

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

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

11:00 a.m./~~pm~~ on March 11, 1985 in room 254-E of the Capitol.

All members were present. ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

The Reverend Richard Taylor, Kansans for Life at Its Best
Michael Byington, Kansas Association for the Blind and Visually Impaired, Inc.
Ken Wallace, Jayhawk Cafe, Lawrence, Kansas
Mark Tallman, Associated Students of Kansas, Topeka, Kansas
Representative Kerry Patrick

Minutes of the Meeting of March 5, 1985, were distributed to Members. Senator Arasmith moved that the Minutes be approved. 2d by Senator Martin. Motion carried.

HB2067 - Age for consumption of cereal malt beverage.

The Reverend Richard Taylor appeared as a proponent. He handed out Attachment #1. It consisted of Comparison of Age Groups Involved in Alcohol Related Crashes - 1978-1982; 18-20 Year-Old Drinking Drivers; article from THE WALL STREET JOURNAL, dated Tuesday, February 8, 1983, "Colleges Try to Combat Rampant Alcohol Use, but with Little Effect; and from the OMAHA WORLD-HERALD, dated January 28, 1984, "Wadman Backs 21 Drinking Age to Fight Crime." The Reverend Taylor referred to the various articles to support his position on the matter, and asked the Committee to support raising the drinking age to 21.

The next conferee was Michael J. Byington, for the Kansas Association for the Blind and Visually Impaired, Inc. He said they are in opposition to HB2067 because in its current form it discriminates against persons who are unable to get drivers' licenses due to disabilities. He distributed copies of his testimony, including a proposed amendment to the bill, which he said could correct the discriminatory aspects of this proposed legislation. His written testimony is Attachment #2.

Mr. Ken Wallace of the Jayhawk Cafe, Lawrence, was the next conferee. He appeared as an opponent to HB2067. He said one-quarter million dollars will not be generated into the Lawrence economy if this bill passes. He asked that the Committee not support it.

Mark Tallman, of the Associated Students of Kansas, was the next conferee. He said that ASK is in opposition to raising the drinking age.

The Chairman said this would conclude hearings on HB2067.

SB46 - Drinking age and other regulation of alcoholic beverages.

The Chairman called the Committee's attention to the Subcommittee Report on SB46, and said that the Committee was still on Item #5. First, however, he wanted to call the Committee's attention to bills that were re-referred to this Committee.

The Chairman said that SB113 was re-referred to this Committee. Senator Walker moved that SB113 be passed out without recommendation. Senator Daniels moved that it be re-referred to Public Health and Welfare. 2d by Senator Morris. Motion carried.

Next for discussion was SB177. Senator Daniels moved that it be sent back to

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on March 11, 1985.

Governmental Organization. 2d by Senator Morris. Motion carried.

The next bill for consideration was SB283. Senator Arasmith moved that SB283 be passed favorably. 2d by Senator Daniels. Motion carried.

The Chairman then called the Committee's attention to SB46, stating that Item #1 was adopted as of March 6, and Item #5 on March 7. He said that with regard to Item #1, the age issue and the date, Senator Langworthy had talked to him again that the effective date be made August 1.

The Chairman referred the Committee to HB2067, as Representative Kerry Patrick had arrived to comment on it. He spoke with regard to Representative Spaniol's amendment which was adopted on the floor. It permits anyone to get into a club by having a driver's license and be age 21 and the license must be issued by any state. He said that although the Attorney General has issued an informal opinion that the amendment is unconstitutional, he (Representative Patrick) disagrees.

Following Representative Patrick's testimony the Chairman called the Committee's attention to SB46, and Item #6 of the Subcommittee Report. Senator Martin said it will be an administrative nightmare for the ABC to try to police the liquor statutes in this amendments. Senator Martin moved that Item #6 also include the sale of wine and spirits as well as cereal malt beverages on Sundays after 1:00 p.m., just in liquor stores. Motion failed for lack of a second.

Senator Walker moved on Item #6 to put a period after "establishments" and to strike out the words "liquor stores," and also recommended that in opposition to the Subcommittee Report to do away with the provisions to be open on election day. Senator Anderson seconded the conceptual motion of Senator Walker. Motion carried 5-4. The Chairman said the Committee would continue its discussion of Item #7 at its next meeting.

The meeting was adjourned.

