.16b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16b of Act No. 8 of the Public Acts of
2 the Extra Session of 1933, as added by Act No. 123 of the Public
3 Acts of 1985, being section 436.16b of the Michigan Compiled
4 Laws, is amended to read as follows:

5 Sec. 16b. (1) The grape and wine industry council, herein-
6 after referred to as the council, is created in the department of
7 agriculture. The council shall consist of the following:

8 (a) Three wine makers.

1 (b) A wine grape grower.

2 (c) The director of commerce or his or her designee.

3 (d) The director of the department of agriculture or his or
4 her designee.

5 (e) A staff member of Michigan state university appointed by
6 the dean of the college of agriculture and natural resources of
7 Michigan state university. The staff member shall serve at the
8 pleasure of the dean.

9 (f) The chairperson of the liquor control commission, OR HIS
10 OR HER DESIGNEE, as an ex officio member.

11 (G) A PERSON WHO OPERATES A RETAIL FOOD ESTABLISHMENT THAT
12 HOLDS A SPECIALLY DESIGNATED MERCHANT LICENSE AND SELLS MICHIGAN
13 WINES, OR A PERSON WHO OPERATES A RESTAURANT THAT HOLDS A CLASS C
14 LICENSE AND SERVES MICHIGAN WINES.

15 (H) A BEER AND WINE WHOLESALER.

16 (I) NOT MORE THAN 2 ADDITIONAL MEMBERS APPOINTED AS PRE-
17 SCRIBED IN SUBSECTION (3).

18 (2) The members of the council described in subsection
19 (1)(a), ~~and~~ (b), (G), AND (H) shall be appointed by the
20 governor. ~~from lists submitted to the governor by the Michigan~~
21 ~~wine institute. The lists shall consist of not less than twice~~
22 ~~the number of members to be appointed under subsection (1)(a) and~~
23 ~~(b). The members shall be appointed for 2-year terms, and THE~~
24 COUNCIL MEMBERS APPOINTED UNDER SUBSECTION (1)(G) AND (H) SHALL
25 BE APPOINTED FOR 2-YEAR TERMS BEGINNING ON OCTOBER 1, 1989. OF
26 THE COUNCIL MEMBERS APPOINTED FOR TERMS BEGINNING OCTOBER 1,
27 1989, 1 SHALL BE APPOINTED FOR A 1-YEAR TERM, AND 3 SHALL BE

1 APPOINTED FOR TERMS OF 2 YEARS EACH. ALL APPOINTMENTS FOR TERMS
2 BEGINNING ON OR AFTER OCTOBER 1, 1991 SHALL BE FOR 2 YEARS EACH.
3 A MEMBER SHALL CONTINUE TO SERVE UNTIL A QUALIFIED SUCCESSOR HAS
4 BEEN APPOINTED. A MEMBER shall not serve more than 2 consecutive
5 terms. A VACANCY ON THE BOARD SHALL BE FILLED IN THE SAME MANNER
6 AS THE ORIGINAL APPOINTMENT. The director of the department of
7 agriculture shall act as chairperson of the council.

8 (3) THE GOVERNOR MAY APPOINT NOT MORE THAN 2 ADDITIONAL MEM-
9 BERS TO THE COUNCIL WHO SHALL ASSIST THE COUNCIL IN PERFORMING
10 ITS DUTIES, BUT WHO SHALL NOT HAVE THE POWER TO VOTE. THE PER-
11 SONS APPOINTED UNDER THIS SUBSECTION SHALL NOT BE MEMBERS OF THE
12 CLASSIFIED STATE CIVIL SERVICE, SHALL SERVE AT THE PLEASURE OF
13 THE GOVERNOR, AND SHALL RECEIVE SALARIES AND BENEFITS DETERMINED
14 AND PAID BY THE DEPARTMENT OF AGRICULTURE.

15 (4) ~~-(3)-~~ The council may employ personnel and incur such
16 expenses as are necessary to carry out the purposes of the coun-
17 cil under this act. All such expenses shall be paid from fees
18 credited to the wine industry council under section 47(2). A
19 member of the council or any employee or agent of the council
20 shall not be personally liable on the contracts of the council.

21 (5) ~~-(4)-~~ A nongovernmental member of the council shall
22 receive \$50.00 per day for each day spent in actual attendance at
23 meetings of the council and traveling expenses while on council
24 business in accordance with standard travel regulations of the
25 department of management and budget.

1 (6) ~~-(5)-~~ The council shall maintain accurate books and
2 records and all funds received by the council shall be used to
3 implement and enforce this section.

4 (7) ~~-(6)-~~ The council shall do all of the following:

5 (a) Provide for research on wine grapes and wines, including
6 but not limited to methods of planting, growing, controlling
7 insects and diseases, charting microclimates and locations for
8 growing desirable varieties of wine grapes, marketing, process-
9 ing, distribution, advertising, sales production, and product
10 development.

11 (b) Provide the wine industry, including growers, wineries,
12 distributors, and retailers, with information relative to proper
13 methods of handling and selling wine grapes and wines.

14 (c) Provide for market surveys and analyses for purposes of
15 expanding existing markets and creating new and larger markets
16 for wine grapes and wines.

17 (d) Provide for the promotion of the sale of Michigan wine
18 grapes and wines for the purpose of maintaining or expanding
19 present markets and creating new and larger domestic and foreign
20 markets.

21 (e) Develop and administer financial aid programs to wine
22 grape growers to encourage the increased planting in this state
23 of desirable grape varieties in microclimates determined to pro-
24 vide the best conditions for producing quality wines.

25 (8) ~~-(7)-~~ The council may promulgate rules pursuant to the
26 administrative procedures act of 1969, Act No. 306 of the Public
27 Acts of 1969, being sections 24.201 to 24.328 of the Michigan

1 Compiled Laws, for the purposes of implementing and enforcing
2 this section. However, a rule shall not be promulgated that con-
3 flicts with a rule promulgated by the liquor control commission
4 pursuant to section 7.