

By: Springer

H.B. No. 1095

A BILL TO BE ENTITLED

AN ACT

relating to the dedication of certain wine-related revenue.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 205.03(b), (c), (k), (l), and (p), Alcoholic Beverage Code, are amended to read as follows:

(b) The ~~[Notwithstanding Section 205.02, the]~~ following revenue may be appropriated for each state fiscal year only as specified by this section:

(1) ~~[the lesser of:~~
~~[(A)]~~ the amount, if any, by which the amount of revenue derived from excise taxes on wine produced in a state other than Texas and any sales taxes collected from holders of out-of-state winery direct shipper's permits as a result of the passage of Senate Bill No. 877 by the 79th Legislature, Regular Session, 2005, according to the most recent projection, as of the beginning of the fiscal year, by the comptroller for the fiscal year exceeds the amount of revenue from those sources for fiscal year 2004, compounded annually for fiscal years 2005-2017 ~~[2005-2015]~~ by the average percentage by which revenue from those sources increased from one fiscal year to the next between September 1, 1999, and August 31, 2003; ~~[or~~

~~[(B) \$1 million,~~ and

(2) ~~[the lesser of:~~
~~[(A)]~~ the amount, if any, by which revenue

1 derived from excise taxes on wine produced in this state and sales
2 taxes remitted by holders of winery permits in this state,
3 according to the most recent projection, as of the beginning of the
4 fiscal year, by the comptroller for the fiscal year exceeds the
5 amount of revenue from those sources for fiscal year 2004,
6 compounded annually for fiscal years 2005-2017 [~~2005-2015~~] by the
7 average percentage by which revenue from those sources increased
8 from one fiscal year to the next between September 1, 1999, and
9 August 31, 2003[~~, or~~

10 [~~(B) \$1 million~~].

11 (c) Out of the amounts available under Subsections (b)(1)
12 and (2) for a fiscal year, the lesser of \$50,000 or the total amount
13 available under those subdivisions may be appropriated only to the
14 Texas A&M AgriLife [~~Cooperative~~] Extension Service for extension
15 viticulture operations.

16 (k) If the amount available for a fiscal year under
17 Subsections (b)(1) and (2) exceeds the amount that may be
18 appropriated under Subsections (c)-(j):

19 (1) the lesser of the amount remaining under
20 Subsection (b)(2) or \$250,000 may be appropriated only to the
21 commission; and

22 (2) the commission shall reduce the amount of the
23 surcharge imposed during the following fiscal year under Section
24 5.56 [~~5.55, as added by Chapter 101, Acts of the 78th Legislature,~~
25 ~~Regular Session, 2003,~~] on permit and license holders who are not
26 authorized to sell wine by an amount that will reduce the total
27 amount collected under that section by the amount appropriated to

1 the commission under Subdivision (1).

2 (1) If the amount available for a fiscal year under
3 Subsections (b)(1) and (2) exceeds the amounts that may be
4 appropriated under Subsections (c)-(k), the remaining amount shall
5 be deposited in the general revenue fund to the credit of the wine
6 industry development fund and may be appropriated only to the
7 Department of Agriculture~~[. Money appropriated under this~~
8 ~~subsection may be used only]~~ for the purpose of providing funding to
9 public or private entities to conduct surveys, research, and other
10 projects related to a purpose described by Subsection (m) or (n).

11 (p) This section expires September 1, 2017 ~~[2015]~~.

12 SECTION 2. The comptroller of public accounts shall
13 establish the wine industry development fund in accordance with
14 Section 50B.003, Agriculture Code, as if the wine industry
15 development fund had not been abolished by operation of Section 2,
16 Chapter 1358 (S.B. 1605), Acts of the 79th Legislature, Regular
17 Session, 2005. The wine industry development fund is re-created by
18 this Act. The dedications of money in the wine industry development
19 fund made by Section 50B.003, Agriculture Code, and Section 205.03,
20 Alcoholic Beverage Code, in Chapters 375 (S.B. 1370) and 878 (S.B.
21 1137), Acts of the 79th Legislature, Regular Session, 2005, that
22 were abolished by operation of Section 2, Chapter 1358 (S.B. 1605),
23 Acts of the 79th Legislature, Regular Session, 2005, are
24 rededicated by this Act for the same purposes.

25 SECTION 3. This Act takes effect September 1, 2015.