

PA13-30

SB0881

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 3
580 - 891**

2013

Any further questions from the committee?

Seeing none, thank you very much.

JAY HIBBARD: Thank you.

SENATOR DOYLE: The next speaker Senator Looney. He's not here right now. He will be back. Then we have Henry Talmage. Is Henry here?

Henry Talmage, Donnie Alino, Doug Rankin, Margaret Chatey, Jamie Jones, and Senator Looney will be here at some point.

Thank you Henry.

HENRY TALMAGE: Good afternoon, Senator Doyle, Representative Baram, members of the committee. My name is Henry Talmage. I'm the executive director of the Connecticut Farm Bureau representing 5,000 farming families across the state from all types of agriculture.

I come before you today to talk in support of Raised Bill Number 881, AN ACT CONCERNING FARM WINERIES.

First of all, the Connecticut Farm Bureau is very supportive of the winery -- emerging winery industry in Connecticut. We feel that there's a -- it shines as an example of how value added agriculture and agritourism can meet the needs of local producers and local consumers for both product and experience. And we want to be supportive in any way of this emerging segment of agriculture, as -- as we do for the other forms of agriculture that will offer an opportunity similar to -- to capitalize on that local demand and local flavor.

Our goal, our hope, is that as this industry emerges and starts to really gain ground that you'll see a significant amount of acreage in grape and group and fruit production for wineries, and we think that that's a -- a noble goal for -- for our program and policy.

So the Connecticut Farm Bureau supports Raised Bill 881, AN ACT CONCERNING FARM WINERIES as it essentially fixes a problem in the existing law that provides, with all the best intentions, some relief from the idea of start-up wineries having to meet the same percentage of fruit production that an ongoing winery would harvested from their own -- from their own production.

The problem with the law, as we understand it, is that the -- the provision that allows for this relief resets, essentially, on the -- upon the sale or transfer of ownership. And therein lies the problem. We think that this bill language will address that issue and not allow for that reset of a new seven years every time the operation is sold or transferred. And we think in -- in the long term that's a good outcome by allowing for the start-up cost of a winery to -- to be reflected in that start-up period but not have it reset, essentially, whenever the winery is for sale.

So, again, we support the bill. I'm happy to answer any questions you might have.

SENATOR DOYLE: Thank you.

Any questions for -- from the committee members?

Seeing none, thank you very much.

HENRY TALMAGE: Thank you.

SENATOR DOYLE: Next speaker is Donnie Alaimo.

JAMIE JONES: Excuse me?

SENATOR DOYLE: That's not the end of your testimony.

JAMIE JONES: Okay. Thank you.

Good afternoon, Representative Baram, Senator Doyle and the members of the General Law Committee. My name is Jamie Jones. I'm a sixth generation farmer. My family's been farming for more than 160 years in Shelton, Connecticut. We currently grow strawberries, blue berries, pumpkins, Christmas trees and have a vineyard. I established our winery, the Jones Winery, about ten years ago. We're currently producing about 4,000 cases, and we host about over 10,000 visitors to our tasting room each year, probably over 100,000 visitors to our farm every year.

I serve as president of the Connecticut Vineyard and Winery Association. The Vineyard and Winery Association is made up of 24 farm wineries across the state. Collectively, we market ourselves in the Connecticut Wine Trail. The purpose of our association is to promote the cultivation of grapes and the production of wine in Connecticut.

I'm also appointed to serve on the Connecticut Farm Wine Development Council. I'm here to ask your support of Senate Bill 881. There should be a change to the Farm Winery Act. Currently a seven-year exemption exists from the requirement that 25 percent of the fruit come from the permittee's premises. This language exists to help new wineries become established during the initial years of their plantings. We've come to recognize that the seven-year exemption can be reset if the permittee changes. Therefore, any change of the permittee between a family member or a new formation of a legal entity will reset the clock. In essence, a Connecticut farm winery

by making its ownership changes would not have to produce any crop and still remain legally licensed indefinitely.

I cannot imagine that this was the original legislative intent of the law when it was passed. Changing this language to attach the seven-year exemption to the property itself would solve this problem and keep this from happening.

Thank you.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Representative D'Amelio.

REP. D'AMELIO: Thank you, Mr. Chairman.

Very quickly, do you know of any case out there that -- that the seven years has -- has gone by but they're continuing to operate bringing in grapes and stuff?

