

TESTIMONY

**To: The Honorable Pete Brungardt, Chairman
and the Members of the Senate Committee for Federal & State Affairs**

**From: Bob DesRuisseaux, on behalf of
The Kansas Grape Growers & Winemakers Association**

Re: SB 379 & 390, regarding farm wineries; Kansas fruit requirement

Date: February 21, 2012

**Kansas Grape Growers & Winemakers Association Position on
Pending Bills that would reduce or eliminate the Kansas Fruit
Requirement in K.S.A. 41-308a(c) (also known as 60/40 rule)**

The Kansas Grape Growers and Winemakers Association (KGGWA) is the oldest and largest organization supporting the Kansas grape and wine industry in Kansas. The KGGWA currently has nearly 100 members, consisting primarily of grape growers and farm winery owners.

Two bills have been introduced in the 2012 legislative session (SB 379 & SB 390) that would reduce or eliminate the sixty percent Kansas fruit requirement and labeling requirement contained in K.S.A. 41-308a(c) (also known as the 60/40 rule) and instead require Kansas farm wineries to comply with federal wine labeling law. These bills were not introduced at the request of KGGWA or any of its members. However, as the largest grape and wine trade association in Kansas, the KGGWA felt compelled to adopt a position in reaction to the introduction of these bills.

The intent of the 60/40 rule was to encourage and promote the establishment of vineyards and a domestic wine industry in Kansas. It is a goal that the KGGWA membership continues to embrace passionately. However, nearly thirty years after the statute was enacted, we have seen Kansas fall far behind our neighboring states in numbers of wineries and also in acres of grapes. While the intent of 60/40 was good, it has turned out to be a misguided government mandate. We have seen in neighboring states like Iowa, which has no Iowa fruit requirement, that it now has many times the number of wineries and grape acreage than Kansas.

Why is this? Because in states like Iowa the free market and lack of excessive government regulation has resulted in explosive growth of new vineyards and wineries. A prospective grape grower is not going to invest the significant time and capital to establish a new vineyard if the grower is not sure there will be a market for the grapes. A prospective winery owner, even if he or she has a vineyard, may be hesitant to invest the significant capital required to establish a winery if they cannot be assured of adequate fruit supply every year. There are inevitably years when adequate supplies of local fruit will not be available due to weather conditions or other calamities like herbicide drift. Winery owners need to have the certainty that they can acquire fruit on the open market when the need arises, without

interference from government regulators. We also note that the legislature recently removed the Kansas product requirement from Kansas microbreweries.

Kansas farm winery owners desire to use as close to 100% of Kansas grapes in their wine as possible. Local Kansas grapes are of very high quality and provide our wines with unique regional character. But wineries also require a regulatory environment that allows for certainty and the ability to grow. And if wineries are successful, this propels vineyard growth and demand for Kansas grown grapes.

Current federal labeling law requires that a wine labeled a *Kansas* wine must be made from 75% Kansas grapes. Wines not complying with the 75% percentage must be labeled *American* wine. KGGWA feels this is adequate regulation and that the free market between wineries and their customers should control. KGGWA therefore has voted to **support** the current bills.

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