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Pome On The Range Orchards and Winery

2050 Idaho Road

Williamsburg, Kansas 66095

Tele: 785-746-5492; Fax: 785-242-0452

email: [mikeanddonnie@gmail.com](mailto:mikeanddonnie@gmail.com)

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Senate Federal / State Affairs

Re: Support for SB379

Good morning Chairman and members of the committee. My name is Leland Gerhardt and I and my wife own and operate Pome On The Range Orchard and Winery at Williamsburg in Franklin county Kansas. I am submitting this testimony in support of SB379.

As one of the largest orchards in Kansas and as a winery involved for the most part in the production of wine from fruit other than grapes I have less difficulty in complying with the current 60% Kansas content law than any other winery in the state. My support for the removal of this limitation is a matter of business principle. The development of a economically viable wine industry in Kansas should not be limited by a regulatory climate that seeks to confine the business models of the participants by controlling the supply of raw materials. Not only does the current statute set physical limitations on the potential production of the Kansas Farm Winery but it creates an unfair advantage for those wineries that are exporting to Kansas by not imposing a similar restraint on them.

The limitation of 100,000 gallons per year and the residency requirement for a farm winery license provides sufficient protection to guard the small producer against foreign entities setting up shop in Kansas. The known agrarian production difficulties and aforementioned economic limitations essentially eliminate the likely development of a large scale wine manufacturing operation by corporate interest.

The language of SB379 also does a much better job of clarifying the Kansas Farm Winery law than any other proposal that I am familiar with. This clarification is very important in that it allows the operator of a winery to feel more confident about their business decisions. I myself have been reluctant to make some changes in my operation in the past because the present law is sufficiently vague to allow for interpretation at various levels of the Alcohol Beverage Control Division. The straight forward language of SB379 and the direct assignment of authority in the bill will be of economic benefit to the industry and to the regulators.

In closing I would like to thank you for this opportunity to submit testimony in support of SB379 with the sincere hope that it will be passed with favor out of committee. Please feel free to contact me with any questions @ 785-229-2213.

Respectfully,

Leland H. Gerhardt Jr.  
Pome On The Range Orchard and Winery  
Williamsburg, Kansas  
66095

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Attachment 10

2-21-12