

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:10 a.m. on February 16, 1998, in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Robin Kempf, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

Mr. Joe Effertz, Jr., Pony Express Brewing Company, Olathe
Mr. Neal Whitaker, Kansas Beer Wholesalers Association, Topeka
Ms. Rebecca Rice, Kansas Retail Liquor Dealers Association, Topeka
Mr. Stephen Jennings, Salina
Ms. Michelle Havey, Holy-Field Vineyard and Winery, Basehor
Mr. Gregory Shipe, Davenport Orchards & Vineyards, Eudora

Others attending: See attached list

Senator Oleen opened the meeting with the introduction of Julie Gutsch, Melody Walker, and Marcie Klayder, three students from Senator Karin Brownlee's home district who served as pages for the committee today.

She then called on staff to brief the committee on **SB 586**, relating to microbreweries. Staff reminded the committee that the bill was introduced at the request of Senator Vidricksen and contains an amendment which would allow microbreweries to increase the number of barrels of domestic beer manufactured during the license year from 15,000 to 30,000.

Senator Oleen opened the hearing on:

SB 586 **An Act concerning intoxicating liquors and beverages; relating to microbreweries**

Mr. Joe Effertz, Jr., Pony Express Brewing Company, Olathe, appeared in support of **SB 586**, (Attachment #1). Mr. Effertz stated that it is imperative for the future success of his company to be able to interject new capital. He said his company is relatively young and has just gotten into bottling products. He told the committee about an award his company won for one of its products, saying it was a national honor that drew a lot of attention from around the country.

Mr. Effertz advised that Pony Express would probably manufacture between 5,000 to 10,000 barrels in 1998. With a ceiling of 15,000 barrels, he said the company could not effectively raise new capital because, in order to get a substantial return, 25,000 to 30,000 barrels a year would be required. Although he estimated it would be two to three years before his company breaks the 15,000 barrel a year level, he said the issue needs to be addressed well in advance to provide for planning and capital expenditure to get to that level.

Mr. Effertz reiterated the success of his company, again citing the national recognition received in its second year in operation, and the fact that it is one of the few breweries in the nation that uses its own wheat in the brewing process. He pointed out that, with the experience he now has in the industry, he knows what it takes to be successful and that it will require new capital to be interjected into the company to become profitable.

He advised that his distributor, the second largest in Kansas, indicated it is very much in favor of the bill because it believes its greatest increase in sales would come from the local product of Pony Express.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E, Statehouse, at 11:10 a.m. on February 16, 1998.

Senator Oleen told Mr. Effertz the distributor he alluded to could provide written testimony in support of the bill if he wished it to become part of the record.

Senator Biggs asked if there was a cap on the level of production for microbreweries in Missouri, and the chair indicated she would request this information from the Division of Alcohol Beverage Control.

Senator Becker called attention to the fiscal note prepared on **SB 586**, noting the impact the bill would have on revenues to the State General Fund. Senator Oleen indicated she would have staff research the matter for clarification purposes.

Senator Schraad inquired about the number of personnel at Pony Express and if an expansion would result in additional employees. Mr. Effertz stated he now has seven employees at Pony Express, including a one person sales force, and that expansion would definitely result in the hiring of additional personnel.

Mr. Neal Whitaker, representing the Kansas Beer Wholesalers Association, spoke in opposition to **SB 586**, (Attachment #2). He cited the history of law changes regulating alcoholic beverages in Kansas, noting that changes in the law occurred slowly to avoid the pitfalls created in the sale and distribution of alcoholic beverages prior to and during prohibition. Mr. Whitaker explained the three-tier system which was put in place to prohibit a manufacturer from being a wholesaler and a wholesaler from being a retailer. He told the committee the three-tiers were strictly separated so there could be no financial interlocking agreements, to prevent a monopoly and to keep organized crime out of the industry.

Mr. Whitaker pointed out that microbreweries today can perform every function every tier in the three tier system can perform. He suggested the microbreweries register as a manufacturer if they feel a need to manufacture more beer; that the law was flexible enough to meet the needs of Pony Express if it wished to be a manufacturer.

Mr. Whitaker told the committee there is no need for **SB 586** and urged that it be adversely reported.

