

Senate Federal & State Affairs Committee
Testimony of Richard W. (Rick) Hird

Date: February 21, 2012
To: Federal & State Affairs Committee
Re: S.B.379
From: Richard W. Hird
Wild Hare Vineyard & Winery, LLC
856 E 1150 Road
Baldwin, KS 66006
785-749-2304 (Home)
785-843-0450 (Office)

Mr. Chairman and members of the Senate Federal and State Affairs Committee,

My name is Richard W. (Rick) Hird and I own a small vineyard near Pleasant Grove, Kansas, about 5 miles South of Lawrence. Despite the name of my business, I have not yet built a winery. I am a member of both the KGGWA and the KVFWA, the primary organizations of vineyard operators and wineries in the State of Kansas. I am also a lawyer with Petefish, Immel, Heeb & Hird, LLP, in Lawrence.

The purpose of my testimony is to voice my opposition to S.B.379. There are three provisions of the Bill that you should carefully consider:

First, S.B.379 would delete subsection (c) of K.S.A. 2011 Supp. 41-308a, which currently provides that to qualify as a Kansas Farm Winery, at least 60% of the grapes used in the wine must be grown in Kansas unless the Director of ABC grants a waiver. The removal of the 60% rule would create a disincentive to plant additional vineyard acreage in Kansas. I was planning to expand my vineyard to provide grapes for my winery, but the introduction of this legislation has caused me to put those plans on hold. I see less reason to make the substantial investment in additional vineyard acreage, with the attendant risk, if I can simply source grapes from existing vineyards in other states, such as Missouri. S.B.379 would weaken the connection between Kansas Farm Wineries and Kansas agriculture. That connection is vital to creating products which are unique to Kansas. The legislature has endorsed agritourism in Kansas and this Bill would be contrary to that legislative intent.

Second, the definition of "Production" proposed in new subsection (c) would include "blending" wine, sometimes referred to as "cellaring" and would include the importation of finished wine from other states for that purpose. The potential for abuse is obvious. Kansas Farm Wineries

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could sell 100% Cabernet Sauvignon (a varietal which grows well in California, but not in Kansas) by importing finished wine blended and bottled in Kansas. That would be the equivalent of a farmer selling oranges at a Kansas farm stand.

Third, the inclusion in proposed new subsection (d), that labeling must follow label laws approved by the federal government, is a ruse. All wineries, including Kansas Farm Wineries, must already abide by federal labeling laws. This provision adds nothing.

I urge you to vote against S.B.379 in its entirety. Thank you for allowing me to present testimony to the Committee.

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