JAMIE JONES: I know it possibly could exist, yes. Maybe not intentionally in the fact that they were doing this, but we realize this ownership changes have happened and the business, you know, wineries have gotten a new set of clock from their original seven years from when that winery was originally founded.

REP. D'AMELIO: So your -- your intention is to, basically, have it be true Connecticut grown in made wine and that pretty much is maybe not the case right now, totally; is that right?

JAMIE JONES: That's fair to say. We're -- personally, I'm for the more Connecticut fruit, the more agriculture we support in the state, the better.

SENATOR DOYLE: Thank you.

Unrelated question and you're here, so you get to answer. How's the Connecticut Wine Trail is that -- you mentioned that. Do you know how's that going? Is there much success with it, much interest statewide? Any thoughts on that?

JAMIE JONES: Yes. I'd say it's been a very successful marketing amongst all the wineries. It's kind of unique. Instead of, kind of, competing with each other, it's more synergistic. The more wineries we can add to it, the more -- the more draw we can get. We recognize that we bring a number of tourists in from outside of the state is an activity that can provide for visitors.

SENATOR DOYLE: Okay. Good thank you.

Any further questions from the committee?
Seeing none, thank you.

JAMIE JONES: Thank you for your time.

SENATOR DOYLE: Next speaker is Senator Looney. After Senator Looney is Ken Skovron, Art DeSisto, Chuck Bowe, Mike Scalise, David Leon, Larry Cass, Bill Boucher, Bob Langer.

Senator Looney.

SENATOR LOONEY: Thanks, Mr. Chairman.

Good afternoon, Senator Doyle, Representative Baram, members of the -- of the committee -- the committee on General Law. Thank you for the opportunity to testify in support of Senate Bill 320, AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS. I'm Martin Looney,

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PS 12 LN 21

**Jamie Jones- President of CT Vineyard & Winery Association
Testimony Before the a General Law Committee
February 26, 2013
In Support of SB 881 An Act Concerning Farm Wineries**

Good Afternoon Senator Doyle and Representative Baram, my name is Jamie Jones and I am a sixth generation farmer. My family has been farming for more than 160 years in Shelton. We currently grow strawberries, blueberries, pumpkins, Christmas trees and grapes across 400 acres. I established our winery, the Jones Winery, ten years ago and we currently produce about 4,000 cases and host over 10,000 visitors to our tasting room each year.

I serve as president of the Connecticut Vineyard and Winery Association. The Connecticut Vineyard and Winery Association consists of 24 farm wineries, spread across the state that market ourselves collectively as the Connecticut Wine Trail. The purpose of our association is to promote the cultivation of grapes and the production of wine in Connecticut. I also was appointed and currently serve on the Connecticut Farm Wine Development Council.

I am here to request that a change be made to the language of the Farm Winery Act. Currently a seven year exemption exists from the requirement that 25% of the fruit come from the permittee's premise. This language exists to help new wineries become established during the initial years of vineyard establishment. We have come to recognize that the seven year exemption can be reset if the permittee changes. Therefore any change of permittee between family members or formation of another legal entity will reset this clock. In essence, a Connecticut farm winery by making these ownership changes would not have to harvest any crop and still remain legally licensed indefinitely. I cannot imagine this was the original intent of the legislation. Changing the language to attach the seven year exemption to the property itself will prevent such an event from happening.



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PS 11 CN 14

February 26, 2013

Testimony in Support of: Raised Bill No. 881

AN ACT CONCERNING FARM WINERIES

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Doyle, Representative Baram, members of the committee,

Connecticut Farm Bureau is supportive of the emerging Connecticut wine industry. In many ways the wine business serves as a model for other forms of value-added agriculture and agritourism. It serves as a great example of how local producers can engage consumers and produce a product and experience that highlights our agricultural resources. In order to support the agricultural nature of the wine business we believe that a significant percentage of the fruit used in making CT wines should be grown in CT. Our hope is that as the CT wine business continues to mature the number of acres dedicated to growing fruit for wines will become a significant use of our agricultural land base.