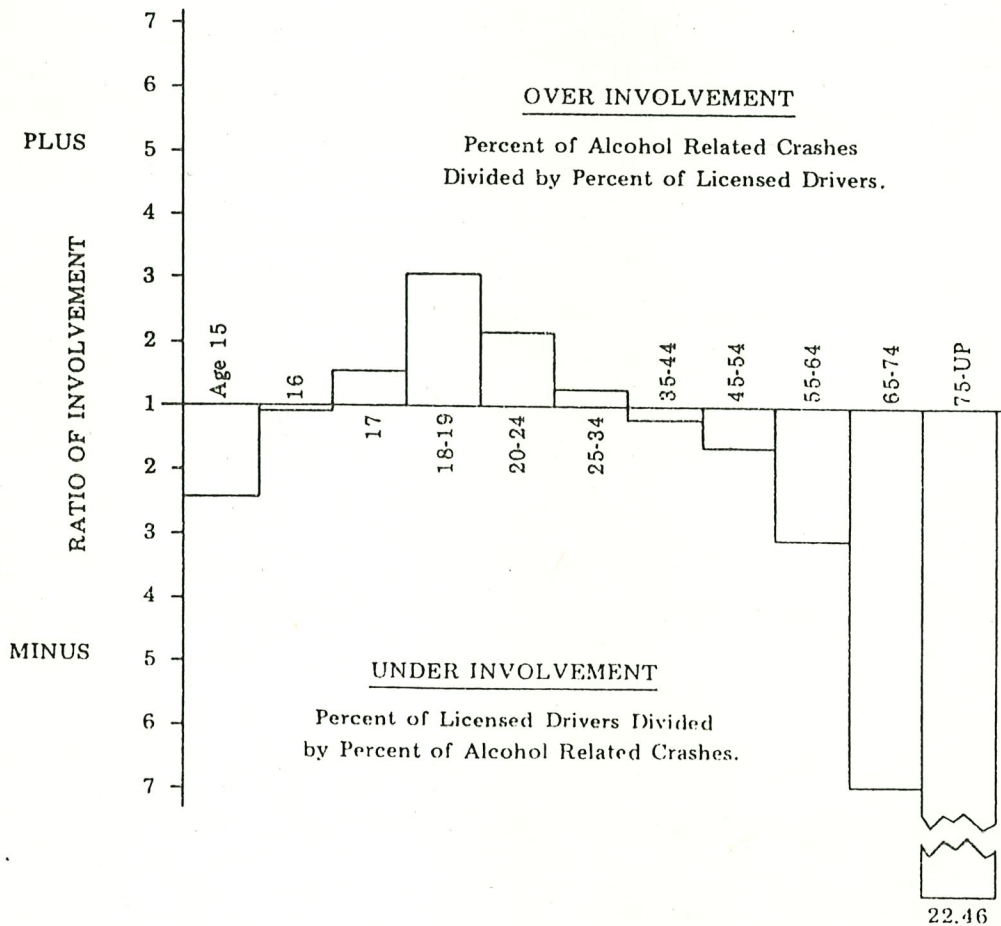
3/11/85
Attachment #1

KANSAS DEPARTMENT OF TRANSPORTATION
ACCIDENT RESEARCH & STATISTICS

COMPARISON OF AGE GROUPS
INVOLVED IN
ALCOHOL RELATED CRASHES
1978 - 1982

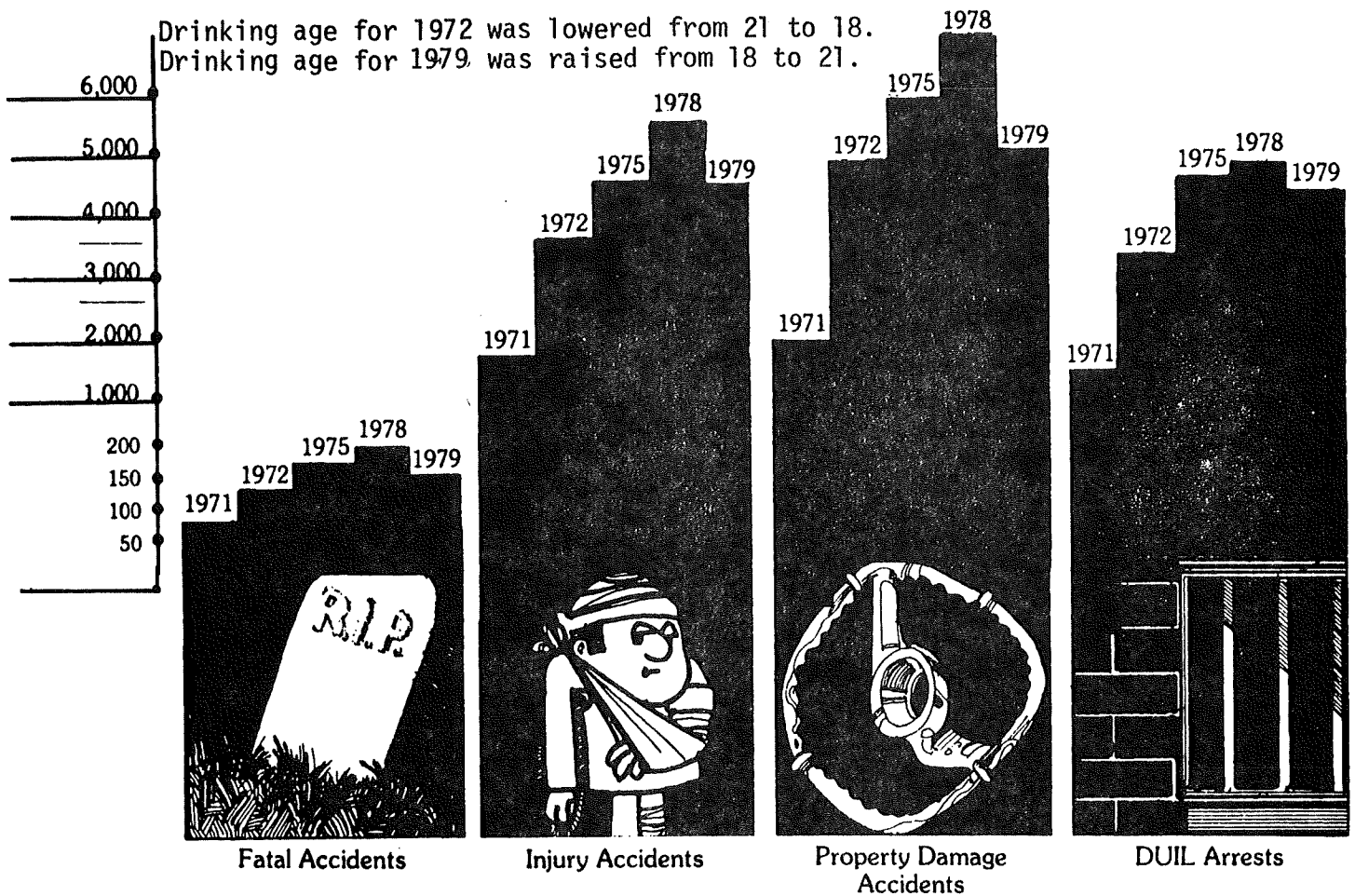
AGE GROUP	15	16	17	18-19	20-24	25-34	35-44	45-54	55-64	65-74	75-UP
PERCENT OF LICENSED DRIVERS	1.34	2.03	2.53	4.61	12.55	21.22	13.64	12.08	14.24	9.92	5.84
PERCENT OF ALCOHOL CRASHES	.54	1.98	3.90	14.17	27.50	26.62	11.44	7.55	4.61	1.43	.26
RATIO OF INVOLVEMENT	-2.48	-1.02	+1.54	+3.07	+2.19	+1.25	-1.19	-1.60	-3.09	-6.94	-22.46

An involvement ratio of 1.00 would indicate that an age group had the same percent of licensed drivers as is their percent of alcohol related auto crashes.



18-20-YEAR-OLD DRINKING DRIVERS

Source: Michigan State Police



DRINKING DRIVERS INVOLVED IN ACCIDENTS 1971-1979

	1971	1972	Change from 1971	1975	Change from 1971	1978	Change from 1971	1979	Change from 1978
Ages 18-20									
All Accidents	3,790	8,273	+ 118%	10,520	+ 178%	12,567	+ 231%	9,627	- 23%
Fatal Accidents	87	134	+ 54%	164	+ 89%	182	+ 108%	161	- 12%
Injury Accidents	1,787	3,651	+ 104%	4,440	+ 148%	5,390	+ 202%	4,431	- 18%
Property Damage Accidents	1,916	4,488	+ 134%	5,916	+ 208%	6,995	+ 265%	5,035	- 25%
All Other Ages									
All Accidents	41,047	46,685	+ 14%	44,271	+ 8%	49,462	+ 21%	51,207	+ 4%
Fatal Accidents	591	624	+ 6%	657	+ 11%	776	+ 31%	770	- 1%
Injury Accidents	17,810	19,822	+ 11%	18,515	+ 4%	21,233	+ 19%	22,691	+ 7%
Property Damage Accidents	22,646	26,239	+ 16%	25,099	+ 11%	27,453	+ 21%	27,746	+ 1%

