

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative Robert H. Miller at _____
Chairperson1:30 a.m./p.m. on February 14, 1984 in room Room Supreme Court of the Capitol.

All members were present except:

Representative Runnels - E
Representative Smith - E

Committee staff present:

Conferees appearing before the committee:

Mark Tallman, ASK
Angie Wood, ASK
Bret Lambert, ASK
Chris Edmonds, ASK
Melissa Thompson, University of Missouri
Jeff Atkinson, University of Missouri
Frances Kastner, Kansas Food Dealers Association
Dick Eddington, Eddington Distributors
Bob Storey, Kansas Beer Retailers Association

The meeting was called to order by Chairman Miller.

Mark Tallman, Associated Students for Kansas, gave testimony in opposition to raising the legal drinking age. See attachment A.Angie Wood, ASK Campus Director at Pittsburg State University, explained to the committee about the work that ASK has done to combat alcohol abuse and educate students through their Alcohol Education Project. See attachment B.Bret Lambert, ASK Campus Director at Kansas State University, explained what ASK is doing in the area of educating students and KSU about alcohol abuse and responsible driving. He explained the student attitudes before and after BACCHUS (Boost Alcohol Conscieousness Concerning the Health of Univer-
sity Students).

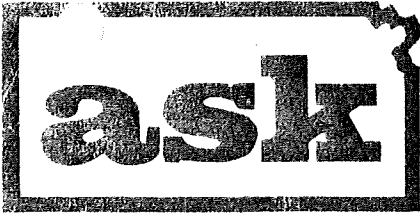
Chris Edmonds, ASK Campus Director at the University of Kansas, told the committee what ASK had done at KU to educate young people about the use of alcohol.

Melissa Thompson and Jeff Atkinson, students from the University of Missouri, are registered lobbyists in the State of Missouri and they told the committee how it is to live in a "21" state.

Frances Kastner, Kansas Food Dealers' Association, Inc., told the committee they were not taking a stand as to what age a young person should be to be able to purchase beer. Mrs. Kastner felt her major concern deals with the age problem of the grocery store clerks and the Attorney General's definition of "dispensing". See attachment C.Dick Eddington, Eddington Distributors, explained to the committee that raising the legal drinking age is not the answer. The public must be convinced that there is a definite certainty of apprehension; severity of penalties must be known and there must be swift administering of these penalties. See attachment D.Bob Storey, Kansas Beer Retailers' Association, gave testimony in opposition to raising the legal drinking age for on premise consumption. See attachment E.

Hearings were concluded.

A



ASSOCIATED STUDENTS OF KANSAS

1700 College
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(913) 354-1394

Statement by

MARK TALLMAN

ASSOCIATED STUDENTS OF KANSAS

(ASK)

Before the

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

on

HB 2651 and HB 2792

Raising the legal drinking age in Kansas

February 14, 1984

Atch. A

Representing the Students of:

Emporia State • Fort Hays State • Kansas State • Pittsburg State • University of Kansas • Washburn University • Wichita State

Mr. Chairman, members of the Committee, my name is Mark Tallman, Executive Director of the Associated Students of Kansas, which represents the student governments of the seven public universities in Kansas, and the 80,000 students they serve. We are here today, as we have done in the past, to oppose increasing the legal drinking age in our state. Advocacy before the legislature is not the only function ASK serves, however. We provide information and training to students, we work to improve the delivery of higher education services, and we conduct various projects to improve the lives of students we represent, such as our Alcohol Education Project, which you will hear more about today.

We are not a "beer lobby." We have never sought, for example, to lower the drinking age for liquor. We only work to preserve the legal situation that has lasted for decades. But to those who question why ASK spends time and resources on this issue should consider this situation: what would happen if a law was proposed that would make it illegal for farmers, or lawyers, or teachers, to purchase or consume alcoholic beverages on the grounds that it would reduce traffic fatalities? I suspect the organizations representing those groups would quickly spring into action. Members of those groups would be outraged that they were being singled out for a problem all society shares. Students, being ordinary citizens, react the same way, which is why we are here. But let's extend that hypothetical situation. If such a law were passed, would it be obeyed? Could it be enforced? Of course not. What it would do, at best, is use inconvenience and the threat of arrest to modestly reduce drinking opportunities for those groups, which might well save lives! But such a law would never be enacted. It is obviously unfair and arbitrary.

The basis of our arguments today is simple. Increasing the drinking age is unfair. Because it is unfair, it will, in the long run, be counterproductive.

Instead of raising the age, other, more appropriate measures should be used.

Before I deal with the specifics of these arguments, let me make two observations. The first concerns the presence of alcohol in our society. We realize we have a difficult task today because this is such an emotional issue. You have been told that raising the drinking age will save lives, which can be subtly inverted to suggest by not raising the age, you are responsible for deaths. The fact is, the abuse of alcohol is responsible for those deaths. As long as we, as a society, tolerate alcohol, we share the responsibility for the problems it creates. If you are going to point to legal drinking at 18 and say "That's killing people!", then you must also point to legal drinking over 21 and say the same thing. The fact is, in Kansas, nine out of every ten alcohol-related traffic fatalities in 1982 was over 21.

My second observation is that when we discuss raising the age, we are talking about taking away a legal right of your fellow citizens. Now, I am not saying that there is an absolute moral right to drink beer at 18. But of course, there is no such absolute right at 21. Rights are what society grants under the law. I would ask each member of the committee, before you vote on this issue, to put yourself in the place of 18, 19 and 20-year-olds. How would you feel if one of your legal rights was being taken away? How would you react?

Major Arguments

Before you vote on these pieces of legislation, you must consider four questions. First, is the goal of legislation worthwhile and desirable? Second, is the proposal an appropriate way to achieve that goal? Third, are there aspects of the legislation that will undermine the stated objectives? Fourth, are there more appropriate ways to achieve this goal? Let us consider these questions.

Is the goal worthwhile?

This is easy, of course it is. Everyone wants to reduce the problems of alcohol abuse and drunk driving among people. But we must keep in mind always that these problems are not limited to young people, and solutions should not be limited to the young.

Is the proposal an appropriate way to achieve the goal?

Here is where the controversy grows. To measure how appropriate a proposal is, there are three tests. Will it work? Is it fair or arbitrary? What do recent trends tell about the problem?

