

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 2, 1988 in room 526S of the Capitol.

All members were present except:

Representative Burr Sifers

Committee staff present:

Mary Torrence, Revisor's Office
Mary Galligan, Research Department
Lynda Hutfles, Secretary

Conferees appearing before the committee:

Attorney General Bob Stephan
Galen Davis, Governor's Office
Becky Ridgway, Attorney General's Task Force on Drugs
Jim Flory, District Attorney - Douglas County
John Lamb, Kansas Retail Liquor Dealers
Leonard Robinson, Attorney General

The meeting was called to order by Chairman Miller.

Representative Rolfs made a motion, seconded by Representative Roe, to approve the minutes of the February 1 meeting. The motion carried.Representative Rolfs made a motion, seconded by Representative Peterson, to introduce as committee bills proposals dealing with pari-mutuel implementation. The motion carried.HB2707 - Penalties for purchase or consumption of alcohol by a minorHB2709 - Penalty for furnishing CMB to minorsAttorney General Bob Stephan gave background information on the Task Force on Drugs which was organized in 1986, gave the reasons for its formation and explained some of the recommendations that came out of the Task Force. He also distributed a list of task force members. See attachment A & B.Galen Davis, Governor's Special Assistant on Drug Abuse, gave testimony on behalf of the Governor in support of the bills, which are consistent with the goals of preventing and reducing the use and abuse of alcohol by Kansas youth. See attachment C.Becky Ridgway, Chairman of the Attorney General Task Force on Drugs, gave an overview of the Task Force and expressed their support of HB 2707 and HB2709. See attachment D.

Jim Flory, District Attorney from Douglas County and member of the Task Force, gave testimony in support of the bills. He said that the statute also needs to be changed to address liquor in HB2707 and CMB in HB2709. Since the liquor law changes, there have been an increase in private parties. There needs to be more teeth to the law effecting furnishing alcohol to minors. Mr. Flory said that he supports retaining the minimum \$100 fine, but raising the maximum to \$500 and incarceration.

Reverend Taylor, Kansans for Life at its Best, gave testimony in support of HB2707 and HB2709. See attachment E.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on February 2, 19

John Lamb, Kansas Retail Liquor Dealers, gave the committee some background on how we got to this statute. Before 1985 minors were routinely fined \$15 for purchasing CMB. In 1985 the Kansas Legislature amended the statute to \$100 minimum fine and \$250 maximum fine and 40 hours of community service if the minor was caught on-premises and \$25 minimum, \$250 maximum with 10 hours community service when caught Off-premise. Last year off-premise was changed to \$100 and 250. This has worked fairly well. The association supports strengthening penalties against minors and favors the ability of being able to assess some jail time on a repeat offender. They are not in favor of the ability to lessen the fine. Need to keep penalties as tough as possible.

Leonard Robinson, Assistant Attorney General to ABC, expressed his concern that the minimum fine is not mandatory. He has found that judges will impose the minimum fine and parole it. He supports leaving the minimum fine, but making it mandatory.

Hearings were concluded on HB2707 and HB2709.

After reviewing HB2704 dealing with unmarked burials and finding there may be two subject matters in the bill, Chairman Miller appointed a subcommittee with Representative Barr as chairman and Representatives Jenkins and Grotewiel as members to study the bill.

The meeting was adjourned.

HOUSE FEDERAL & STATE AFFAIRS
FEBRUARY 2, 1988

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

ATTORNEY GENERAL'S TASK FORCE ON DRUGS

-- ORGANIZED IN SEPTEMBER, 1986

MEMBERS ON TASK FORCE

-- CITIZENS COMMITTEE

-- CHAIRPERSON - BECKY RIDGEWAY, WICHITA,
SCHOOL TEAM TRAINING ADMINISTRATOR
WITH THE WICHITA PUBLIC SCHOOLS

-- LEGISLATORS: REP. DONNA WHITEMAN
REP. JOANN POTTORFF
REP. BOB WUNSCH
SENATOR FRANK GAINES

NOVEMBER, DECEMBER 1986, AND JANUARY 1987 - HELD PUBLIC
HEARINGS ACROSS THE STATE

WHY FORMED?

-- NOT JUST PENAL APPROACH TO OUR STATE DRUG PROBLEM
-- MULTI DISCIPLINARY APPROACH

TASK FORCE WORKED IN SUBCOMMITTEES WITH LEGISLATIVE
RECOMMENDATIONS IN EACH AREA.

EDUCATION AND PREVENTION ISSUES - PROGRAMS IN PUBLIC SCHOOLS
AND PUBLIC SERVICE

INTERVENTION AND TREATMENT - IDENTIFYING PEOPLE IN NEED OF
TREATMENT AND PROVIDING THAT TREATMENT.

CRIMINAL JUSTICE AND LAW ENFORCEMENT - NOT ONLY CRIMINAL
STATUTES THAT MIGHT BE VIOLATED BUT ALSO ENTIRE SYSTEM
INCLUDING COURTS AND PAROLE.

TODAY - WE'RE SEEKING SUPPORT FOR TWO HOUSE BILLS

2707 - AMEND K.S.A. 1987 SUPP. 21-3610a WHICH RELATE TO
FURNISHING CEREAL MALT BEVERAGE TO A MINOR OR
INTOXICANTS TO A MINOR TO ENHANCE A SECOND
CONVICTION TO AN A MISDEMEANOR. UNDER CURRENT
LAW THE PENALTY IS AND REMAINS A B MISDEMEANOR
REGARDLESS OF THE NUMBER OF CONVICTIONS.

2709 - AMEND K.S.A. 1987 SUPP. 41-727 WHICH RELATES TO
PURCHASE OR CONSUMPTION OF LIQUOR BY MINORS TO
MAKE THE CRIME A CLASS C MISDEMEANOR UPON FIRST
CONVICTION. CURRENTLY IT IS AN UNCLASSIFIED
MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN
\$100 NOR MORE THAN \$250 AN UP TO 40 HOURS PUBLIC
SERVICE FOR PERSONS OVER THE AGE OF 18 BUT LESS
THAN 21 YEARS OF AGE.

BECKY RIDGWAY, CHAIR OF THE TASK FORCE, AND JIM FLORY,
DOUGLAS COUNTY DISTRICT ATTORNEY, ARE ALSO HERE TO SPEAK TO
YOU TODAY.

THANK YOU FOR YOUR CONSIDERATION.

ATTORNEY GENERAL'S TASK FORCE ON DRUGS

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September 1987

STATE OF KANSAS



OFFICE OF THE GOVERNOR

State Capitol
Topeka 66612-1590
(913) 296-3232

Mike Hayden Governor

February 2, 1988

The Honorable Robert H. Miller, Chairman
House Federal and State Affairs Committee
Kansas House of Representatives
Room 115S, State Capitol
Topeka, KS 66612

Dear Mr. Chairman:

On behalf of Governor Mike Hayden, I would like to encourage the House Federal and State Affairs Committee to consider supporting House Bills 2707 and 2709. These proposals are consistent with our goal of preventing and reducing the use and abuse of alcohol by Kansas youth.

Alcohol continues to be the most used and most abuse psychoactive drug by young people. A 1986 national high school senior survey on drug use indicates that 58% of the seniors say they are often around people who use alcohol to get high. 32% say most or all of their friends get drunk once a week. Additionally, 65% report using alcohol in the last 30 days. No drug in this survey shows a higher amount of experimentation than alcohol and only tobacco products are used more on a daily basis than alcohol.

The Governor supports a comprehensive approach to substance abuse which includes education, prevention, treatment, intervention, and law enforcement. These proposals would serve as important additions to our statutory framework designed to deter alcohol use/abuse by underage young people.

Thank you for considering this letter of support for House Bills 2707 and 2709. If I can be of further assistance to you or your Committee in this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Galen Davis".

Galen Davis
Governor's Special Assistant
on Drug Abuse

GD:np

ATTACHMENT C

Testimony of

BECKY RIDGWAY
Chairperson of

Kansas Attorney General Robert T. Stephan's
Task Force on Drugs

The House Federal and State Affairs Committee
February 2, 1988

Mr. Chairman and Members of the Committee:

In early fall of 1986, Attorney General Robert T. Stephan demonstrated his concern for all people of Kansas when he announced the formation of a Task Force on Drugs. For that, General Stephan, I say thank you - from members of the Task Force and from the dedicated citizens across Kansas who expressed their appreciation for the opportunity to have their voices heard.

Invitations to Task Force membership were extended to persons from across the state who represented a variety of professional backgrounds: law enforcement, the legislative and judicial systems, education, and state and community agencies.

Following the initial convening of this group, hearing times were scheduled at six sites across Kansas:

| | |
|-------------|---------------------------------------|
| Dodge City | Dodge City Community Library |
| Hays | Fort Hays State University |
| Kansas City | Kansas City, Kansas Community College |
| Pittsburg | Pittsburg State University |
| Topeka | Washburn University |
| Wichita | Wichita State University |

At each of these hearings, persons representing city and county law enforcement agencies; parents and other community members; and the total continuum of care related to alcohol

and other drug abuse: substance abuse prevention, intervention, treatment and after care, presented their statements, demonstrating their concerns and their hopes for the health and well-being of persons for whom they work and care. The members of the Task Force were privileged to hear from those people testifying, persons who daily see the crucial needs of the consumers of their services.

Task Force members learned from persons appearing before the group as well as from each other, as possible legislative responses and strategies were considered that could address the needs identified by persons testifying and Task Force members.

A variety of backgrounds are represented on the Task Force roster and were also shown by persons testifying before the group. That diversity of experience is crucial in the development of the proposals emerging from the Task Force. However, each person who has participated in this process demonstrated one common purpose: dedication to the quality of life to be shared by all citizens of our state.

The Task Force recognizes the responsibility of being a conduit between the persons testifying before the Task Force and you, members of the legislature. Your time and attention are valuable and appreciated. Your special consideration and support of H. B. 2707 and H. B. 2709 would be appreciated. For all members of the Task Force, I say, "Thank you."

February 2, 1988 Hearing on HB 2707 and HB 2709, House Federal & State Affairs Committee, Rev. Richard Taylor, KANSANS FOR LIFE AT ITS BEST

Abraham Lincoln said alcohol has many defenders, but no defense. Many in the news media and others who defend alcohol say "alcohol and drugs" when they should be saying "alcohol and other drugs." This clipping below goes into detail on that problem.

For persons under 21, alcohol is an illegal drug, just like cocaine. These two measures before you today would not be needed if you would make a simple amendment to our Uniform Controlled Substances Act, which has a double standard written into law.

KSA 65-4102 (d) reads, "Authority to control under this section does not extend to distilled spirits, wine, malt beverages or tobacco." You could add FOR PERSONS 21 YEARS OF AGE AND OLDER.

Then the penalties for being on drugs, 3.2 beer or cocaine, would be the same. This would be a strong reason for young people to JUST SAY NO TO ALCOHOL AND OTHER DRUGS.

We must encourage youth to be drug-free. Education is a big part of the answer. Law is also part of the answer. Please vote YES for HB 2707 and HB 2709.

A lot of folks don't like it a bit when alcohol, cocaine are compared

© 1987, New York Times News Service

New York—"To equate the consumption of alcoholic beverages with illegal drugs is a societal insult."

So writes a reader who objected to a recent article about the positive cocaine testing of

Dwight Gooden, the pitching star of the New York Mets.

Tom Wicker

Apparently a lot of readers agree with the sentiment quoted. A remarkably repeated theme of numerous responses to that article was that drugs and alcohol are different because the manufacture and sale of alcoholic beverages are legal.

"You should remember," advised one of these letters, "that alcohol, though certainly a killer, is not illegal."

These letter writers, and there were quite a few, seem to me to protest too much. Perhaps they know in their hearts, and whatever their own habits, that alcoholic beverages are just what I said they were: "a far more widely used (than cocaine) and equally addictive poison that knows no limits of age and era."

That's not a societal insult; that's a fact.

