

Approved May 23, 1984
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:20 a.m./p.m. on April 25, 1984 in room 254-E of the Capitol.

All members were present except:

Senator Francisco was excused.

Committee staff present:

Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
Emalene Correll, Legislative Research
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Terry Harmon, Kansas State Historical Society, Lawrence, Kansas

The Chairman called the Committee's attention to the Minutes of the Meetings of January 25, February 9, 29, March 13, 14, 19 and April 3, 1984. Senator Pomeroy moved that the Minutes be approved. 2d by Senator Morris. Motion carried.

Senator Pomeroy told the Committee about the Bingo games being held on the Reservations in the Southwestern Part of the United States. Some prizes for these games range up to \$300,000. (Attachment #1.)

Substitute for
HB2391 - relating to preservation and destruction of certain public records.

The Chairman distributed copies of a balloon version for Substitute for HB2391 which had been prepared by staff. Terry Harmon was asked if this were acceptable to the Kansas State Historical Society. Mr. Harmon also answered other questions from the Committee. Senator Pomeroy moved that the bill be amended as shown on the balloon version. 2d by Senator Meyers. Motion carried. Mr. Carman said that there were three places where "counties" should be inserted in the bill. Senator Pomeroy moved to add "counties" on page 2. 2d by Senator Parrish. Motion carried. Senator Morris moved the bill as amended be recommended favorably. 2d by Senator Gannon. Motion carried.

Conference Committee Report dealing with raising the age for 3.2 beer consumption.

The Chairman turned the Committee's attention to this morning's meeting at 8:00 a.m. and the material that was presented. He mentioned he had added testimony of James S. Hamilton of Lincoln, Nebraska, of the Nebraska Council on Alcoholic and Drug Education, to the file. (Mr. Hamilton's remarks are already shown as attachments and part of the Minutes of the Meeting of 8:00 a.m., April 25, 1984.)

The Chairman distributed copies of Legislative Resolution 258, from the State of Nebraska, as part of these Minutes. It states that it is vital that Nebraska and its adjoining states have a uniform minimum purchasing age for alcohol. (Attachment #2)

The Chairman distributed copies of the letter to Senator Ross Doyen, along with the Committee Report of the Senate Committee on Federal and State Affairs raising the legal drinking age for 3.2 beer. The Minority Report is also attached. The Chairman complimented Russell Mills on his fine work in putting these together, and also thanked Fred Carman and Emalene Correll for their work. (Attachment #3)

Senator Morris asked what is the charge of this Committee at this point. The Chairman stated that he understood from the Leadership that action would be postponed by the Senate on the confirmation of the Senate Committee Report until April 26, 1984, at a time to be decided upon by the Leadership.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:20 a.m./~~p.m.~~ on April 25, 1984.

That would permit this Committee to have an open hearing to hear whatever facts were available, and then for the Committee to direct the Chairman to deliver the Committee's charge or recommendation. The Chairman also said that he believed the Leadership has honored the majority action and will honor the Committee's action and that the Committee will make a recommendation to the full Senate or put it in the vote on the Conference Committee Report.

Senator Gannon made the conceptual motion that the age not be increased but that much work be done in the area of education. The motion failed for lack of a second.

Senator Morris made a conceptual motion stating that following a 2-hour hearing on April 25, a majority of the Senate Committee on Federal and State Affairs believed raising the age for cereal malt beverages to age 19 in Kansas should be adopted, with further emphasis on the enforcement and education.

Senator Roitz made the substitute motion to recommend to the full Legislature that the drinking age remain at 18 and that the issue be sent to an interim study. 2d by Senator Winter.

The Chairman elaborated that the motion is that the drinking age not be raised at the time being and the recommendation of the Governor's Committee on Drinking and Driving and an interim study or a task force or the Legislature study the matter and try to attack it on a comprehensive basis. Also, that the Committee closely examine the European methods on the last page (Page 10) of the tabloid. (Attachment #4)

On a vote of 6 to 4 the motion was adopted.

The Chairman expressed his appreciation to Committee and Staff for their willingness and patience to work during the noon hour.

The meeting adjourned at 1:00 p.m.

Attachment #1
April 25, 1984
11:20 a.m.