ARRESTS FOR DRIVING UNDER THE INFLUENCE OF LIQUOR (DUI) 1971-1979

	1971	1972	Change from 1971	1975	Change from 1971	1978	Change from 1971	1979	Change from 1978
Drivers 18-20 Yrs. Old	1,306	3,151	+ 141%	4,641	+ 255%	4,840	+ 270%	4,332	- 11%
Drivers All Other Ages	26,058	33,095	+ 27%	34,076	+ 31%	34,788	+ 34%	37,605	+ 8

If Associated Students of Kansas (ASK) lobbyists were concerned for academic achievement, would they be pushing beer for 18-19-20 year old students? Should student fees support this lobbying effort that promotes increased use of our most abused drug?

(Front Page)

Campus Binge

Colleges Try to Combat Rampant Alcohol Use, But With Little Effect

Drinking Problem Outstrips Drug Abuse and Is Linked To Fights and Flunkings Courses in Licking the Habit

By JOHNNIE L. ROBERTS

Staff Reporter of THE WALL STREET JOURNAL

A new course at Kent State University gives college credit to students who attempt to lick their drinking problems. In Vermont, Bennington College holds weekly meetings of Alcoholics Anonymous. At Tufts University, President Jean Mayer urges students to take car keys away from inebriated classmates.

Across the country, college and university officials are growing increasingly concerned about alcohol abuse among students. Believing it is a far more dangerous and widespread problem than illegal drug use, more than half the nation's colleges in recent years have begun programs to combat excessive drinking by students.

Yet so far such efforts have produced little more than a heightened sense of frustration among college officials. Instead of declining, student drinking problems at many campuses continue to increase. Worried administrators also report a rise in alcohol-related violence and vandalism. And there have been a disturbing number of recent incidents like one last year at the University of Texas, when a sophomore died after drinking almost a quart of tequila.

'An Insidious Problem'

Many university administrators now say they simply aren't sure what to do about student drinking. "It's an insidious problem," says Stephen Nelson, the chairman of a committee that has spent four years studying it at Dartmouth College. Adds Howard T. Blane, an expert on alcohol abuse at the University of Pittsburgh: "Generally, the programs have no overall impact."

It actually isn't clear whether students are drinking more than they have in the past or whether all the new attention given to the problem just makes it seem that way. While a number of recent surveys suggest that alcohol abuse on campus is more common than it used to be, a Boulder, Colo., consultant that conducted one such study for the Chronicle of Higher Education concluded that many of the findings may stem from an increase in reporting.

Nevertheless, the results have sounded an alarm at many schools that previously either had ignored the problem or weren't aware it is as serious as the surveys show. One recent poll of students at 80 colleges, for instance, found that as many as 17% consider themselves heavy drinkers. More than two-thirds of the undergraduates also admitted to driving while intoxicated, and a third said they had missed class because of excessive drinking.

Related Concerns

Administrators also have begun to link alcohol to many other problems. The University of Florida traced 41 crimes or violations of campus regulations committed by students last year to students who were drunk at the time. One incident involved two students who stole \$17,000 of equipment from the chemistry building after they had drunk six pitchers of beer.

At Kent State, a spokesman for the student-operated ambulance service responds at least once a month to emergencies involving alcohol poisoning, plus dozens of other injuries to students who had too much to drink. A recent four-car collision near the Ohio campus left one student paralyzed and another accused of drunk driving.

Academic Failure

In addition to the more visible problems of alcohol-related violence and injuries, administrators worry that drinking also may be hurting many students' educations. According to a study by Angelo Gadeleto, the director of counseling at Virginia's Radford University, some colleges now believe as many as 60% of cases of academic failure may be related to student drinking problems.