I'm grateful to Dr. Lawrence Wallack of the University of

California's School of Public Health at Berkeley, who writes:

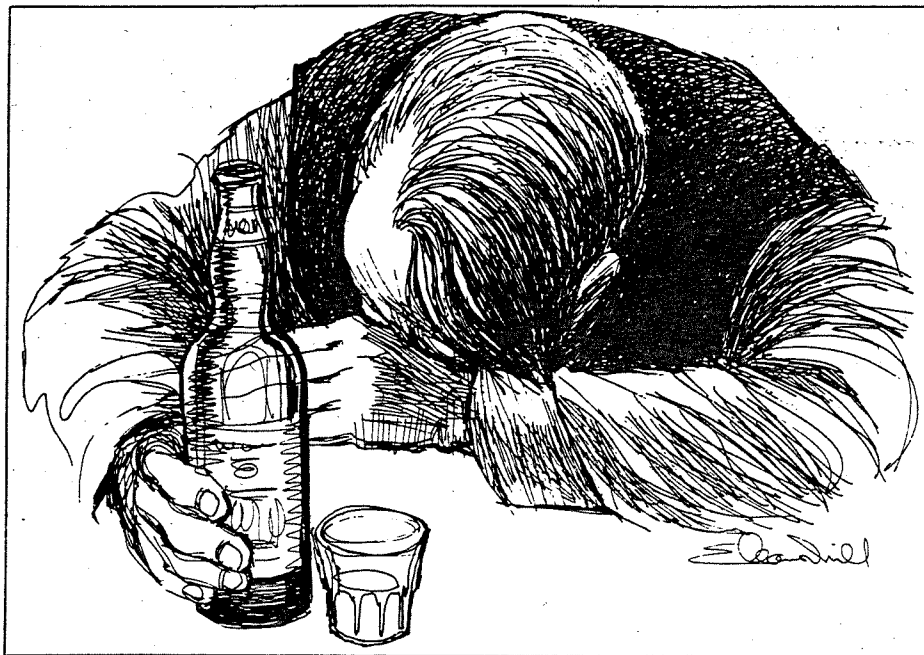
"Alcohol . . . is the direct cause of 80,000 to 100,000 deaths annually and contributes to another 100,000 deaths. The leading cause of death for teens is alcohol-related automobile crashes."

In sharp contrast, only 3,562 lives were known to be lost in 1985 from use of all illegal drugs combined—a figure provided by Thomas V. Sessel of the National Council on Alcoholism. Sessel points out further that the economic cost to society of alcohol problems is "about twice that of all other drug problems."

Any family with an alcoholic member can substantiate not only the economic but the social and emotional costs of alcohol abuse. Since alcoholism is the more frequent problem, these costs are greater in sum, if not in degree, than those caused by abuse of any or all illegal drugs.

Employers know, moreover, that if illegal drug use on the job is a serious problem, so is alcoholism—which is more widespread in the workplace, and has been for a longer time.

Crime, too, is heavily the product of alcohol use. The illegal distribution of cocaine may be the meat on which television and movie producers are feasting nowadays; but persons influenced by alcohol, legal or other-



wise, always have been a major source of crime and violence, and continue to be.

Even in professional sports, where so much effort to weed out illegal drugs is now being publicized, if accurate statistics were available they'd probably show alcohol to be a problem at

least as great as cocaine, and perhaps greater.

But the head coach of the Chicago Bears was not suspended from his profession or vilified by sportswriters or forced by the moguls of pro football into "rehabilitation" after his conviction for driving under the

influence of alcohol.

In fact, despite the protests of so many, alcohol is not always a "legal" drug. Many states have laws that restrict drinking to persons over 21; all set a lawful drinking age of at least 18. But millions of underage Americans buy and drink alcohol, or get it

by some other means. That's why there are so many teen-age deaths in alcohol-related automobile crashes.

For these young people, alcohol is just as much an illegal drug as "controlled substances" are for everyone.

When the courts are ruling, moreover, that a bartender can be held legally responsible for the acts of a customer to whom he sold enough alcohol to cause drunkenness, or that a host at a party can be held legally responsible for the acts of a guest the host allowed to become drunk, it's also a hard question whether alcohol in large quantity is, in practical fact, a legal drug.

Despite all this, another reader declared that to compare the use of alcohol and drugs is to "downplay the seriousness" of drug abuse. That conclusion can be drawn only if the "seriousness" of alcohol abuse is downplayed, as it constantly is.

Minnesota, for example, is the only state even considering mandatory alcohol testing of all drivers involved in a crash causing a fatality or a serious injury. Compare that with the willingness of Attorney General Meese and others to impose drug testing on huge classes of Americans—perhaps all of them—for no probable cause at all.

ATTACHMENT

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