The answer to the question, "Will it work?" is not as straight-forward as you have been told. As Michael Birkley stated in a report to the Wisconsin Citizens Advisory Council, which we have included in packets to the committee, Minnesota and Massachusetts each reported increases in alcohol-related traffic deaths among young people after raising the drinking age. In Michigan, after a widely-reported initial decrease in accidents, the trend appeared to reverse itself. Sven Sterner, director of the Iowa Highway Safety Office has reported that changing the legal drinking age had not affected the numbers or rates of alcohol-related highway crashes among younger drivers in that state. A recently completed study of involvement in alcohol-related crashes and arrest in the state of Florida for a three year period revealed no change among 18 year-olds attributable to raising that state's legal drinking age to 19 in October 1980. And finally, according to the study "Drinking-Driving Behavior in Florida" by Michael Morris, Professor of Sociology at Pensacola Junior College, "drivers in the age group 21-24 account for more accidents, injuries, and fatalities than any other age group during a three-year period without exception."

The fact is, it is impossible to predict with certainty the impact of an age law, because it depends on so many factors. It may initially increase public awareness, then level off. It depends on how well the law is enforced. It

depends on economic factors. The recent recession probably saved far more lives than any age increase could have accomplished.

Is the proposal fair? Certainly not in terms of the traditional arguments about 18-year-olds having the right to vote, enter into contracts, marry, serve in the army, etc. This nation has decided that 18 is the age of majority. Eighteen-year-olds have the same legal status as 50-year-olds, and should be treated accordingly. But if you look closely at Kansas statistics, you will see raising the drinking age to solve the problem of drunk driving is particularly unfair - unless you raise it much higher than 21.

Rather than rely on national statistics, we looked at figures for Kansas alone, recognizing that each state is unique. We looked at three areas of the drunk driving problem: alcohol-related fatalities, DWI arrests, and alcohol-related accidents, and have found that persons under 21 do not make up a disproportionate share of the drunk driving problem, relative to other age groups.

For example, using 1982 data, the most recent we could find, persons under 21 accounted for 10.2 percent of alcohol-related fatalities. This age group accounted for 9 percent of licensed drivers, so this is hardly disproportionate. We also do not know how many of these accidents were the result of the purchase of 3.2 beer, which is the only thing that would be affected by raising the age, and how many were the result of alcohol obtained at a liquor store, club or at home. Certainly, the latter accounts for a significant percent.

The second are DWI arrests. Here we have prepared several charts to illustrate the fact that the most serious problem is not the under 21 age group, but over 21. From 1978-82, persons aged 21-24 accounted for more arrests than those under 21 in every year but one (1979). More importantly, the percentage of total DWI arrests under 21 has actually been dropping, from a high of 19.5

percent in 1979 to 17.5 percent in 1982. At the same time, the percentage has been growing in the 21-24 age group, from 18.8 percent to 20.5 percent. And the biggest increase of all seems to be among even older drivers. In the four years surveyed, DWI arrests for those 21 to 29 rose from 33 percent of the total to 38 percent.

Finally, if you look at all alcohol-related accidents, you see a similar story. In the three years from 1980-82, both the total number of accidents and the percentage of accidents involving 18, 19, and 20-year-olds actually decreased.

Why is this? We suggest it may have a lot to do with the kinds of laws you have enacted in recent years instead of raising the drinking age, such as the tougher DWI laws, open container bills, and the general increase in public concern. When those bills were considered, ASK told you we believed they were more appropriate ways to address the problem. Put aside the national statistics you have been told. In Kansas, the evidence tells us that these solutions are working. We still have a long way to go, but we don't need a drinking age increase to do it.

It is interesting to compare these figures to the situation in Michigan which raised its drinking age in 1979, and is often pointed to by proponents of an age increase. According to the Michigan State Police Digest of 1982, in 1980 persons between 18 and 20 made up 47 percent of all alcohol-related accidents. By 1982, after raising the drinking age, persons in that age group accounted for 50.6 percent of these accidents. So clearly, raising the drinking age may not reduce the accident rate of young drivers.

Is this proposal an appropriate way to achieve its purpose? No.
Will other aspects of this proposal undermine its stated objectives.

There are a number of reasons why this legislation could cause more harm

than good. There are other conferees who will talk about these problems in more detail, so I will just touch on them briefly.

First, such laws are difficult to enforce, and lead to widespread flaunting of the law. This is particularly true in a college environment, where there is so much peer pressure to drink. Even if such a law reduces accidents, it is at the cost of undermining the support young people have for the legal system. I don't think this is merely a sign of immaturity; this was precisely the lesson of prohibition.

Second, if students do ignore the law and continue to drink, there may be a temptation to drink harder alcohol. It may also cause young people to drink away from structured, legal environments, such as bars and restaurants. This is recognized by the committee bill that would continue to allow on-premise consumption. The problem with that bill is that it would force students to leave their homes to get to a place to drink - and back. This could actually lead to an increase in drinking and driving.

A third problem is our concern that raising the drinking age will divert attention from other solutions to the problem. Well over a year has passed since the report of the Governor's Committee on Drinking and Driving was issued. It did not recommend raising the drinking age, yet bills to that effect continue to be introduced, hearings continue to be held, and the rest of the report, especially concerning education, continues to be ignored.

Finally, we are concerned that raising the drinking age will undercut the efforts of students in Kansas to put their own house in order, just as the rest of society is trying to do. One year ago, we stood before this committee and promised to work for solutions on the campus if you did not raise the age. You did, and we feel we have kept our end of the bargain. Other conferees will discuss in more detail of our Alcohol Education Project. We are able to attract

students to these programs by telling them that with the right to drink comes to responsibility not to abuse that right. Students are trying to accept that responsibility. Raising the age would be a slap in the face to those who have been working to deal with the problem responsibly.

Other Solutions

I have mentioned above the Alcohol Education Project, which we believe is an important step to dealing with this problem because it provides positive peer pressure, instead of negative. Other programs, such as Students Against Drunk Driving, work this same way.

In addition to these programs, we strongly support the recommendations of the Governor's Committee regarding education. One of the weaknesses of an age increase is that it does not in any way address the widespread ignorance and mis-information about the use of alcohol. One reason young people have problems with alcohol is the fact that they do not really understand how it affects them, and only learn by trial and error. Raising the drinking age, if it works at all, may simply push back this learning process. We believe the committee would be most ill-advised to recommend an increase in the drinking age without assurances that more will be done to educate Kansas children and teen-agers about the effect of alcohol on their health and safety. As proponents testified yesterday, raising the legal drinking age is only a small part of the overall solution - strict enforcement of present laws and comprehensive educational programs in the schools play a major role in combatting alcohol abuse by young people.