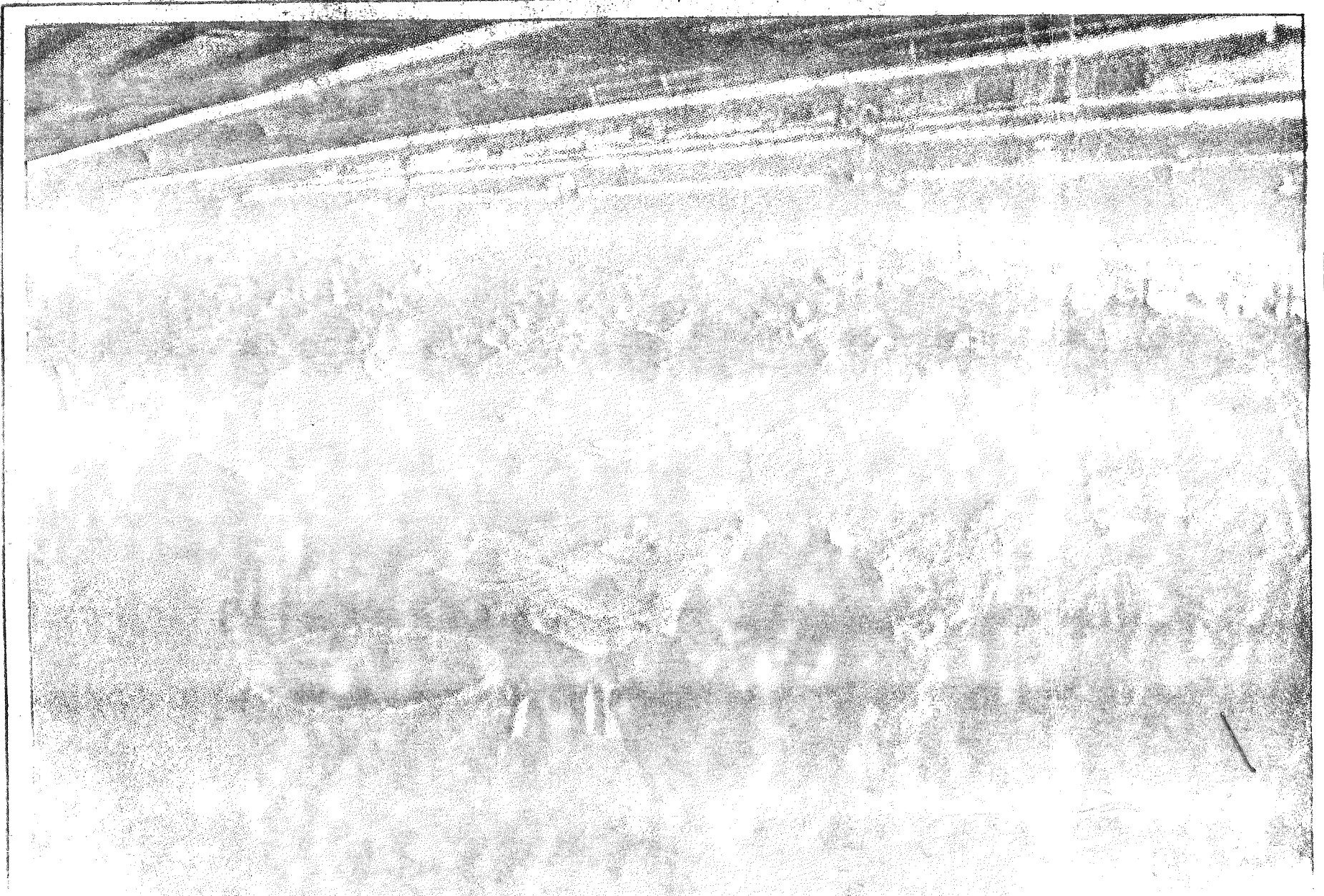
TULSA WORLD

79th Year—No. 205

Final Home Edition

Tulsa, Oklahoma, Sunday, April 8, 1984

ENTIRE CO
WORLD FU



World Staff Photo by Rabbit Hare

The 5,000-seat Noble County facility at Red Rock was sold out Saturday.

PLAYING FOR KEEPS

World's Largest Bingo Hall Opens

By TOM OAKS
Of the World Staff

RED ROCK — After 10 years of planning, the world's largest bingo hall opened here Saturday after four hours of operation, there was talk of closing its doors.

It just didn't open inwardly, and just for the day.

The 5,000-seat Noble County hall was sold out before the first day's play was one-third past, said Steve Blad, general manager of Otoc Missouri Bingo. "We don't want to oversell on the first day," Blad told security personnel. "Let's cut off (admission) at around 5,100."

The 50,000-square-foot facility created 307 jobs. It created the rent of over 2,200 hotel rooms in seven northeastern Oklahoma cities. And Saturday it created a gambler's suspenseful competition like none between here and Nevada.

There were 131 chartered buses from 35 states overflowing two parking lots. An hour before the official opening, players stood in line in the rain to sit inside. There, they tried to spread their success on individual playing tables barely two by three feet in dimensions.

The first day's play was 10 hours and 45 minutes long. Many of the players went the distance.

"These people have come from 24 states to get here," Blad said. "They're not going to leave their seats for anything."

Most didn't.

Restrooms were packed only during recess. Most of the time, however, was near non-stop play, during which contestants sat spellbound in concentration, watching their playing cards and 36 television monitors attached to 15,000 feet of camera cable.

Many would not abandon their playing space even to eat, for fear of sitting out only one game: the game that might pay.

"I can eat at home," said one player. "I came here to play bingo."

Saturday, they played for cash totaling \$300,000, including a grand prize of \$100,000.

They played for trips to Hawaii and London, they played for a Lincoln Towne Car. They therefore played for keeps.

Most kept only the hope of hitting next time, when the minimum entry fee would again be \$69.

"We had a couple of babies who spent that, and a few who spent \$10,000," Blad said. "Most people don't play to go to win. They play to get out to play again."

Eighteen security men, wearing conspicuous pistols and hand guns, walked silently among the crowd. Guards whispered to each other through microphones with the hush of golf commentators during a title-deciding putt.

Silence was broken only by the scream, "bingo!" after which the "William Tell Overture" was blasted through audio speakers suspended around the room.

Three reporters were stationed at the winner's table, where winners were hesitant to be interviewed. Each said he wanted to get back to his cards, back to the bingo. Several investors in the hall were on hand Saturday for the premier. Blad and members of his staff indicated they would spend the night in the facility, equipped with saunas and kitchens for staff lodging.

Until 15 months ago, Blad himself had never dotted a bingo card.

"I'm a real bingo con," Blad said. "I'm not a bingo player. I'm a bingo promoter."

Atch. 1

ZLB 2391

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pt counties shall be recommendations and shall not alter or replace current statutes authorizing or restricting the disposition of government records by local agencies.

0085 (c) Any board of county commissioners may order disposition of any noncurrent county government records after minimum retention periods set forth in the schedules prepared pursuant to subsection (d) of K.S.A. 45-406 and amendments thereto. Any board of county commissioners may petition the state records board for amendments to the schedules, for authority to depart from specific provisions of the schedules or for authority to implement schedules applicable to only a single county.

0094 ~~(d) Any county government records for which permanent retention is set forth in the schedules shall be offered to the state historical society before such records may be destroyed.~~

0097 (e) Pass upon recommendations by the state archivist for transfer to the state archives of any noncurrent government records with enduring value which are held by a state agency opposing such a transfer. When the state archivist makes such a recommendation, the state agency opposing the transfer shall defend before the board its reasons for wanting to retain the records in its custody, and the board shall determine whether the transfer shall occur.

0105 (f) Approve or modify recommended microphotographic standards prepared by the state archivist and pass upon requests for authority to dispose of original government records of state agencies following reproduction on film, as provided in K.S.A. 45-412 and amendments thereto.

0110 Sec. 3. K.S.A. 45-405 is hereby amended to read as follows: 45-405. (a) The state historical society shall serve as the official state archives and shall assist state and local agencies in the preservation of government records with enduring value.

0114 (b) Any state or local agency may transfer to the state archives any noncurrent government records accepted by the state archivist and all state agencies shall transfer to the state archives any noncurrent government records when directed to do so by the state records board. With the approval of the state archivist,

(d) With the approval of the state archivist, the board of county commissioners of any county may transfer any noncurrent county government records to the custody of the state historical society. The board of county commissioners of any county may transfer any noncurrent county government records which have been determined by the state archivist to be records which are not required by law to be confidential or restricted ~~and which are not restricted under authority of K.S.A. 45-407 and amendments thereto~~ to the custody of a county historical society, a genealogical society, a public library, a college or university library or another local or regional repository in Kansas determined by the state archivist to be suitable and which will accept such records, except that under authority of this sentence no records relating to the mental or physical health of any person shall be so transferred.

April 25, 1984
11:20 a.m.

April 25, 1984
11:20 a.m.
Attachment #2

LEGISLATIVE RESOLUTION 258

Introduced by Hannibal, 4; Landis, 46; H. Peterson, 35;
Nichol, 48; Wesely, 26; Morehead, 30;
Pappas, 42; DeCamp, 40; R. Peterson, 21

WHEREAS, drunk driving is a major cause of traffic deaths and injuries in the United States; and

WHEREAS, in 1982 the Presidential Commission on Drunk Driving recommended a uniform minimum age of 21 for purchasing alcohol in every state as one means of reducing drunk driving; and

WHEREAS, on February 7, 1984, the Eighty-eighth Legislature of Nebraska, Second Session, 1984, passed LB 56, raising Nebraska's minimum alcohol purchasing age to twenty-one, operative January 1, 1985; and

WHEREAS, the Public Policy Office of the National Council on Alcoholism has published statistics showing that a nonuniform minimum alcohol purchasing age among adjoining states increases alcohol-related traffic deaths and accidents due to young people driving to adjoining states to legally purchase alcohol; and

WHEREAS, the states of Iowa, Kansas, Colorado, South Dakota, and Wyoming allow persons younger than twenty-one years of age to purchase some form of alcoholic beverage;

WHEREAS, lack of a uniform alcohol purchasing

age of twenty-one among Nebraska and its adjoining states will lead to increased alcohol-related traffic deaths and accidents in Nebraska and its adjoining states; and

WHEREAS, lack of a uniform alcohol purchasing age of twenty-one among Nebraska and its adjoining states will lead to increased law enforcement costs in Nebraska and its adjoining states to avoid such increased traffic deaths and accidents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That it is vital that Nebraska and its adjoining states have a uniform minimum purchasing age for alcohol.

2. That the Legislature of Nebraska urges the states of Iowa, Kansas, Colorado, South Dakota, and Wyoming to increase the minimum purchasing age for alcohol to twenty-one years of age.

3. That a copy of this resolution be sent to the Legislatures of Iowa, Kansas, Colorado, South Dakota, and Wyoming.

Attachment #3
11:20 a.m.
April 25, 1984

COMMITTEE REPORT

TO: Senator Ross Doyen, President of the Senate
FROM: Senate Committee on Federal and State Affairs
RE: Raising the Legal Drinking Age for 3.2 Beer

The Senate Committee on Federal and State Affairs held a two-hour public hearing on this date on the issue of raising the legal age for consumption of 3.2 beer in Kansas from 18 to 19. About 15 conferees appeared at the hearing and over 100 interested citizens observed the meeting. After reviewing the testimony and all the materials presented by conferees and staff, the Committee makes the following observations:

1. The issue of raising the legal drinking age is exceedingly complex, with ramifications which may be far-reaching and which are not readily discernible.
2. Testimony appears not to be conclusive as to the effectiveness of raising the drinking age on alcohol-related automobile injuries and fatalities among the 18 and 19 year old age group.
3. Widely varying views are held by proponents and opponents as to the efficacy, wisdom, and effects of raising the drinking age.
4. Conflicting and contradictory statements, reports, and statistics seem to characterize much of the testimony presented by both sides. One member termed the issue a "complex morass."
5. The problem of drunk driving is a much broader issue, of which the legal drinking age is only one component. There are other methods which could be used to attack the problem of drunk driving, including expanded educational programs, enhanced law enforcement, mandatory driver's license suspension, or even raising the minimum age for issuance of drivers' licenses.

Atch. 3

As a result of its study of this issue and review of the recommendations of the Kansas Governor's Committee on Drinking and Driving, the Committee submits the following recommendations:

1. The 1984 Legislature should take no action to raise the legal drinking age for consumption of 3.2 beer. (The conference committee report on H.B. 2504 should not be adopted.)