Ms. Rebecca Rice appeared on behalf of the Kansas Retail Liquor Dealers Association (KRLDA) in opposition to **SB 586**, (Attachment #3). Ms. Rice indicated she was in agreement with the testimony of Mr. Whitaker, saying the microbrewery and farm winery laws were written several years ago to give fledgling businesses a chance to get started and create a market for their products. She told the committee there have been frequent efforts by both groups to obtain an advantage through special legislation. She pointed out that microbrewery laws allow special privileges and the KRLDA opposes any additional efforts by either microbreweries or farm wineries to further circumvent the three-tier system. Ms. Rice said KRLDA is concerned that increasing the gallonage for microbreweries will increase the amount of Sunday package sales by these business and asked the committee to report the bill unfavorably.

The chair inquired if anyone else wished to present testimony on **SB 586**. There being none, the hearing was closed.

Attention was directed to **SB 610**, concerning intoxicating liquors and beverages and relating to definition of terms. Staff briefed the committee on provisions of the bill, noting that Senator Vidricksen had requested its introduction. It was explained that the amendment would strike the provision which placed a limitation on the alcohol level of domestic table wine manufactured by farm wineries.

The hearing was opened on:

SB 610 **An Act concerning intoxicating liquors and beverages; relating to the definition of certain terms**

Mr. Stephen Jennings, Salina, a proponent of **SB 610** (Attachment #4), told the committee about his vineyard and winery north of Salina which attracts visitors from all of the fifty states. He spoke of the growth of the winery but said current legislation does not permit it to compete with west coast wineries in the sale of port type dessert wines. Mr. Jennings pointed out that the grape and wine industry has the potential to significantly broaden its agricultural base in Kansas and he urged favorable consideration of **SB 610** to modify the farm winery law which he said could be of great help in creating and shaping this new industry in Kansas.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E, Statehouse, at 11:10 a.m. on February 16, 1998.

Ms. Michelle Havey, Holy-field Vineyard and Winery, Basehor, spoke in support of **SB 610** (Attachment #5). Ms. Havey and her father, Mr. Les Meyer, are partners in the business. She related their experience as a small farm winery and their interest in the production of dessert or port-style wine. At the request of a committee member, Ms. Havey explained the popularity of a volunteer program at Holy-field which enabled visitors to view the production of wine from start to finish.

Senator Biggs called attention to another successful winery and gift shop, Heimhof Winery, in Leavenworth County and provided a handout explaining its operation, (Attachment #6).

Mr. Gregory Shipe, Eudora, owner of a farm winery and newly elected chair of the legislative committee for the Kansas Grape Growers and Winemakers Association (KGGWA), spoke in support of **SB 610**, (Attachment #7). Mr. Shipe told the committee the KGGWA supports the change offered in the bill; that it would legitimize the taxes already assessed and collected by the state.

Senator Vidricksen indicated an amendment would be offered in regard to the concern raised on taxes, and the chair advised this could be done when the committee works the bill.

The hearing was closed on **SB 610**.

Attention was directed to **SB 460**, relating to the placement of offenders. Senator Oleen advised that, at the time the bill was heard before the committee, the Kansas Sheriffs Association and the Kansas Peace Officers Association said they would take a formal position on the bill. She referred committee members to a statement received from the Associations in support of the bill (Attachment #8). Senator Oleen noted no one had appeared in opposition to the bill, but she pointed out that discussion at the time of the hearing indicated clarification may be appropriate in regard to the housing of juvenile offenders who had been certified as adults. Staff explained an amendment offered in this regard that would clarify that issue.

Senator Harrington moved for the proposed amendment to the bill. Senator Jones seconded the motion. The motion carried.

Senator Vidricksen moved to favorably report the bill, as amended, to the full Senate. Senator Harrington seconded the motion. The motion carried.

Senator Jones moved for approval of the minutes of the regularly scheduled meeting and the meeting at the Rail on February 10. Senator Harrington seconded the motion. The motion carried.

The meeting adjourned at 12:05 p.m. The next meeting is scheduled for February 17, 1998.



PONY EXPRESS

BREWING COMPANY

Amendment

2/12/98

To: Senator Ben Vidricksen

From: Joe Effertz, Jr.

Topic: Bill # 586

I appreciate the opportunity to have Bill # 586 reviewed. It is imperative to the survival of our young company to increase the level of production in our facility. In an effort to expand, we have done projections in our business plan that exceed 25,000 barrels per year. In order to raise new capital for growth, the law must allow for us to meet the production limits that are projected for us to become profitable. I therefore ask for the production ceiling to be raised from 15,000 to 30,000 barrels per year.

I feel that the Pony Express Brewing Company has represented the State of Kansas exceptionally well by winning the Silver Medal for Amber Ales at the Great American Beer Festival last October. Pony Express is also one of the few breweries in the nation who are involved with growing some of our own grains for the brewing process: Kansas wheat.

Sen. Federal & State Affairs Comm.
Date: *2-16-98*
Attachment: #1



Testimony
by
Neal Whitaker
Kansas Beer Wholesalers Association
on
Senate Bill 586
before the
Senate Federal and State Affairs Committee

When the Legislature considers changing laws regulating alcoholic beverages in Kansas, a historical perspective is required. No change is made easily. Sixty-five years ago February 14, a resolution was introduced in the Senate by Senator Charles Miller of Tonganoxie to amend the constitution to allow for the manufacture, sale and transportation of intoxicating liquors in Kansas. A similar bill was introduced by Thomas Hays of Ellis County in the House which, he said, if enacted into law would make it possible for thirsty Kansas citizens to enjoy a cool stein of beer next summer if the Volstead act is amended. Well that was 1933. Four years later in 1937, Kansas became the next to last state to legalize the sale of 3.2 beer, not intoxicating liquors, wines and spirits, but 3.2 beer. Change doesn't happen easily. The laws over the last 65 years have been carefully crafted to avoid the pitfalls that the nation had on the distribution of alcoholic beverages prior to and during prohibition. A system was established called the three-tier system which mandated that no tier of the industry could interlock with the other tier. As a result, breweries were prohibited from owning wholesalers or retail establishments. That prohibition extended to each tier of the industry until 1986, when a young man from Lawrence had the idea that he would like to build a micro brewery and restaurant to brew local beers made with a substantial portion of local agricultural products. As a result of that legislation, today in Lawrence exists the Free State Brewery, a credit to the brewing industry and a very motivated Chuck Magerl, its owner. Our law today allows for micro breweries to brew up to 15,000 barrels. That's 15,000 containers times 31 gallons or 465,000 gallons of beer, far in excess of what any micro brewery is doing today in Kansas.

This bill is more about the gaping hole the micro brewery bill leaves in the statutes than it is about how much beer they brew. Today we have a very strict system. Suppliers or brewers can only sell to wholesalers; wholesalers can only sell to clubs, drinking establishments, caterers or retail outlets; and retail outlets can only sell to the ultimate consumer whether it be on premise or off premise. Clubs and drinking establishments are prohibited from selling beer or other alcoholic beverages for takeout (off premise consumption). Today a micro brewery can sell

Sen. Federal & State Affairs Comm.

Date: 2-16-98

Attachment: #2



beer by the glass on premise, sell beer to go seven days a week, yes, including Sundays, holidays and even Christmas day if they like. They can hold a caterers license and cater events around the state, which means that currently they can perform every function that every tier in the three tier system can perform.

So, my point is, if there is an entity in this state that feels the need and has the market to brew 930,000 gallons of beer they should register as a manufacturer as Anheuser-Busch did recently when they wanted to establish a distribution center in Osage City for some of their specialized products.

Finally, all 12 of the micro breweries that existed in Kansas in 1996 brewed only 9,334 barrels of beer....only 62% of what the state law says that one micro brewery may brew. There is absolutely no reason for this legislation in Kansas and therefore we urge you to report the bill adversely.

Thank you.

1996 Microbrewery Production
 taken from information reported to ABC by Microbrewers
figures reported in barrels

Free State Brewing Lawrence	2263.20
FMI Merriam	896.55 (May - December)
Overland Park Brewing Company Overland Park	716.90
Rock Bottom of Kansas Overland Park	1102.40
Pony Express Olathe	1473.55
Dave's Brew Pub Overland Park	141.08
Blind Tiger Topeka	758.55
High Noon Saloon Leavenworth	189.00
Lazy Hound Pittsburg	149.95 (6 months only out of business)
Little Apple Brewing Manhattan	532.60
Bayou State Leawood	393.25 (6 months)
Barley Brewing Topeka	717.00
TOTAL	9334.03 barrels

ter At Kansas
rch 3, 1879.

WETS BEGIN REPEAL CAMPAIGN ON FLOOR OF KANSAS SENATE

Saloons Are Banned by Terms of Concurrent Proposal.

OFFERED BY MILLER

Tonganoxie Legislator Is Sponsoring Amazing Proposal.

By W. G. CLUGSTON
Of the Journal-Post Topeka Bureau.