But the most important solution lies in changing public attitudes. One reason we are discussing this issue today is that public attitudes about drunk driving really have changed. For years, ASK has maintained that public attitudes must change to really address the problem. Finally, it has begun to happen. The

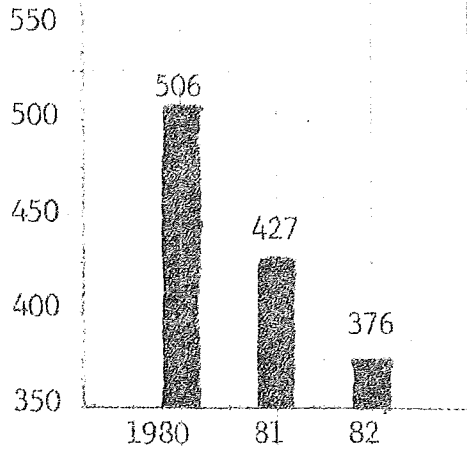
tragedy is that rather than working with young people, advocates of a higher drinking age are working against them. Instead of inviting 18-20-year-olds to join the fight against drunk driving as equal partners, groups supporting an age increase have written them off as incapable of dealing with the problem on the same terms as the rest of society.

Conclusion

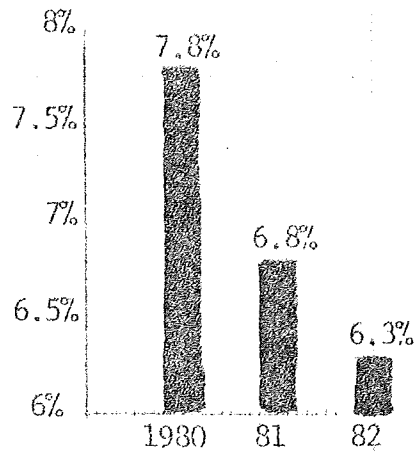
Raising the drinking age is selective prohibition, pure and simple. We know that prohibition does not work. We would have hoped that society would have moved beyond such a limited solution to so large a problem. No proponents claim raising the age is a total solution, or even the most important part. We urge you once again to treat 18-20-year-olds as the equal citizens they are, and as equal partners in solving the problems that concern us all.

The State of Kansas

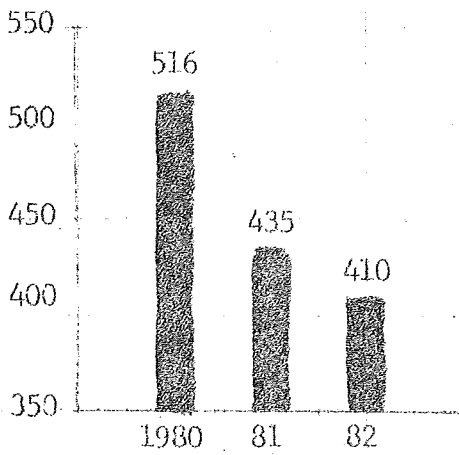
Alcohol-Related Accidents
Age 18



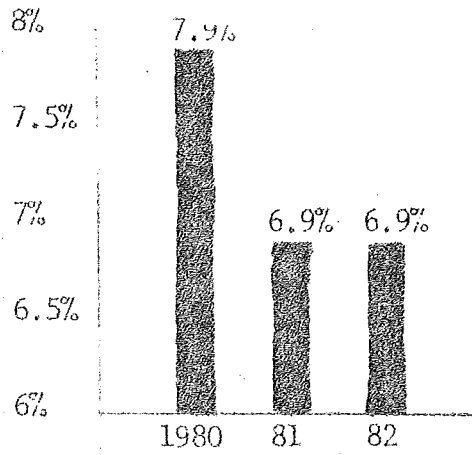
% of total Alcohol-Related Accidents
Age 18