2. An interim study should be authorized during the 1984 interim to examine, on a comprehensive basis, the broad issue of driving while intoxicated and develop methods to alleviate the problem of drunk driving. The interim committee study should evaluate all of the issues which impact upon the problem of drunk driving, including the legal age for consumption, education efforts, public awareness, law enforcement problems, adjudication procedures, driver's license suspension or revocation, and the experiences of other states and other countries including the fact that some other countries have lower drinking ages and much more severe penalties for driving while intoxicated. The interim study should attempt to review and evaluate the conflicting reports and statistics being used by the opposing sides on the issue of age in order that the 1985 Legislature will have accurate data and firm knowledge upon which to base an informed decision.

The Kansas Governor's Committee on Drinking and Driving in 1982 encouraged the establishment of a special legislative committee or blue ribbon committee to investigate the data relative to the issue of raising the legal drinking age and consider the ramifications of instituting such a change in Kansas. Your Senate Committee echoes these recommendations and urges that an interim committee be authorized to conduct a comprehensive study of the drunk driving issue, including the question of raising the legal drinking age.

MINORITY REPORT

April 25, 1984

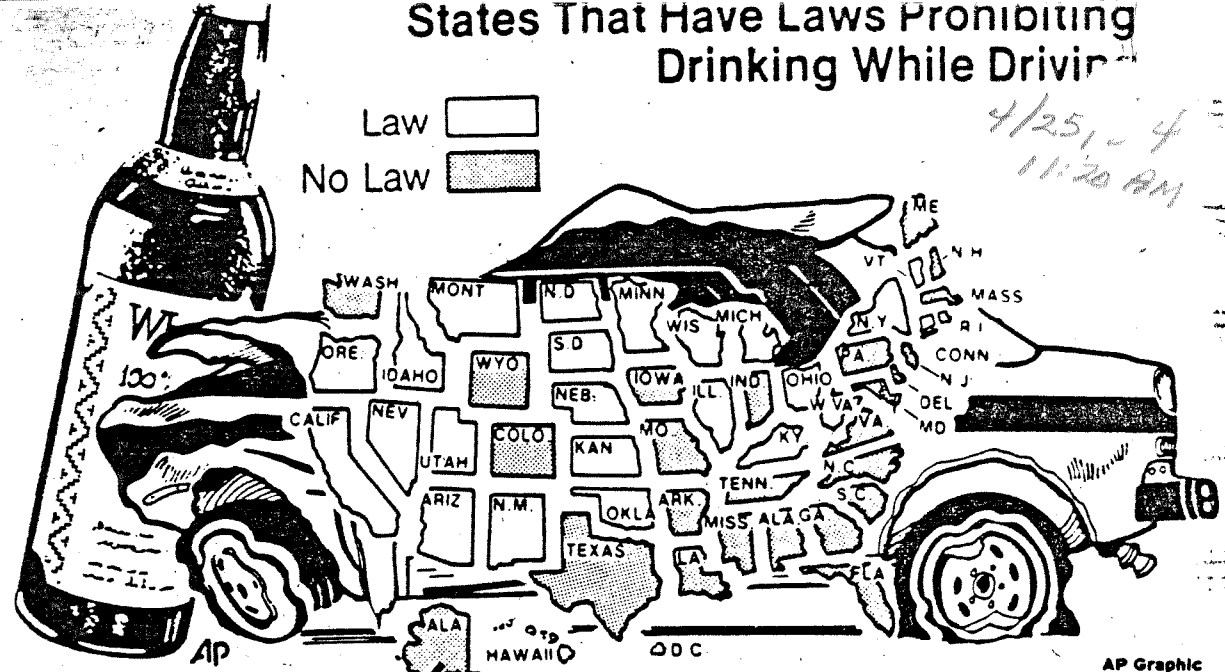
TO: Senator Ross Doyen, President of the Senate

FROM: Senator Norma Daniels, Senator Bill Morris,
Senator Ben Vidricksen

We do not concur with the recommendations of the Senate Committee on Federal and State Affairs concerning the issue of the legal drinking age for 3.2 beer in Kansas. That recommendation was adopted on a vote of 6-4. The Committee's recommendation that the issue be referred to interim study is not an appropriate response to the problem of alcohol-related traffic accidents among youth. The Legislature should take action to raise the legal drinking age for 3.2 beer from 18 to 19. The conference committee report on H.B. 2504 should be adopted. However, we feel that raising the legal age is only one response to this issue. Broad efforts, including educational programs and increased law enforcement, will be needed to combat the problem of drinking drivers.

