

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 412

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION; AMEND-  
2 ING SECTION 54-3603, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL  
3 CORRECTIONS; AMENDING SECTION 54-3605, IDAHO CODE, TO REVISE THE  
4 POWERS AND DUTIES OF THE COMMISSION; AMENDING SECTION 54-3606, IDAHO  
5 CODE, TO REVISE PROVISIONS RELATING TO RESEARCH, ADVERTISING AND EDUCATIONAL  
6 CAMPAIGNS; AND AMENDING CHAPTER 36, TITLE 54, IDAHO CODE, BY THE  
7 ADDITION OF A NEW SECTION 54-3606A, IDAHO CODE, TO PROVIDE FOR POWERS  
8 ASSOCIATED WITH THE PROMOTION OF IDAHO GRAPE PRODUCTS, TO PROVIDE THAT  
9 IN CONDUCTING SPECIFIED ACTIVITIES CERTAIN LICENSES, PERMITS OR REGISTRATION  
10 OR NOTIFICATION TO A PUBLIC OFFICIAL SHALL NOT BE REQUIRED, TO  
11 PROVIDE THAT SPECIFIED ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO,  
12 DISPENSING OR SERVING SAMPLES OF WINE ON PREMISES NOT LICENSED FOR THE  
13 SALE OF WINE BY THE INDIVIDUAL GLASS OR OPENED BOTTLE AND TO PROVIDE FOR  
14 LIMITATIONS.  
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Section 54-3603, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 54-3603. DEFINITIONS. As used in this chapter:

20 (1) "Account" means the Idaho grape growers and wine producers account  
21 in the dedicated fund.

22 (2) "Commission" means the Idaho grape growers and wine producers com-  
23 mission.

24 (3) "Grower" means any person who owns, operates or plants a native  
25 vineyard of four (4) or more acres.

26 (4) "Idaho grape product" means juices, raisins, wines and other grape  
27 by-products produced in Idaho and grapes grown in Idaho for the production of  
28 juices, raisins, wines and other grape by-products.

29 (5) "Native vineyard" means acreages planted in vinifera and/or other  
30 grapes cultivated primarily for the purpose of vinification.

31 (~~56~~) "Person" means any partnership, association, corporation, coop-  
32 erative or other business unit or device.

33 (~~67~~) "Producer" means any person who owns, operates or conducts a  
34 bonded winery within this state where at least five hundred (500) cases of  
35 wine per year, are vinified in whole or in part for sale.

36 (~~78~~) "Winery" means a place, premises and/or establishment within the  
37 state of Idaho for the manufacture and/or bottling of wine for sale.

38 SECTION 2. That Section 54-3605, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

1 54-3605. POWERS AND DUTIES OF COMMISSION. The commission shall have,  
2 but is not limited to, the following powers and duties:

3 (1) To elect a chairman and such other officers as it deems advisable.

4 (2) To appoint and employ, and at its pleasure discharge, all necessary  
5 agents, employees and professional personnel and other personnel, including  
6 experts in agriculture and the publicizing of wines and to prescribe their  
7 duties and fix their compensation.

8 (3) To establish offices and incur expense and enter into contracts and  
9 to create such liabilities as may be reasonable for the proper administra-  
10 tion and enforcement of this act.

11 (4) To find new markets for ~~grapes and~~ Idaho grape products.

12 (5) To give, publicize and promulgate reliable information showing the  
13 value of ~~grapes and~~ Idaho grape products for any purpose for which they are  
14 found useful and profitable.

15 (6) To investigate and participate in studies of the problems to the  
16 growers of grapes in the state of Idaho.

17 (7) To take such action as the commission deems necessary or advis-  
18 able in order to promote ~~grapes for juices, raisins, wines and other grape~~  
19 ~~by-products~~ Idaho grape products.

20 (8) To enter into such contracts as may be necessary or advisable.

21 (9) To make use of such advertising means and methods as the commission  
22 deems advisable and to enter into contracts and agreements for research and  
23 advertising within and without the state of Idaho.

24 (10) To cooperate with any local, state or national organization or  
25 agency, whether voluntary or created by the law of any state, or the United  
26 States, engaged in work or activity similar to the work and activities of the  
27 commission, and to enter into contracts and agreements with such organiza-  
28 tions or agencies for carrying on a joint campaign of research, education,  
29 product protection, publicity and reciprocal enforcement of these objects.

30 (11) To protect brands, marks, packages, brand names or trademarks be-  
31 ing promoted by the commission.

32 (12) To do any and all things that will promote ~~grapes for juices,~~  
33 ~~raisins, wines and other grape by-products~~ Idaho grape products.

34 (13) To keep an accurate record of all its dealings, which shall be open  
35 to inspection by the state controller.

36 (14) To sue and be sued.

37 (15) To adopt and from time to time alter, rescind, modify and/or amend  
38 all proper and necessary rules and orders for the exercise of its powers and  
39 performance of its duties under this act.

40 SECTION 3. That Section 54-3606, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 54-3606. RESEARCH -- INVESTIGATION. The commission shall provide for  
43 and conduct comprehensive and extensive research, advertising and educa-  
44 tional campaigns as the Idaho grape ~~crop and wine~~ product, sales and market  
45 conditions reasonably require. It will investigate and ascertain the needs  
46 of growers, conditions of the market and extent to which public convenience  
47 and necessity require research and advertising.

1 SECTION 4. That Chapter 36, Title 54, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 54-3606A, Idaho Code, and to read as follows:

4 54-3606A. PROMOTION OF IDAHO GRAPE PRODUCTS. (1) In addition to the  
5 powers and duties set forth in section 54-3605, Idaho Code, the commission  
6 shall have, but is not limited to, the following powers to promote Idaho  
7 grape products:

8 (a) To host, sponsor or participate in activities and events dispensing  
9 or serving Idaho grape products to retailers, distributors, importers,  
10 evaluators, judges and members of the public. The commission may charge  
11 an admission charge to an activity or event.

12 (b) To host, sponsor or participate in activities and events promoting  
13 new markets for Idaho grape products, publicizing reliable information  
14 showing the value of Idaho grape products, or promoting research or ed-  
15 ucation benefiting Idaho grape products and Idaho producers, wineries  
16 and growers. The commission may charge an admission charge to an activ-  
17 ity or event.

18 (c) To solicit and receive donations of Idaho grape products for the  
19 purpose of promoting Idaho grape products.

20 (d) To purchase Idaho grape products for the purpose of promoting Idaho  
21 grape products.

22 (e) To donate Idaho grape products to activities, events, trade groups  
23 and other individuals and entities for the purpose of promoting Idaho  
24 grape products.

25 (f) To donate Idaho grape products to persons or associations for  
26 benevolent, charitable or public purposes, subject to the provisions of  
27 section 23-1336, Idaho Code.

28 (2) Notwithstanding any other provision of law including, but not lim-  
29 ited to, chapter 13, title 23, Idaho Code, the following shall apply to the  
30 commission's activities under this section:

31 (a) The commission and the property owner, lessee and operator shall  
32 not be required to hold or obtain any license, permit or registration  
33 or to provide any notification to a public official to enable the com-  
34 mission, commission members, volunteers authorized by the commission  
35 and commission employees to engage in the activities authorized by this  
36 section.

37 (b) The activities of the commission, volunteers authorized by the  
38 commission, commission members and commission employees authorized  
39 by this section include, but are not limited to, dispensing or serving  
40 samples of wine on premises not licensed for the sale of wine by the in-  
41 dividual glass or opened bottle.

42 (3) In the performance of activities authorized by this section, the  
43 commission shall observe the following limitations:

44 (a) The commission shall not receive any payment for the Idaho grape  
45 products it serves, dispenses or donates under this section. The re-  
46 ceipt of an admission charge to an activity or event is not the receipt  
47 of payment by the commission for Idaho grape products for the purposes  
48 of this section.

1 (b) Individuals not serving as commission members, acting as volun-  
2 teers authorized by the commission, or who are not commission employees  
3 are not authorized by this section to serve or dispense Idaho grape  
4 products. Nothing in this section shall prohibit an individual who is  
5 otherwise authorized by law to serve or dispense Idaho grape products  
6 from serving or dispensing such Idaho grape products.  
7 (c) Where the commission dispenses or serves wine, the persons dispens-  
8 ing or serving wine and the recipients of the wine dispensed or served  
9 must be of legal drinking age.