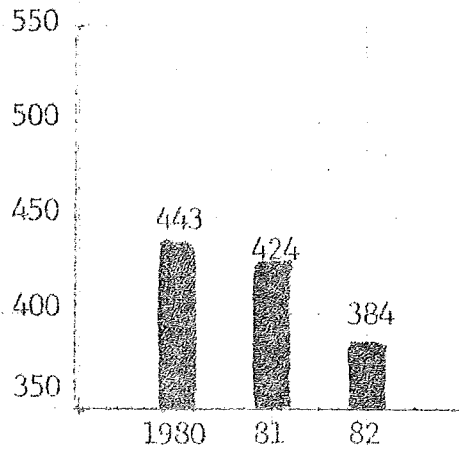
Age 19



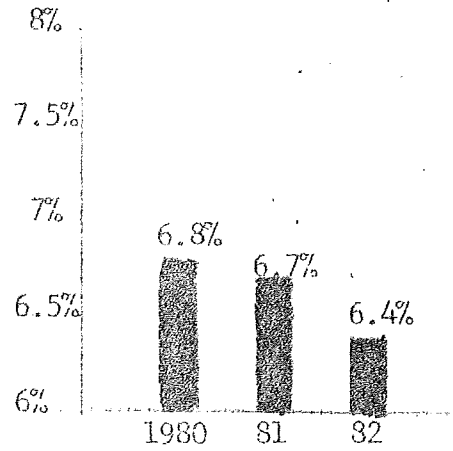
Age 19



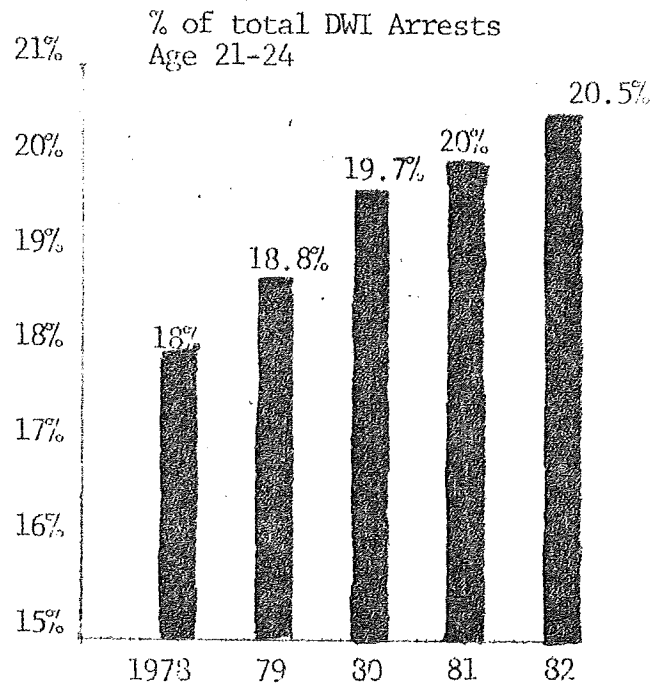
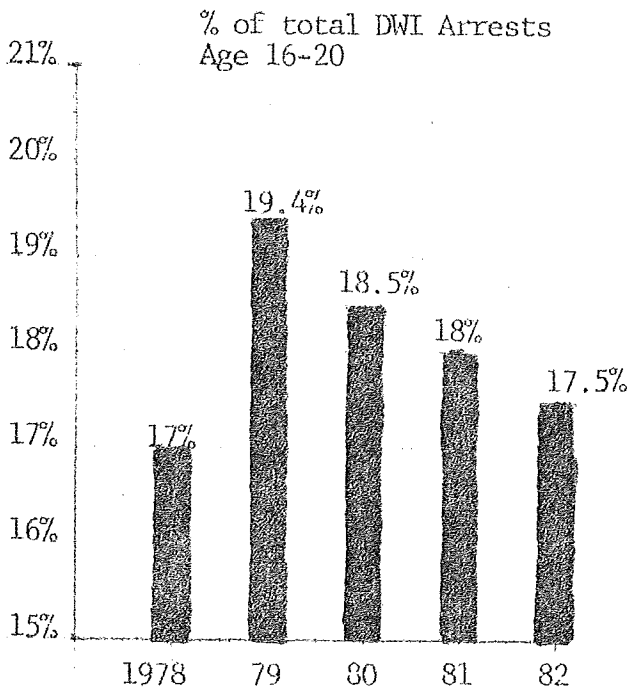
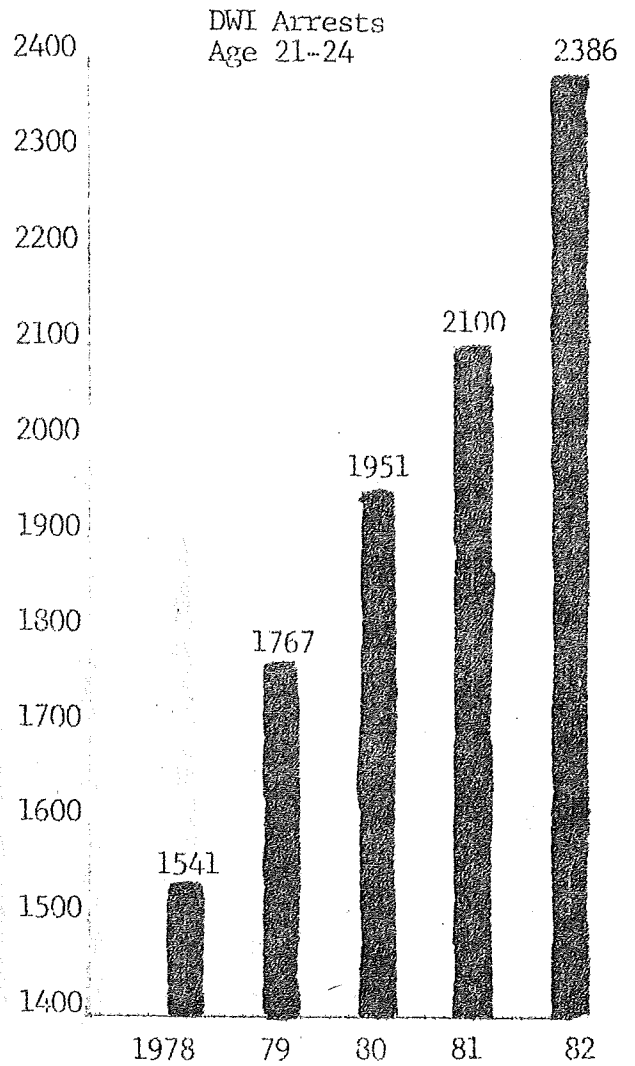
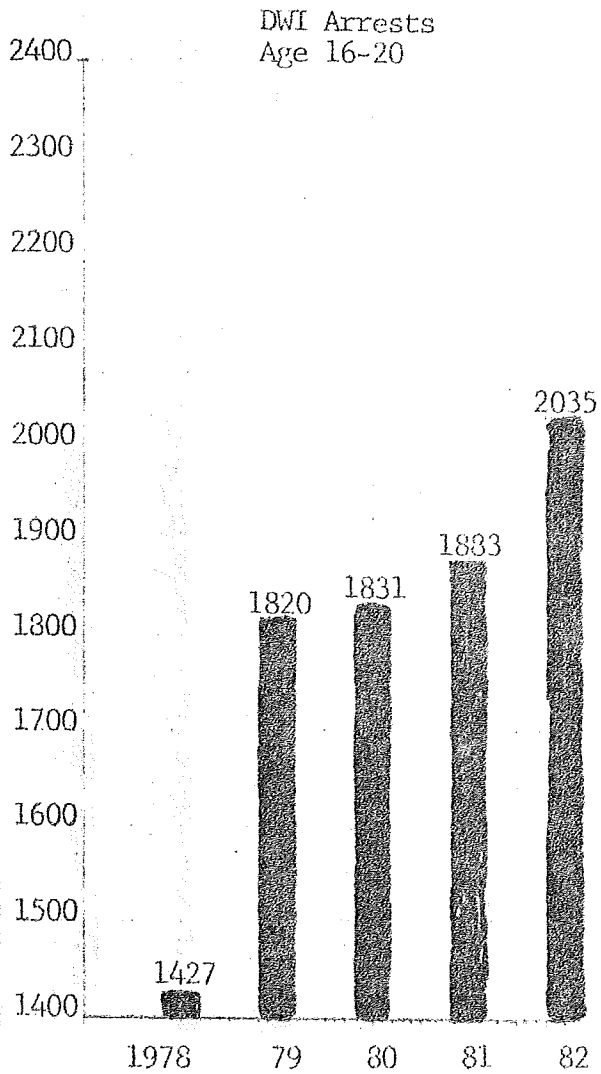
Age 20



Age 20

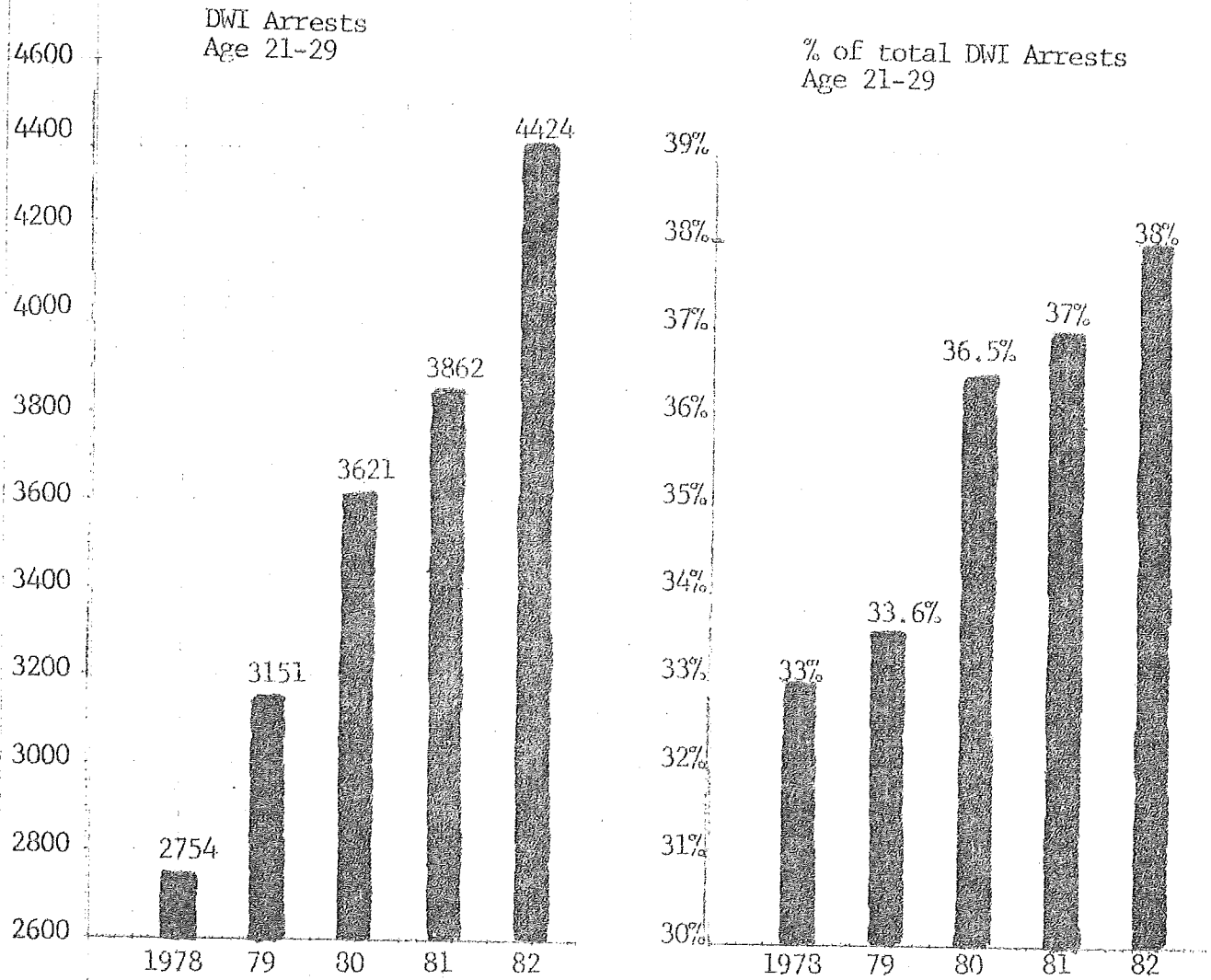


The State of Kansas



Source: KBI

The State of Kansas



Source: KBI

STATEMENT BY
ANGIE WOOD
ON BEHALF OF
THE ASSOCIATED STUDENTS OF KANSAS

BEFORE THE
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

IN OPPOSITION TO
Raising the legal drinking age

February 14, 1984

Atch. B

Mr. Chairman, members of the Federal and State Affairs Committee, I thank you for the opportunity to speak here today. My name is Angie Wood and I am the Associated Students of Kansas Campus Director at Pittsburg State University. I would like to share with you the work that ASK has done to combat alcohol abuse and educate students through our Alcohol Education Project.

The Alcohol Education Project is a program that was developed by ASK during the Spring of 1983 with the following four goals:

1. To educate and encourage students to think about and talk about the problems of alcohol use; including why people use alcohol, the effect of its use on individuals, peers and society, and how responsible decisions about alcohol can be made.
2. To gather information on existing drinking attitudes, practices, policies, and programs among students.
3. To establish campus policies that promote positive use of alcohol and restrict the negative, dangerous uses.
4. To familiarize the college community about existing prevention and treatment programs, and to initiate new efforts where needed.

ASK's concern over the problems associated with alcohol abuse grew out of the continuing issue of the legal drinking age in Kansas. While ASK has consistently opposed any increase in the drinking age, we have also supported legislation promoting "responsible" drinking such as tougher DWI penalties, Fake ID laws, and the current proposal to ban drink and drown sales. However, the Alcohol Education Project is unlike anything we have ever done. Because ASK is an advocacy group on behalf of students at the public universities and Washburn University, this program is indeed a step away from our usual activities such as voter registration drives, financial aid, and university budget requests.

An immediate question, one that has been asked from the beginning of the project, is why would ASK spend the time, money, and effort on something that

In spite of this very generous financial assistance, the project was still expensive in terms of time as well as money. Much attention was diverted from other ASK activities and interests, yet I can honestly say that other issues (more traditionally "educational" ones) did not suffer. This project became important enough to those involved in ASK that everyone simply took on a greater burden of work.

Was it successful? Yes. The activities were well attended, much student interest was generated, and the overall response very positive. Did it make a difference? This is, I believe, the most important consideration, and one that I also think could be answered yes. BACCHUS groups exist, in the infant stages, but they are certainly alive and well. Many university bars not only serve their respective winning Non-Alcoholic Beverages, but both bar owners and students alike understand the important of alternatives to drinking in all respects. More students know more facts about alcohol, its effects, and the results of a DWI. And a lot of myths have been shattered. Myths such as most alcoholics are middle-aged or older, or that getting drunk is funny, or that black coffee will sober you up, or the myth that a good host never lets a glass get empty.

Was it enough? No, but then I don't think you can ever over-educate students about alcohol and its effects. As long as there is one student somewhere who thinks it is okay to need a drink, to pressure others to drink, to drink and then get behind the wheel of a car, then there will still be a need for alcohol awareness. The necessity of educating that one student is something that I have only completely realized after my work for this project ~~in the last year~~. And it is the fact that makes the project some of the most rewarding work that I have ever done.

Members of the Committee, thank you for your time and consideration.

is not inherently within the realm of a student lobby group? Some would say that it is merely to shed the image of a "beer lobby." This is not entirely incorrect. ASK is far more than a beer lobby; it is an organization concerned with every issue affecting students, including alcohol awareness. The project was a realization that not only must we protect the education of students, but that at times that step begins with us. It was a recognition of another way to serve our constituents. The Governor's Committee on drinking and driving did not recommend raising the drinking age; it did recommend significantly increasing public education, particularly among young people. In order to continue agreeing with the former, we had to begin the latter.

Obviously ASK is not an expert in the area of alcohol abuse prevention and treatment, and could not do actual programs in this area. Instead, ASK used its network in Kansas and ties to campus leaders to build campus-wide support for these efforts, work cooperatively with existing community programs, and to establish permanent campus organizations.

The beginning of the project was marked by a survey taken at each of the ASK member institutions. Students were questioned on ten aspects of alcohol in their lives such as: the present DWI law in Kansas, the level of blood alcohol content to be legally drunk, how serious they believed the problem of alcohol abuse to be on their campus, and if they knew of any alcohol or drug abuse prevention or treatment programs on their campus. The survey itself was successful not only in measuring answers to these and other questions, but because it alone sparked interest in the area of alcohol education.

The Alcohol and Drug Abuse Services Division of the Kansas State Department of Social and Rehabilitation Services contacted ASK with an invitation to serve on its Steering Committee for the 1983 Alcohol Awareness Month in October, which led to plans for an ASK Alcohol Education Week, October 3-9, on member campuses.

During Alcohol Education Week numerous activities took place: advertisements



Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

February 14, 1984

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HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

OPPOSITION TO HB 2792 and HB 2651

EXECUTIVE DIRECTOR
JIM SHEEHAN
SHAWNEE MISSION

Thank you, Mr. Chairman for the opportunity to appear before you and members of this committee in OPPOSITION to HB 2792 and HB 2651. I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership includes retailers, distributors and wholesalers throughout the State of Kansas.

The KFDA has staunchly maintained that it is impossible to legislate morality and in many instances whenever you tell an adolescent what he CANNOT have or SHOULD NOT do, that is exactly what becomes intriguing enough to get them to plan how to do it.

Over the years that this topic has been heard before our legislative committees, we have heard that there is a big problem with high school students drinking beer during their noon hour and coming back to school antagonistic and troublesome. Changing the age from 18 to 21 would NOT keep that teenager from getting beer if he or she really put their mind to it.

What we see in HB 2792 is that you as legislators are saying, "It is o.k. to go to a tavern at age 18, DRINK beer, and THEN DRIVE to wherever you are going, or even drive on home, BUT don't let anyone catch you buying beer at a grocery store at even age 20 and then go to your OWN home (as many are married at that age), or go out fishing, or back to your parents' home".

It is unreasonable to believe that the 18 year old who has been able to drink beer at a tavern will not also want to buy beer in an unopened container and drink it elsewhere.

Alch. e

IN OPPOSITION TO HB 2792 and HB 2651 continued

We do not see that changing the AGE of consumption has any bearing whatsoever upon the AMOUNT of consumption. Some are always going to consume beer or alcohol to excess, or while driving, but we already have enough laws on the statute books to address those problems. If the laws would be enforced, we would have no need to introduce, or even consider bills such as HB 2792 or HB 2651.

We are NOT taking a stand as to what age a young person should be able to purchase beer. We ARE ASKING you to simply make it uniform throughout.

One of our major concerns, and we have discussed this with your Chairman, is the problem with HB 2792, as it is written, on page 5, line 0184 thru 0187. We request that you add, after the word business. ---

", except that an employee of the licensee who is 18 years of age may sell or dispense cereal malt beverage on the licensed premises."

This is the same language that can be found on page 30 of HB 2328 dealing with this same topic and which was introduced by this committee last year and then killed.

If we had our preference, we would even like to go one step farther and say that the employees may be ANY AGE to merely accept payment for the purchase of cereal malt beverages in unopened containers and for off-premises consumption.

Our major difficulty with the age problem of our grocery store clerks is in the Attorney General's definition of "dispensing" even though there is no definition in the law. The CURRENT AG interprets "dispensing" is that the grocery clerk under the age of 18 may RING UP THE SALE of a six pack of 3.2 beer, but may NOT take the actual money for it. This is a different definition than we had about ten years ago when the AG at that time said that "dispensing did not mean "simply taking the money for the sale". As you can see, we have to operate the grocery stores under different rules, depending upon the opinion of the Attorney General who is in office at that specific time.

Needless to say, the present interpretation of "dispensing" works a hardship on many of our small town grocers who run their stores as a family operation and often have their youngsters help run the cash register. We tell them YOU MUST NOT PERMIT anyone under the age of 18 to take the money for the six-pack. This means the owner (or someone age 18 or over) MUST come to the register to physically take the money after the 16 or 17 year old has totalled the sale. We see this as unnecessary, but our members have always tried to obey all the laws and regulations in this state.

If any bill is going to be passed out of this committee, we urge you to amend the section we just now discussed, and urge you to make the age UNIFORM in all instances.

D

TESTIMONY BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

FEBRUARY 14, 1984

by

DICK EDINGTON, TOPEKA, KANSAS

Mr. Chairman, Members of the Committee, I appreciate the opportunity to appear before you today and discuss some of the reasons I feel that HB 2792 and the entire issue of raising the drinking age in Kansas to 21 is merely a political solution to something that should be considered a very complex social problem.

Many of the statements I will make today are similar statements to those made during hearings held on this issue a year ago yesterday before this committee. Quite frankly, I do not believe anything has changed. The arguments presented at that time against raising the drinking age still stand today. Studies used to conclude that persons 18 to 21 are overinvolved in alcohol related accidents are based on states that, even after an increase in the drinking age, still have a higher percentage of that driver population involved in accidents than we do today under our present laws. Many of the states we are compared to had a minimum drinking for not only beer but wine and spirits as well of 18 years of age. When this nationwide push began there were only four states who had drinking ages of 18 for 3.2% beer. So, as you can see, comparisons between states who made available all types of consumable alcohol to the age group in question and Kansas, who only allows the consumption of 3.2% beer, are very similar to comparisons between apples and oranges.

As you will see in information provided by other conferees, the age group at highest risk for an alcohol related involvement in an accident is age 20 to 29 in Kansas. Therefore, if we are to assume that merely raising a drinking age

Atch. D

will solve the problem, the drinking age in Kansas should be set at age 30.

I am convinced that raising the age is, in fact, a perceived political solution to a problem that can be solved only by changing social attitudes. Dr. H. Lawrence Ross in his book Detering the Drunk Driver: Legal Policy and Social Control listed three basic criteria for consideration in future drunk driving programs. First, convincing the public that there is a definite certainty of apprehension; secondly, making known the severity of penalties; and, thirdly, assuring swiftness of administration of penalties.

The Kansas Legislature took a commendable step with passage of a strong, new drunk driving law, one that, according to a Legislative Post Audit report released last week, meets the requirements set out by Dr. Ross in his book. But, I think we need to do more. The most precious privilege to young people in this state is their right to drive an automobile. I think the legislature needs to examine whether or not young people caught with open containers or convicted of DUI should be punished in a special way. I also believe that the legislature should demand parental support for our present laws. Time and time again I hear stories of parents holding keg parties for their underage children. And I ask you, with that kind of activity going on in the communities, how can we possibly expect people to respect the laws that we have? Even the President's Commission on Drunk Driving in its final report made a statement about social acceptance of drunk driving and I quote, "The social acceptance of intoxication and the omnipresence of the individual passenger car adds up to the continued social acceptibility of drunk driving." The report also stated that if social norms are the primary means of prevention, then the private sector will be called upon to become deeply involved in public education. I would like to point out here that we, as the private sector, have undertaken our own

public education program. Two industry leaders have developed their own alcohol information programs; one, "Alcohol Information from Miller" and the other developed by Anheuser-Busch called "Know When to say When." Both stress the humiliation, embarrassment, financial penalties and tragedies that result from not taking the responsibility of knowing and exercising good judgment about their own limits. We also have a program sponsored by the National Beer Wholesalers' Association that we are attempting to place in Kansas schools that provides alcohol awareness and stresses the problems surrounding excess consumption. These programs and the vast number of other educational efforts are, in fact, the best way to solve a social concern. It has been proven historically time and again that by far the most effective way to produce significant, positive change is through the exercise of personal responsibility by individual members of society. This is the direction that we believe the legislature should take.

Summarizing several statements again in the President's Commission's Report, they identified that there has been a dramatic increase recently in public awareness of the problem of drunk driving and they did note that all levels of government were attempting to respond to society's demands by enacting more effective legislation and increasing the enforcement of current laws. However, they expressed a very real fear and, I might add, several experts have agreed that the changes will be mistaken for solutions acknowledging that "most legal and judicial changes will bring about no more than short-term solutions to the drunk driving problem." Further, the Commission expressed the concern that the public confidence could be squandered as a result of a belief that laws alone would dramatically change the drunk driving problem. It is my opinion that the only long-term solution to drunk driving in this country is education concerning the responsible use of alcohol.

Prior to being a beer distributor, I worked for 19 years in Kansas public schools as a teacher. My experience has shown that those young people who have a problem dealing with alcohol will not be deterred by the simplistic approach of raising the drinking age. Those young people who have problems will continue to be able to secure alcohol or beer and additionally, even tho the legislature has passed stricter laws concerning fake I.D.'s, that business will proliferate.

In closing I want to say again that I believe raising the drinking age to 21 based on criteria provided from other states with dissimilar situations is a simplistic solution to a very complex social issue.

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TESTIMONY OF BOB W. STOREY
FOR KANSAS BEER RETAILERS ASSOCIATION
IN OPPOSITION TO HOUSE BILL 2651

MEMBERS OF THE COMMITTEE:

I want to discuss with you briefly today some of the arguments against the provisions of House Bill 2651.

First, I want to state that I am speaking not only in my capacity as a legislative representative for the Kansas Beer Retailers Association. More than that, I wish to inform the committee of my experience in Shawnee County as it relates to the 18-, 19-, and 20-year-old drinking drivers. I was Judge of the Alcohol Safety Action Program in Topeka for approximately one year, and I am well aware of the problems which are involved with the drinking driver. More specifically, I am acquainted with the various age groups as those ages relate to the total DWI arrests and convictions in Topeka, which comprise the greatest part of those in Shawnee County.

Before I get into statistics, I do want to commend this committee and the members of the legislature on recognizing that there definitely is a drinking and driving problem in the state of Kansas. However, the specific legislation which is before you, in my opinion, is not going to have any effect on the drinking and driving problem, at least in the county with which I am familiar, and that is Shawnee County. As long as there is alcohol available to our citizens, both of the state and the

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United States, and as long as automobiles are for sale to those who can afford them, we are going to have to recognize in this state and in this country that there is going to be a drinking and drinking problem. The only way in which that problem may be reduced or solved will be through education and treatment, and NOT trying to outlaw the sale of a commodity which is readily accessible to any person, whether it be on the open market or in the black market.

I wish to go back and read some statistics for you which should be very interesting in your considerations on this particular piece of legislation. In checking back in the year during which I was Alcohol Safety Action Program Judge in the County of Shawnee, I have attempted to take the statistics for the years thereafter to try to determine exactly what the drinking problem was for the 18-, 19-, and 20-year-olds in Shawnee County for those particular years. In 1982 there were 838 arrests for driving while intoxicated, which would of course would mean that the alcohol content in one's body was in excess of .10. Out of those 838 arrests, 74 were contributed directly to the three age groups of 18-, 19-, and 20-year-olds. If these figures were computed against the total arrests for DWI in this county, that would mean that less than 9% of all those persons arrested were under the age of 21, and more specifically were 18-, 19-, and 20-year-olds. This means that if House Bill 2651 were adopted and the legal age limit for the consumption of beer were increased to 21 years of age, then theoretically out of the 838 arrests, 74 would not be present in 1983, because the legal

age limit had been raised 3 years. During 1983 there were 1,222 arrests in Shawnee County for driving while intoxicated. Out of those 1,222 arrests, 125 were contributed directly to the three age groups of 18-, 19-, and 20-year-olds. If these figures were computed against the total arrests for DWI in this county in 1983, that would be 10.2% of all those persons arrested that were under the age of 21, and more specifically were 18-, 19-, and 20-year-olds. This means that if House Bill 2651 were adopted and the legal age limit for the consumption of beer were increased to 21 years of age, then theoretically out of the 1,222 arrests, 125 would not be present in 1984, because the legal age limit had been raised 3 years.