And it affects more than just students who drink. Lois Schroeder, a junior at Kent State, says she almost quit school her first year because she was so bothered by the rowdiness of drunk students. Gregory Castriano, a senior at the same school, says he now unplugs his dorm-room telephone every night to keep from being harassed by intoxicated classmates.

Another part of the problem is student indifference. "People aren't paying any attention to the effect alcohol has on them," says Leslie Shaw, a senior at Indiana. Ezrie Nahas, a resident adviser at Kent State, notes that only one person showed up at a recent campus movie on alcohol abuse.

Students "laugh at us because we want responsible drinking," adds Tracy McGrail, a member of a student group at the College of the Holy Cross in Worcester, Mass., that encourages students to be moderate in their consumption of alcohol. "They think we are trying to ban them from drinking."

To the extent college officials can claim any progress, it has been in improving some students' awareness that alcohol can cause problems. The issue "has come out of the closet," says Mr. Nelson at Dartmouth. He adds that more students now are reporting others they think may have a drinking problem and that many are now "less willing to accept certain kinds of aberrant behavior" among their peers.

THE WALL STREET JOURNAL
Tuesday, February 8, 1983

Administrators also say that it is unrealistic to expect speedy progress. Gerardo Gonzalez, the director of the University of Florida's Alcohol Information Center, finds it encouraging that alcohol abuse has become a "dominant social issue" on campus "after years of neglect of this problem." But he adds that it is too early to tell how much help even that will be "given the social norms that have evolved over the years."

Typical of what disturbs college administrators is a scene on a Wednesday night at a Gainesville, Fla., bar frequented by students from the University of Florida. Crowded around a huge bar and against the walls, several students continue to order drinks late into the night. One young woman shows off an injury she says she received when she drunkenly tumbled from a table she had been dancing on at a recent fraternity party.

"The later it gets, the more alcohol we have, and the more we don't care about anything," says Joseph Torres, a junior. Adds his roommate, Jerry Deleo: "We get drunk on Thursday nights, Friday nights, Saturday nights and Sundays." Thomas Brennan, a senior, says he drinks about two six-packs three times a week to relieve academic-related pressure. "No matter how much I drink, I can drive," he boasts.

Strong Emotions

One college administrator with strong emotions on the dangers of student drinking is Thomas Goodale, vice chancellor of student affairs at the University of Denver. At least a dozen times in his 20-year career in higher education, Mr. Goodale has handled the grim task of notifying the families of students who were killed in drinking-related auto accidents. "It's a senseless waste," he says. "It has to stop."

As many schools are finding out, however, that is far easier to say than do something about. While more than 70% of the colleges and universities in the country now offer some form of alcohol education program—compared with just a handful a few years ago—few believe they have made any substantial progress encouraging greater moderation by students.

More freshmen also are arriving on campus with drinking patterns already established, officials say. And there has been a sharp increase in the number of women who drink, as well.

"It's a very difficult problem," says Mr. Mayer, the president of Tufts. "You have to go across-current of an entire civilization."

Mr. Mayer, one of the first college administrators to start a serious assault on campus drinking, says he discusses the problem with students each fall, and last year wrote a letter to parents warning that "a significant number of students need help in determining the proper place of alcohol in their lives."

Wadman Backs 21 Drinking Age To Fight Crime

By Gabriella Stern

World-Herald Staff Writer

Omaha's police chief Friday urged support for a bill that would raise the legal age for drinking alcoholic beverages in Nebraska from 20 to 21.

And Chief Robert Wadman said the police department will begin actively enforcing state laws prohibiting the sale of alcoholic beverages to minors and the possession of alcohol by minors.

"If we can reduce the overall availability of alcohol to young people," Wadman said, "we will have a direct impact on reducing Omaha's crime rate."

Crime Rates Cited

Raising the drinking age would reduce the number of crimes committed by youths under age 21, Wadman said. He cited the following nationwide statistics:

—Half of all crimes are committed by people under the influence of alcohol or narcotics.

—Half the violent crimes are committed by youths under age 21.

In response to Wadman's announcement, the chairman of the Nebraska Licensed Beverage Association said police should be sure to crack down on minors who violate the law, not on bar and liquor store owners.

"Wadman might do well to concen-

trate on minors who tempt retailers to sell," said Wayne Hill. "We need help. It's hard to tell that they are not 20."

Wadman declined to discuss the department's strategy in increasing enforcement of liquor laws, saying only, "We're going to stringently enforce them."

Wadman said his position on the drinking age is related philosophically to his stance on gambling. Last summer, Wadman announced his opposition to all forms of legalized gambling because, he said, gambling breeds crime.

Bars Against Bill

"I'm not becoming the moral finger of turpitude," said Wadman, a Mormon who is not opposed to drinking. "Certain kinds of behavior contribute to overall crime problems.

"All I'm trying to do is take the fire hose and put out the fire."

This week, the drinking-age bill received second-round approval in the Nebraska Legislature. Hill said his association, which has 1,500 bars and liquor store members, has lobbied against it.

Hill, who owns the California Bar, 510 N. 33rd St., said raising the drinking age wouldn't deter under-age drinkers. It would simply increase the number of

Omaha Police Chief Backs 21 Age to Reduce Crime

Continued from Page 23

offenders, he said. "They do excellent jobs now making phony I.D.'s."

Also, Hill said, young Nebraskans might drive to neighboring states for liquor. Iowa and Kansas allow 19-year-olds to drink beer and alcoholic beverages, and in Colorado, Kansas and South Dakota, 18-year-olds can drink 3.2 beer.

About a possible relationship between drinking and crime, Hill said only, "Statistics can be bent to fit anybody's needs. He (Wadman) has got his set he goes by and we've got ours."

Wadman cited a survey in which penitentiary inmates were asked to assess the importance of drugs and alcohol in their criminal careers. Nearly half the inmates surveyed said drugs and alcohol had "some" or "a lot" of influence on criminal activity in their youth.

"Our crime trends appear to be the

same," Wadman said. "It appears we blend in with the national data."

Police have begun addressing the problem, Wadman said, by sending students and parents in Omaha area high schools information about the relationship between alcohol and drug consumption and crime.

To explain the relationship, Wadman referred to a U.S. Department of Justice report that says drugs and alcohol are "triggering factors or stimuli for crime. They may help one overcome the mental barriers to unlawful conduct; they also override the physical stress that might otherwise deter criminal acts."

The report also says that "drugs and alcohol can be viewed as elements of a crime culture or milieu that promotes unlawful conduct as a lifestyle and means of subsistence."

Please turn to Page 24, Col. 1

(1979)

Students from Michigan State University resisted the age change last year, arguing that there was nothing for their 40,000-student body to do if alcohol sales were restricted.

Early reports from the MSU campus indicate that most of the students have survived the age change, and many are surprised at the wide range of options available to them, now that legal drinking is no longer a social option.

Attendance at the University's lecture-concert series during the winter term was the highest in modern history. Students discovered the Broadway plays, music and ballet performances which had often played to half-empty auditoriums during the last six years, while most of the student body spent their time in local bars and taverns.

Special on-campus films, featured in the dormitories, also claimed record attendances during winter term. And, rock and jazz concerts (without the booze) have been successful, even though sponsors were fearful at first that students would not attend such events unless alcohol was available.

But it hasn't been all good news for the local bars around the MSU campus. One major club has already closed and several others are unsure if they can keep their doors open, now that they have lost the business of 18-20-year old student imbibers.

There has also been a drop-off in business at the local police department in East Lansing, since the legal drinking age was raised back to 21.

East Lansing Police Chief, Steve Naert, told Allen B. Rice II, Director of the Michigan Council on Alcohol Problems that his operation has changed considerably since the new drinking age became effective.

"We've changed our whole pattern of operation out here," said Naert. "There have been no bar fights, and we have been able to pull off our 'trouble car' to leave the enforcement to the regular patrol since the drinking age was raised."

Those who want beer customers under 21 choose profit over human life.

We have stacks of clip-pings supporting age 21. If you have questions or desire more information, let us know.

The younger the age at which an individual starts to ingest alcohol, the greater the chances that he will develop into a chronic alcoholic.

-Jorge Valles, M.D.

I cut my eye teeth on trying to raise the age of beer drinking to 21.

-Governor Elect Robert F. Bennett, letter dated Dec. 13, 1974

The Rutgers School of Alcohol Studies reports a study conducted by the University of Indiana showed that just one drink by an 18 year old makes him three times as likely to have an auto accident as when he is not drinking.