States That Have Laws Prohibiting Drinking While Driving

4/25/4
11:30 AM



The shaded states above have no law against drinking and driving. Believe it or not, that means that in those states you could drive down the highway with a martini in your hand. In reality, particularly in the Southern states, it's more likely to be a beer.

World law is variable

The whole world hasn't been able to agree on how to deal with drunken driving — except perhaps, for the Moslem nations.

Since consuming any amount of alcohol is against the tenets of their religion, Moslems don't have laws about it except, as the Egyptian consulate in Chicago pointed out, to deal with foreigners and tourists. Liquor isn't even for sale in Islamic nations, except in special shops trading only with visitors from abroad.

Perhaps the toughest laws in a European country are those of Norway. There, half the amount considered legally intoxicated in Illinois is considered drunkenness (.05, or about two beers for a person of average height and weight). If you are arrested for drunken driving, there is a minimum of 21 days in jail — the judge isn't allowed to give anything less.

The drunk Norwegian also loses his license for at least a year, and sometimes forever. And his insurance is void. In other words, if he's in an accident involving drinking, his insurance will pay for damage to the other guy, but not to him, either for damages or hospitalization. And if he is killed, his life insurance is not paid. Additionally, the insurance company can sue him for repayment of any costs paid to injured parties.

Norway also uses random roadblocks where all drivers are checked for alcohol. Breathalyzer, blood and urine tests are mandatory (there is no right to say no).

Here's a sampling of some of the ways other nations deal with drunken driving:

Canada — Penalties and drinking ages vary by provinces, much like from state-to-state in the United States, with about the same range of severity.

Mexico — Drinking at 21; fines, jail and loss of license for DWI.

Great Britain — Drinking at 18; DWI penalty varies with severity of offense; mandatory loss of license for a year.

Czechoslovakia — Any level of alcohol in the blood is considered proof of drunken driving. If you had one beer, you're drunk as far as cars are concerned.

Denmark — Any age can buy and drink (but 18 to do so in restaurants). Fine, jail for DWI; one year license loss for first offense, five years for second, lifetime for a third. Also voids insurance.

Sweden — Fines scaled to your annual income; the more you earn, the more you pay. One month minimum jail sentence. It is estimated that 40 percent of all Swedish jail terms are for drunken driving. Also voids insurance.

Japan — Drinking at 20; six-month to one-year prison terms, fines.

Belgium — No age limit in restaurants, no set law. If patron leaves tavern drunk, bar owner is liable for what happens. Jail possible, loss of license up to a year.

France — No legal drinking age, though some places forbid children in bars. DWI means license lost for year, 3 years if second offense. If injury, up to 2 years in jail. If death, up to 4 years in jail.

West Germany — Driver's license suspended for three months.

Here is a breakdown of state laws governing drinking and driving as provided by The Associated Press. The categories of information are:

- AGE — The legal drinking age.
 - LAW — Does state law prohibit drinking while driving?
 - SOBER — Maximum license suspension for refusing a blood-alcohol test.
 - JAIL — Maximum sentence for first-time drunken driving conviction.
 - LICENSE — Maximum license suspension for first offenders.
 - FINE — Maximum fine for first offenders.
 - NP — Where cited, state law does not provide for a jail term, license suspension or fine.
- A hyphen (-) followed by a numeral refers you to footnote at bottom of table.