It also is of interest to know that in the 18-, 19-, and 20-year-old age group of those arrested for driving while intoxicated, there are less than 3% who are repeaters, compared to 9.3% repeaters for all age groups. Based on this, the younger DWI offenders are more amenable to information and education about drinking and driving. Most of these teenage offenders are subject to two courts, one down town and one at home (their parents). The teenager who drinks now will have second thoughts about driving home, because of the stiffer penalties of the new DWI law. Also, because of these stiffer penalties we have virtually eliminated the status symbol for being arrested for DWI in certain peer groups. The younger driver is now aware of the "get tough" DWI law. Also, it is quite evident from the local blood alcohol content records that the blood alcohol content of

the teenage driver on the average is considerably lower than the overall average of 1.75.

In view of the above statistics, I submit to you that by adopting House Bill 2651 and not allowing 18-, 19-, and 20-year-olds to consume 3.2% beer, you are merely making that age group go under ground and buy the commodity on the black market, or sit in their cars and drink instead of sitting in a tavern. If in fact this would happen, then you are making it much more amenable to having the drinking while driving convictions increase, since those age groups would merely consume the beer in a moving vehicle.

I believe this committee has to realize that the real problem (and again I am relating this to Shawnee County as an example, which I believe is a representative county of at least the urban areas of the state) with the teenage driver today is not that the laws are so inadequate. It is that the enforcement aspect of laws needs to be more closely studied. I can state without equivocation, being the father of teenage children, as well as having been involved in my legal practice with many juvenile crimes in Shawnee County and having served as ASAP Judge, that most of the taverns in Topeka serve 16- and 17-year-olds today as a matter of course. This is not always indicative that the tavern owners are in fact trying to violate the law. The biggest problem is that with the way teenagers look today it is almost impossible to enforce the law. In addition, it is so easy to buy fake identification, including the colored driver's licenses with the pictures on them sealed in plastic,

that almost anybody for the right price can buy on the black market either an identification card or a driver's license and have it in his or her possession within a day or two.

You have heard many arguments, and will hear them again I am sure, that to permit an 18-year-old person to be drafted and to fight a war, to purchase a house, and enter into contracts and do the other things which an adult is entitled to do, and yet say that they may not consume 3.2% beer is rather a ridiculous position in which to place one's self. I believe that one of the hardest things for a person in public office to do is to seek the votes of an 18-, 19-, or 20-year-old in electing themselves for public office, and publicly stating that those 18-, 19-, and 20-year-olds are perfectly capable of making an important decision, such as voting for an individual to be President of the United States or a member of the Kansas legislature, who in turn have the burden of running the country and the state, and at the same time to say even though they are perfectly capable of making enormous decisions of this type, they cannot be trusted with a bottle of 3.2% beer. I really do not think that the members of this committee or any person who is involved in the lawmaking process wants to face these young adults and try to justify that position.

I know that there will be some attempts to back away from the position of raising the legal age for the consumption of beer to 21 years old. As a matter of fact, I believe there are other bills in this legislature which attempt to raise the age for the consumption of 3.2% beer gradually, and there are those

who think that going to the age of 19 would be a position which would please both sides. Again, I want to point out to you that looking back at the statistics I gave you, in 1982 there were 19 convictions of 18-year-olds in the city of Topeka for driving under the influence of alcohol. That would be 2% of the total of the 838 who were arrested in Topeka in 1982. If House Bill 2651 were passed and incorporated into law, and theoretically if it worked it would be getting rid of 19 convictions for DWI in the year 1982. I believe you can readily see that if this position is adopted, you would be in the same position as if House Bill 2651 were enacted into law, since it would be almost unnoticeable in its effect.

Another major problem which is contained in House Bill 2651 is the problem of enforcement. Our law enforcement officials in this county, and other counties of the state, have enough problems trying to enforce the laws that exist today. Telling them you are going to raise the beer drinking age one more year, two more years, or three more years, with people having to prove they are 19 or 20 or 21 instead of 18, would result in complete chaos as it would relate to trying to enforce the laws. I would suggest to you that our police and sheriff departments would have to be increased greatly to try to handle the problem. In addition, as stated above, with fake ID's it would be so simple to alter a driver's license or identification card for 18 to 19, or from 20 to 21, that this would subject the owners of premises serving minors to possible criminal

violations, wherein they have absolutely no control over fake identifications used by the young adults.

One of the matters which we avoid so frequently in discussing legislation of this type is the real problem in this country of the drinking driver, and that of course is within that age group from 21 to 35 years of age. No one in the state legislature or the federal congress has at this time tried to pass legislation, or even attempt to address the problem of the drinking drivers within that age group, since that of course would not be accepted in our way of life, and primarily because those persons from 21 to 35 make up the majority of the people on the move and those involved in politics and business within our great country. In Shawnee County, for instance, 52% of the total arrests for convictions for driving while under the influence fell within the age group of 21 to 35 years of age within the past two years. The passage of House Bill 2651 would have absolutely no effect on those statistics, and as set out earlier herein, we would be dealing with figures from 5% to 9% and ignoring the real problem which is before us, and it is simply the problem of the drinking driver which is in the age group over 21 years of age. I know that you have had testimony from the Federal Department of Transportation, and I appreciate the study which it has conducted and also the thoughts which have gone into the recommendation the Department made back to the President of the United States. However, I cannot overlook the fact that the DOT merely scratched the surface in its studies, and came back with no recommendation as to how to handle the real problem in

this country, which is the problem of the older drinking driver. One argues that the number of deaths in this country related to the drinking driver are enormous. However, proposals such as House Bill 2651 are not the answer.

It is very easy for one to say, "Let's try to satisfy our conscience by raising the age for the consumption of 3.2% beer from 18 years to 21 years of age, or 19 years of age, or 20 years of age." However, this is nothing more than pervasive glazing of a problem that has existed in this country since its conception, and will exist in this country as long as both alcohol and automobiles are available to the public. Let us try to educate and to cure these problems rather than to pass legislation which would do nothing more than satisfy a very small minority of the groups within this state and country.

Thank you for your consideration in this matter.

Respectfully submitted,

BOB W. STOREY