Following the adoption in Michigan of a constitutional amendment setting the legal age for 21 for sale and consumption of all alcoholic beverages, those demanding their right to sell and drink the drug challenged the amendment in court, saying it was unconstitutional. Judge Ralph G. Gay, Jr. ruled against the challenge saying, "By adopting the constitutional amendment raising the drinking age, the electorate, in the exercise of their residual legislative power, have come down on the side of protecting life and limb."

LYNDON - Authorities here said Thursday a 15-year-old boy who was found dead near Carbondale last Friday night died from "alcohol poisoning" resulting from the ingestion of vodka.

-Topeka Daily Capital, March 23, 1979

Alcohol is the drug that causes by far the greatest amount of damage both personally and socially to our college students.

-Donald L. Cooper, M.D. in NCAA News, February 15, 1977

LANSING— The Michigan State Medical Society persuaded voters to take an unprecedented end run around the legislature and restore the legal age for drinking to 21, thus reversing a seven-year-old law that had lowered it to 18. Other states have moved their age limits up, but Michigan is the first to put it all the way back to 21.

A University of Michigan study had linked lowering the drinking age to a dramatic rise in the number of fatal accidents involving young drivers. The university's highway-safety statisticians concluded that fatal accidents among intoxicated 18-to-20-year-olds rose 27% above predicted levels after the legal age as lowered. Rates among other age groups did not change. Prompted by this and other reports, the legislature had pushed the age up to 19, effective January 1979. But the medical society didn't think this was enough. It strongly supported a more drastic ballot proposal to amend the constitution and return the age limit to 21.

Despite an aggressive campaign by the Michigan Licensed Beverage Association, voters agreed with the medical society; the amendment passed with a 57% majority. The change is effective next month.

"We are naturally delighted by the public's action," says Dr. Louis R. Zalko, chairman of the medical society's governing board. "Our collective experience as physicians who come in contact with the results of accidents caused by young drinkers supports the university's findings."

MEDICAL WORLD NEWS/November 27, 1978

3/11/85
Attachment #27

Kansas Association for the Blind and Visually Impaired, Inc.

February 1, 1985

Senate Federal and State Affairs Committee
Senator Edward Reilly, Chairperson
Kansas Legislature
Kansas Capitol
Topeka, Kansas 66612

Dear Senator Reilly and Members of Federal and State Affairs:

I am writing to request to be heard when hearings are held on House Bill 2067. While my organization takes no position on the liquor by the drink question in and of itself, we object to 2067 in its current form as it discriminates against persons who are unable to get drivers' licenses due to disabilities. It is therefore the intent of my organization to ask the the bill be amended as follows:

"New Sec. 11. A class B club may file with the director a notice that the club will accept as members all persons 21 or more years of age who qualify for drivers' licenses or any type of official non-drivers identification card issued by any state territory or district of the United States or any foreign country or any subdivision thereof. Upon the filing of the notice, any persons holding a drivers' license or any type of official non-drivers identification card issued to that person by any state, territory, or district of the United States or by any foreign country or any subdivision thereof shall qualify for membership in the club. Such a membership shall require only the presentation of the member's drivers' license or official non-drivers identification card and shall not require any screening, waiting period, dues, or annual renewal."

This will correct the discriminatory aspects of this legislation. Almost every state in the United States, including Kansas, offers to its non-driving citizens an official identification card.

It is my understanding that the argument has been made by the Revisor of Statute's office that an amendment such as the one I am proposing would be unconstitutional as it would not restrict membership in clubs to a special or restricted class of individuals. I am certain this interpretation of the law is incorrect. To get this special identification card, an applicant must file application just as they must to get a drivers' license or a club membership under present Kansas law. The other states issuing this special identification card also require some type of application process, and in most of these states, including Kansas,

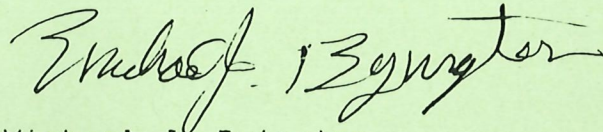
Attachment 2

FEBRUARY 1, 1985

a fee is charged for this card just as it is for a drivers' license.

I look forward to addressing your Committee on this issue. Please contact me at (913) 233-6323 or (913) 233-3839 to tell me when I may testify. Thank you.

Sincerely yours:

A handwritten signature in cursive script, appearing to read "Michael J. Byington".

Michael J. Byington
Registered Kansas Lobbyist

MJB/ate
cc. press