The Connecticut Farm Bureau supports Raised Bill No. 881, AN ACT CONCERNING FARM WINERIES as it fixes a problem with the existing law that provides start-up wineries some relief from the percentage of permittee-grown fruit used in the manufacture of the farm winery permittee's wine in the first seven years of operation. The original intent of the existing law was to provide a means to ramp-up production while allowing the winery to operate as their fruit production increased overtime. The existing law however, allows the seven year period to "reset" with a change in ownership. This creates a situation that encourages the transfer of the winery (sometimes to related parties) and a continuation of the exemption from sourcing a higher percentage of permittee-grown fruit longer than originally intended. Raised Bill No. 881 . would eliminate the "resetting" of the seven year period with transfer of ownership.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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If all the members have voted, the -- the machine will be locked. And the Clerk will take a tally.

Will the Clerk please announce the tally?

THE CLERK:

Bill Number 5516, as amended by House "A".

Total Number Voting 133

Necessary for Passage 67

Those voting Yea 129

Those voting Nay 4

Absent and not voting 17

DEPUTY SPEAKER GODFREY:

The bill, as amended, passes.

Will the Clerk please call Calendar 553?

THE CLERK:

On Page 35, Calendar 553, Favorable Report of the Joint Standing Committee on General Law, Senate Bill 881, AN ACT CONCERNING FARM WINERIES.

DEPUTY SPEAKER GODFREY:

Representative Baram.

REP. BARAM (15th):

Good -- good evening, Mr. Speaker.

I move for acceptance of the Joint Committee's favorable report and passage of the bill, in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is acceptance of the Joint Committee's favorable report and passage of the bill, in concurrence with the Senate.

Will you remark, sir?

REP. BARAM (15th):

Thank you, Mr. Speaker.

By existing law, a farm winery permittee must grown 25 percent of his fruit crop on his land that he uses for making wine. The existing law also provides for a seven-year exception with a lower threshold.

This bill just provides that if a farm winery is sold or transferred during that seven years, it does not restart the seven-year period. This was passed unanimously by General Law in the Senate. It is effective upon passage and there is no fiscal note.

I move passage of the bill.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Do you care to remark further on the bill before us?

Representative Carter of the 2nd District. You have the (inaudible).

REP. CARTER (2nd):

Thank you very much. Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

REP. CARTER (2nd):

This is a -- this is a good bill. This actually provides some protection for those folks who end up selling their winery business in the midst of that first seven years. I urge my colleagues to support it.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Do you care to remark further on the bill that's before us?

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

Just as a -- a point of clarification, if I might.

Through you, to the proponent of the bill please.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

I have a -- actually two -- well a constituent. Haight Vineyard is in Litchfield and it's actually one of the first vineyards that was established in Connecticut and it was the first vineyard ever to be sold in Connecticut.

And so my concern about this bill is whether or not the successor owner, which is still in that seven-year window, will, in fact, as a result of the passage of this bill, lose the rights that they bought that vineyard in any way as a result of the passage of this bill?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker.

If there is a balance of the seven years left upon the sale or transfer, the successor owner receives that balance. It is not lost.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

I thank the gentleman for his answer. I do think this is a good bill and it ought to pass.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Would you remark further? Would you care to remark further on the bill before us?

If not, staff and guests to the Well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.
The House of Representative is voting by roll. Will members please return to the Chamber immediately?

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted?

Will the members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked. And the Clerk will take a -- the machine will be locked. And the Clerk will take a tally.

Will the Clerk please announce the tally?

THE CLERK:

Bill Number 881, in concurrence with the Senate.

Total Number Voting 133

Necessary for Passage 67

Those voting Yea 133

Those voting Nay 0

Absent and not voting 17

DEPUTY SPEAKER GODFREY:

The bill passes, in concurrence with the Senate.

I just want to remind Members before we call the next Calendar Number that we are working through a number of bills, as you can tell, so we just advise Members to stay close to the Chamber. We will be closing the machine promptly.

Will the Clerk please call Calendar 466?

THE CLERK:

On Page 15, Calendar Number 466, Favorable Report of the Joint Standing Committee on Appropriations, Substitute House Bill 6663, AN ACT CONCERNING COMPLAINTS ALLEGING MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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May 8, 2013

SENATOR LEONE:

Madam President, if there is no objection, I move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On Page 6, Calendar 169, Senate Bill Number 881, AN ACT CONCERNING FARM WINERIES, Favorable Report of the Committee on General Law.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Good afternoon, again, Madam President.

THE CHAIR:

Good afternoon, sir.