TOPEKA, Feb. 14.—The campaign for repeal of Kansas prohibition laws has been formally launched by the Anti-Prohibition society of Kansas. The drive is under the direction of F. E. Parks, superintendent of the wet organization. A concurrent resolution has been introduced in the state senate by Sen. Charles E. Miller of Tonganoxie to amend Section 10, Article 15, of the state constitution. It reads:

"The manufacture, sale and transportation of intoxicating liquors shall be under such rules and regulations as may hereafter be provided by statutory law, except that no saloons shall be permitted in this state.

"This proposition shall be submitted to the electors of this state at the general election to be held in the year 1934 for their approval or rejection."

Rep. Thomas Hayes of Ellis county introduced a bill in the lower house Tuesday morning which, if enacted into law, would make it possible for thirsty Kansas citizens to enjoy a cool stein of beer next summer if the Volstead act is amended.

Would Follow U. S. Lead. The bill introduced in the house provides: "Intoxicating liquors shall be such as are so defined by the congress of the United States in the national prohibition act or any amendments thereto."

The Anti-Prohibition Society of Kansas was formed at a meeting called for that purpose in Salina last August, at which time Mayor Herman J. Tholen of Hays was elected president. Theodore Beineke of Salina and D. J. Santry of Ellsworth were elected vice presidents. P. J. Hansan of St. Marys is secretary.

Members of the executive committee or board of control include Mayor Tholen, Dr. F. W. O'Donnell of Junction City; D. J. Santry of Ellsworth; Theodore Beineke of Salina; Terry G. Foltz of Hutchinson; John G. Deines of Russell; J. C. Kippes, president of the Farmers State bank of Ellis; R. M. Rardin of Hutchinson; Chauncey B. Little of Olathe, and M. J. Healy of Topeka.

Other Committees. Members of the legislative committee include Mr. Healy as chairman; James Malone of Topeka; Judge Joseph H. Brady of Kansas City; C. W. Lamer, president of the Lamer Hotel company of Salina; J. B. Billard of Topeka; R. B. Fegan, former state highway commissioner, of Junction City, and F. P. Metzger of Topeka.

Paul Jones of Lyons is chairman of the publicity committee, Tony Jacobs of Hays is chairman of the political committee. Other members of the various committees include Judge Frank Doster of Topeka, former chief justice of the state supreme court; F. W. Arnhold of Hays; Fred Wolf of Ellinwood; William Hardman of Downs, who is president of the Hardman Lumber company; Michael Schwarz of Wilson, and J. W. Miller of Claflin.

Society Is Active. Paul Recme of McPherson, Evan Knudson of Goodland, Dr. E. J. Beckner of Goodland, Theodore B. W. Seitz of Salina, E. D. Isern of Ellinwood, John J. Recht of Norton, Dr. Leo V. Turgeon of Wilson, George M. Under of Stockton, T. H. Volok, Mayor of Dorrance, Frank Summers of Hutchinson, Bruce Young of Hutchinson, Dr. R. C. Prisque of Phillipsburg, Richard J. Surface of Salina, Dr. H. E. Neptune of Salina and H. L. Whiteside of Hutchinson also are on committees.

"The people of Kansas have not been given an opportunity to vote on the prohibition question for more than fifty years," Mr. Parks said Tuesday. "They should at least be given that privilege."

TESTIMONY PRESENTED
TO THE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
Re: SB 586

February 16, 1998

by Rebecca Rice
Kansas Retail Liquor Dealers Association

Thank you, Madam Chairman and members of the committee. My name is Rebecca Rice and I appear before you today on behalf of the Kansas Retail Liquor Dealers Association in opposition to SB 586

As this committee is aware, the microbrewery and farm winery laws were written several years ago to give these fledgling businesses a chance to get started and create a market for their products. Unfortunately, we have seen frequent efforts by both groups to obtain an even greater advantage through additional special privilege legislation. The KRLDA opposes any additional efforts by either the microbreweries or farm wineries to further circumvent the 3 tiered system.

As has been previously discussed, the microbrewery laws allow special privileges including the direct sale of the microbrewery product, which directly circumvents the 3 tiered system and the sale of the product on Sundays. The KRLDA is concerned that increasing the gallonage for microbreweries will simply increase the amount of Sunday package sales by these businesses.

The KRLDA respectfully requests this committee defeat this legislation.

Thank you, Madam Chairman, for allowing us to testify.

TESTIMONY PRESENTED
TO THE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
Re: SB 586

February 16, 1998

by Rebecca Rice
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The KRLDA respectfully requests this committee defeat this legislation.

Thank you, Madam Chairman, for allowing us to testify.

Good Morning:

My name is Stephen Jennings. I, along with my family have a small vineyard and winery located just north of Salina. We have been open nearly three years, during which time we have attracted visitors from all 50 states to our tasting room. Most have lingered a little to enjoy the beauty and hospitality of our state. We have also had many visitors from foreign countries. They surprised and very impressed with the grapes grown in our fertile soils and with the very high quality of the resulting wines.

Starting with just a few thousand dollars in annual sales, we have grown in a short time to sales of over \$100,000 annually. While we are proud of what we have accomplished in a relatively short time, it is necessary for us to create a significant amount of growth to create a business capable of supporting a family or two.

Kansas has the proper climate, soils and grapes to produce some very good port type dessert wines. Unfortunately, the current legislation does not permit us to compete with our west coast brethren for this segment of the market. Most family run wineries average about fifteen percent of their sales in the dessert wine area. This amount would provide a significant boost to our marginal income and would go a long ways towards getting our operation in the black.

The overall grape and wine industry has the potential to significantly broaden our agricultural base in Kansas. We very greatly appreciate the support and help our legislators have provided to date and urge your passage of this modification to the farm winery law which could be of great help to those of us struggling to create and shape this new industry for our state.

Thank you for taking the time to listen to me this morning.

Sen. Federal & State Affairs Comm.
Date: 2-16-98
Attachment: # 4

I. Definitions

- A. Sutcliffe
- B. Zraly
- C. Wagner
- D. CFR

II. Small Winery Survival

- A. Develop a Specialty
 - 1. made dessert wine as amateurs.
 - 2. amateur dessert wine received favorable comments from noted wine writers from St. Louis and Los Angeles at the Midwest Grape and Wine Conference.
 - 3. amateur wine competition awards
 - 4. signature wine
 - 5. numerous visitor requests for dessert/port wine.
- B. Build up local clientele
 - 1. Mailing list of over 3000 names.

III. KANSAS Product

- A. Established vineyard-9000 grapevines.
- B. Varietals established to produce dessert/port wine.

IV. Wine with Dessert

- A. Serve dessert wine as dessert or with dessert.
 - 1. Port-dark chocolate desserts, walnuts, poached pears.

V. Wine

DEFINITIONS

FORTIFIED WINES

These wines are so named because at some stage during their vinification they are 'fortified' by the addition of either brandy or rectified alcohol. This has the effect of stopping the fermentation before all the sugar has been converted into alcohol, so most are sweet - and hence often regarded as synonymous with 'dessert wines'. They are usually between 16 and 20 per cent alcohol.

THE WINE HANDBOOK by
Serena Sutcliffe, 1987,
p. 75

The two greatest fortified wines in the world are Port and Sherry. These wines have much in common, although the end result is two very different styles.

What exactly is fortified wine?

Fortified wine is made when a neutral grape brandy is added to wine to raise the wine's alcohol content. What sets Port apart from Sherry is *when* the winemaker adds the neutral brandy. It's added to Port *during* fermentation. The extra alcohol kills that yeast and stops the fermentation, which is why Port is relatively sweet.

WINDOWS ON THE WORLD COMPLETE WINE COURSE by
Kevin Zraly, 1995, p. 148

And then there are the fortified sweet wines, which are called dessert wines

These derive their alcoholic content partly by fermentation and partly by the addition of spirit, and they usually contain notable amounts of sugar. Their precise alcoholic content is determined by the quantity of spirit poured into them by the winemaker and in practice ranges from 18 to 20 per cent.

GRAPES INTO WINE-THE ART OF WINEMAKING IN AMERICA by Philip M. Wagner, 1987, p. 234

Wine. When used without qualification, the term includes every kind (class and type) of product produced on bonded wine premises from grapes, other fruit (including berries), or other suitable agricultural products and containing not more than 24 per cent of alcohol by volume.

27 CFR Ch. I (4-1-93 Edition)

Bureau of Alcohol, Tobacco and Firearms, Treasury

CODE OF FEDERAL REGULATIONS, Alcohol, Tobacco Products and Firearms, 27CFR, Subpart B-Definitions, 24.10, p. 460

Presented at the Midwest Grape and Wine Conference
by Dick Naylor, President, Naylor Wine Cellars, Inc.
(Pennsylvania winery)

25 + Ways to Increase Sales, Improve the Bottom Line

And Have More Fun

By: Dick Naylor, President, Naylor Wine Cellars Inc.

26 -Networking - Your neighboring wineries are not your competitors. Much can be gained by jointly cooperating on many projects.

31 -Getting Involved Politically - I can't emphasize enough the need for involvement by wine producers on all levels of government; local, state & national. At the present time all government persons are very receptive to the voices of their constituents. You can't do it alone, but working with your state Wine Association as well as several National organizations, you can change the "Wine" world. Get involved, it's your responsibility! NOW is the time to act.

The only thing constant is change, so be prepared.

5-4

“Wine has been with us since the beginning of civilization. It is a temperate, civilized, romantic, mealtime beverage. Wine has been praised for centuries by statesmen, philosophers, poets and scholars. Wine in moderation is an integral part of our family’s culture, heritage and the gracious way of life.”

5-4



DONALD E. BIGGS
 STATE SENATOR
 3RD DISTRICT
 LEAVENWORTH AND JEFFERSON COUNTIES

STATE CAPITOL, ROOM 140-N
 TOPEKA, KS 66612
 (785) 296-7372

2712 OLDE CREEK COURT
 LEAVENWORTH, KANSAS 66048
 (913) 682-1802

heimhof Winery

Heimhof Winery is Leavenworth County's first licensed winery. Opening in 1992 Heimhof has been awarded numerous ribbons in State and National competitions.

This family-owned and operated winery and gift shop is located in rural Leavenworth on Tonganoxie Road, just 15 minutes from downtown Leavenworth and Lansing, and only 45 minutes from Topeka or Kansas City.

Adjacent to the winery are the Heimhof vineyards where eight varieties of grapes are cultivated and used for making dry and sweet red and white wines in the German tradition. All wines are produced here and sold from the tasting room, which is open from noon to 5 p.m. Friday thru Sunday during the Spring, Summer and Fall months. This winter we are closed to the public, but will reopen on February 27th, and will remain open the rest of the year.

The unique A-frame winery is situated on land believed to be part of the Old Santa Fe Trail. A sweetwater well, surrounded by a natural rock wall in front of the winery, is remembered by our oldest local residents as being an important feature of the area as long as 50 years ago.

During severe droughts in Leavenworth County, residents could rely on this well for water after all other sources had dried up. It also provided a watering place for the wagon trains traveling between Fort Leavenworth and Fort Riley.

We offer free wine tasting and tours, as well as a unique gift shop featuring wine-related items, and various pieces of stained glass, including beautiful stepping stones.

Our peaceful atmosphere and picturesque countryside dotted with hayfields and sunflowers make it ideal for a short weekend trip, especially during the growing season, with historic Fort Leavenworth only minutes away!

An outdoor lighted pavilion is available with seating for 50. A gazebo offers a tranquil spot for sipping wine in a pastoral setting.

Each month Heimhof Winery hosts a free Astronomy Event for the public to view the heavens through eight- and ten-inch telescopes and join in discussions on astronomy topics of current interest.

25168 Tonganoxie Road
 Leavenworth, Kansas
 Tel 727-2627

Sen. Federal & State Affairs Comm.
 Date: 2-16-98
 Attachment: #6

From Gregory A Shipe
Davenport Orchards & Vineyards
1394 E 1900 Rd
Eudora, Ks 66025
(785) 542-2278

2-16-98

To the State and Federal Affairs Committee

My Name is Gregory Shipe. I have a very new farm winery between Lawrence and Eudora on highway 10. I am also the newly elected chair of the legislative committee for the Kansas Grape Growers and Winemakers Association (KGGWA). The organization is a trade organization with the goal of developing an industry of growing grapes and making wine in Kansas.

At present we are assisted in our organization of growing grapes by Dr Alan Erb, Kansas State University experimental farm near Wichita.

Wine making on the other hand is an individual endeavor. Most winemakers go to the states of Missouri and Arkansas for assistance for which they have been very helpful.

Kansas Grape Growers and Winemakers Association support the change in the law to allow us to continue making desert wine which is over 14% alcohol presently allowed by the law. This correction in the law will legitimize the taxes already assessed and collected by the State.

Thank You
Gregory A Shipe

KANSAS SHERIFFS ASSOCIATION
and
KANSAS PEACE OFFICERS ASSOCIATION

February 9, 1998

SB 460

Madam Chairman and Members of the Committee:

Thank you for the opportunity to submit written testimony after the hearing.

This issue was discussed at length at both KSA and KPOA's legislative meetings last week. All agreed this was something that should be available in case of emergency.

Both Kansas Sheriffs Association and Kansas Peace Officers Association (which includes sheriffs) support passage of SB 460 as written.

Sen. Federal & State Affairs Comm.

Date: 2-16-98

Attachment: #8