	Age	Law	Sober	Jail	License	Fine
Alabama	19	N	45 dy	1 yr	6 mo	1,000
Alaska	19	N	90 dy	1 yr	30 dy	1,000
Arizona	19	Y	6 mo	24 hr	1 yr	250
Arkansas	21	N	6 mo	1 yr	1 yr	1,000
California	21	Y	3 mo	6 mo-1 yr	90 dy	500
Colorado	21-2	N	3 mo	1 yr	1 yr	1,000
Connecticut	19-8	Y	90 dy	6 mo	1 yr	1,000
Delaware	20	N	1 yr	6 mo	6 mo	1,000
District of Columbia	18	Y	6 mo	6 mo	6 mo	500
Florida	19	N	3 mo	NP-5	6 mo-8	250-7
Georgia	19	N	6 mo-9	NP	1 yr	1,000
Hawaii	18	Y	6 mo	1 yr	N	1,000
Idaho	18	N	90 dy	6 mo	90 dy	300
Illinois	21	Y	6 mo	1 yr	1 yr	1,000
Indiana	21	N	1 yr	1 yr-3	2 yr	5,000
Iowa	19	N	60 dy	1 yr-1	90 dy	300
Kansas	21	Y	1 yr	1 yr	1 yr	500
Kentucky	21	Y	6 mo	NP	6 mo	500
Louisiana	18	N	6 mo	6 mo	6 mo	400
Maine	20	N	6 mo	NP-4	6 mo	500
Maryland	21-2	N	60 dy	1 yr	1 yr	1,000
Massachusetts	20	N	90 dy	2 yr	1 yr	1,000
Michigan	21	Y	6 mo	90 dy	1 yr	500
Minnesota	19	Y	6 mo	90 dy	30 dy	500
Mississippi	21	N	90 dy	NP	1 yr	200
Missouri	21	N	1 yr	6 mo	1 yr	500
Montana	19	Y	60 dy	24 hr	6 mo	500
Nebraska	20	Y	6 mo-9	7 dy	60 dy	200-8
Nevada	21	Y	1 yr	6 mo	1 yr	1,000
New Hampshire	20	N	60 dy	NP	2 yr	1,000
New Jersey	19	N	6 mo-9	NP-5	6 mo	250
New Mexico	21	Y	1 yr	90 dy	1 yr	500
New York	18-10	Y	6 mo	1 yr	6 mo	350-7
North Carolina	21-2	N	6 mo	6 mo	1 yr	500
North Dakota	21	Y	6 mo	30 dy	28 dy	500-6
Ohio	21-2	Y	6 mo	6 mo-1	3 yr	1,000
Oklahoma	21-2	Y	6 mo	1 yr-1	1 yr	500
Oregon	21	Y	120 dy	1 yr	1 yr	2,500
Pennsylvania	21	Y	6 mo	1 yr	6 mo	2,500
Rhode Island	20	Y	30 dy-9	1 wk	1 yr	500
South Carolina	21-2	N	6 mo	30 dy	6 mo	100
South Dakota	21-2	Y	1 yr	1 yr	1 yr	1,000
Tennessee	19	N	6 mo	1 yr	6 mo	50
Texas	19	N	1 yr	2 yr	1 yr	500
Utah	21	Y	1 yr	6 mo	1 yr	299
Vermont	18	Y	1 yr-9	1 yr	1 yr	500
Virginia	21-2	N	90 dy	NP	6 mo	500
Washington	21	N	6 mo	1 yr-1	NP	500
West Virginia	18	Y	1 yr	1 yr	6 mo	500
Wisconsin	18	Y	6 mo	NP	6 mo	300
Wyoming	19	N	30 dy	6 mo-8	90 dy	750

- Special notations:**
- 1 — Minimum jail terms of 24 hours to 10 days
 - 2 — 3.2 beer and sometimes wine at 18. In Virginia, 19. In Maryland, the age is gradually being raised to 21 for all drinks over three years.
 - 3 — Probation
 - 4 — Civil offense penalties. Maine automatically treats cases in which blood-alcohol is above .020 as a criminal offense. Same for cases involving repeaters, drivers who try to elude police or drive more than 30 mph over the speed limit. Criminal penalties are at least 2 days and up to 364 days in jail, up to \$500 fine and one year suspension.
 - 5 — Plus 30 days community service in New Jersey, 50 days in Florida.
 - 6 — Minimum 3 days in jail or \$100 fine.
 - 7 — Minimum fine.
 - 8 — New laws effective June 1 in Wyoming, July 1 in Connecticut and Florida; July 14 in Nebraska, where offenders face either seven days in jail and a \$200 fine or an unspecified probation term and a 60-day license suspension.
 - 9 — Plus fines and, in Nebraska and Vermont, jail.
 - 10 — New York state late last month passed a law that will raise the age to 19.

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continuing attack on the
Illinois enacted a new
consent" law, effective
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license, the motorist will
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mple or urinalysis in a

A breath test involves two
taken not less than 15
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rst drunk-while-driving
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ther front, seven county
societies in Wisconsin are
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to drive with even a trace
in their bloodstream.

nger Von Helmburg of
a member of the State
Society's board of
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Pepin, Langlade and
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Pell has lost two members
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hairman of the House
orks and Transportation

e, and Michael Barnes, D-
ld set up an incentive
using existing funds from
al highway trust fund, to

states to take effective
mbating drunken driving.

Illinois: Many shifts in century of law

Atch. 4