SENATOR DOYLE:

I move acceptance of the joint committee's Favorable Report and passage of the bill.

THE CHAIR:

The motion is on package; will you remark sir?

SENATOR DOYLE:

Yes. Thank you, Madam President.

This bill, which was passed out unanimously by the General Law Committee, deals with the current farm winery permit. And under the permit -- and I believe when the Legislature passed, created the permit, they

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-- they set a requirement for these farm winery permittees to have an average crop, of native Connecticut crop of 25 percent for the fruit. So I -- I assume it was to encourage the use of our agricultural community.

And under current law, there's an exemption for the first seven years, where they could -- it -- it could be calculated less than 25 percent, based upon three tons of grapes, but what this bill does, it clarifies there's only one, seven-year clock or exception. Under the current law, it's where if a person were to, were to open up a winery, they would, in theory, have it for a seven-year window. But if they were to sell their -- their winery to someone else, I would say five years within the first seven years, the clock will restart. This bill is just making it clear that the exemption or the lesser threshold for Connecticut-grown fruit lasts for a total period of seven years; it can't be extended to fourteen years or whatever, it's simply fixed at seven years, whoever owns the winery.

I want to urge the Chamber to adopt the -- the bill.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I also rise to support this piece of legislation. The two organizations that I think are impacted the most, the Connecticut Farm Bureau and the Connecticut Vineyard Association, both are supportive of the piece of legislation. It does promote homegrown Connecticut, and I think it's -- it's good for our state and good for the agricultural industry within our state, so I urge the Chamber's adoption.

Thank you, Madam President.

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THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Doyle.

SENATOR DOYLE:

Through -- thank you, Madam President.

If there's no objection, I would refer this bill to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On Page 6, Calendar 188, Senate Bill Number 1029, AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS, Favorable Report of the Committee on Insurance and Real Estate.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Madam President

Madam President, I move acceptance of the joint committee's Favorable Report and passage of the bill.

THE CHAIR:

The motion is on passage. Will you remark, sir?

SENATOR CRISCO:

Yes, Madam President.

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So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 48, Calendar 309, Senate Bill Number 899, Madam President, move to place this item on the foot of the Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And Madam President, on Calendar page 50, Calendar 405, Senate Bill Number 848, Madam President, move to refer this item to the Committee on Finance, Revenue and Bonding.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would now read the items on the first Consent Calendar and then if we might proceed to a vote on that first Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 1, Calendar 496, House Joint Resolution Number 98; Calendar 497, House Joint Resolution Number 99.

On page 2, Calendar 498, House Joint Resolution Number 100; Calendar 499, House Joint Resolution Number 101;

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also on page 2, Calendar 500, House Joint Resolution
Number 102.

On page 4, Calendar 119, Senate Bill 564.

On page 5, Calendar 155, Senate Bill 231.

On page 6, Calendar 169, Senate Bill 881; and Calendar
188, Senate Bill 1029.

On page 7, Calendar 192, Senate Bill 835.

On page 12, Calendar 284, Senate Bill 964.

Page 16, Calendar 353, House Bill 6481.

On page 18, Calendar 376, Senate Bill 878; Calendar
372, Senate Bill 977.

On page 19, Calendar 387, Senate Bill 386; and
Calendar 392, Senate Bill 366.

On page 20, Calendar 396, Senate Bill 991; and
Calendar 413, Senate Bill 1049.

On page 21, Calendar for 424, House Bill 6212.

And on page 25, Calendar 463, House Bill 6405.

THE CHAIR:

Those are all the bills on the Calendar.

At this point, Mr. Clerk, will you call for a roll
call vote of the first Consent Calendar of the day and
the machine will be open.

THE CLERK:

~~Immediate roll call has been ordered in the Senate.~~
Voting the first Consent Calendar of the day.
Immediate roll call has been ordered in the Senate.
Senators please return to the chamber.

(Senator Coleman of the 2nd in the Chair.)

THE CHAIR:

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Would members please check the board to see that your vote has been properly recorded? If all members have voted and all votes have been properly recorded, the machine will be closed.

And would the Clerk please take and announce the tally.

THE CLERK:

On the first Consent Calendar of the day.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar has passed.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

If we might stand at ease for -- for just a moment.
Thank you.

THE CHAIR:

The Chamber please stand at ease.

(Chamber at ease.)

SENATOR LOONEY:

Mr. President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY: