

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 18, 1988 in room 526S of the Capitol.

All members were present except:

Representative Sprague & Barr - E

Committee staff present:

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

Conferees appearing before the committee:

Representative Bideau
Robert Stephan, Attorney General
Galen Davis, Governor's Office
Colonel Don Pickert, Kansas Highway Patrol
Wanda Steward, Mothers Against Drunk Driving
Reverend Taylor, Kansans for Life at its Best
Ruth Meserve, Kansas Coalition for Drug Free Driving
Tony Purcell, Kansas Sheriff's Association
Mary Lou Mueller, Sedgwick County MADD
Robert Shoemaker, Kansas Peace Officers
Jim Clark, Kansas County & District Attorney Ass.
Gene Johnson, Kansas Alcohol Safety Action Program

The meeting was called to order by Chairman Miller.

HB2951 - Crime of aggravated vehicular homicideHB2952 - Concerning certain alcohol & drug-related offensesHB2953 - Providing for suspension and/or restriction of driving privilegesRepresentative Bideau, co-sponsor of the bills explained why they were introduced.
Costs of the bills will be on local units of government.Attorney General Bob Stephan told the committee that these bills were a joint request of the Governor and the Attorney General's Office to strengthen Kansas laws against drunk driving. HB2951 would change the penalty on aggravated vehicular homicide from an E felony to a D felony. HB2952 requires that the victim or victim's family be given an opportunity to present testimony on the impact of the alcohol or drug related offense on their lives. HB2953 will suspend or restrict the driving privileges of those persons who refuse or fail a test for alcohol concentration. See attachment AGalen Davis, Governor's Special Assistant on Drug Abuse, gave testimony in support of the bills which will strengthen the DUI laws and will support the rights of the victim. The ultimate-goal of these measures is to protect the health and safety of Kansas Citizens by reducing the incidence of drinking and driving alcohol related crashes, injuries, and fatalities. See attachment B.Colonel Pickert, Kansas Highway Patrol, gave testimony in support of the three bills which are a step forward in addressing this perpetual problem and will serve to send a clear message to those who elect to disregard the safety and well being of others. See attachment C.Wanda Steward, Mothers Against Drunk Driving, gave testimony in support of the bills. This legislation will help make a difference for Kansans. Other countries' handling of DUI's may be labeled severe but not ours, MADD and fellow advocates are not after revenge, but they are for justice. See attachment D.Reverend Taylor, Kansan's for Life at its Best, gave testimony in support of the DUI legislation saying that license revocation is a more effective measure for reducing driving by impaired drivers. 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 18, 1988, 19

Ruth Meserve, Kansas Coalition of Drug Free Driving, supports these bills dealing with aggravated vehiclular homicide, certain alcohol & drug related offenses and alcohol & drug related offenses suspension and restriction of driving privileges. See attachment F.

Tony Purcell, Kansas Sheriff's Association, expressed support of the bills which will help provide a deterrent to driving while drinking.

Mary Lou Mueller, Sedgwick County MADD, expressed support of the bills. Mrs. Mueller was the victim of an accident involving a drunk driver. She was widowed at age 22; had an 18 month old child and had just discovered she was pregnant. The purpose of these bills will not decrease alcoholism, but it may be a deterrent.

Robert Shoemaker, President of the Kansas Peace Officers Association, gave testimony in support of the DUI legislation. When asked if he would support equal penalties for adults and juveniles, Mr. Shoemaker said he would support an equal penalty; they are equally as guilty.

Jim Clark, Executive Director of the Kansas County and District Attorney Association, gave testimony in support of the bill. He said that there was no appropriation in HB2952.

Gene Johnson, Kansas Alcohol Safety Action Program, gave testimony in support of the bills. Mr. Johnson suggested that in HB2951, line 24 "When convicted of" be inserted in lieu of "while committing". In HB2953 he suggested that if they are going to take the license for 21 days, that the Department of Revenue does not return the license until they have been informed that the person has completed evaluation and treatment.

Hearings were concluded on HB2951, 1952, & 2953.

HB2772 - Parimutuel racing; drug testing, licenses, dual facilities

Representative Peterson made a motion, seconded by Representative Rolfs, to adopt the amendments submitted by the Kansas Racing Commission. The motion carried.

Representative Walker made a motion, seconded by Representative Peterson, to report HB2772 favorable for passage as amended. The motion carried.

HB2773 - Payment for expenses of investigating certain applicants for licensure under Kansas parimutual racing act

Representative Walker made a motion, seconded by Representative Rolfs, to adopt the amendments submitted by the Kansas Racing Commission. The motion carried.

Representative Aylward made a motion, seconded by Representative Sughrue, to report HB2773 favorably as amended. The motion carried.

HB2774 - Racing commission; criminal records used to determine licensure qualifications

Representative Walker made a motion, seconded by Representative Peterson, to adopt the amendments submitted by the Racing Commission. The motion carried.

Representative Peterson made a motion, seconded by Representative Walker, to report HB2774 favorably as amended. The motion carried.

The meeting adjourned.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

TESTIMONY OF ATTORNEY GENERAL
ROBERT T. STEPHAN
ON HOUSE BILL 2951, 2952 and 2953

The Honorable R. H. Miller, Chairman
Members of the Committee

I am here today to speak in support of House Bill 2951, 2952 and 2953, all of which were jointly requested by Governor Hayden and me to strengthen Kansas laws against drunk driving.

The first of these, House Bill 2951, would change the penalty on aggravated vehicular homicide from a E felony to a D felony. We are asking for this amendment to make the punishment fit the crime. The victim who is killed by the drunk driver certainly loses more than the year or two sentence the driver may receive. We must make it clear that we do not condone the selfish act of the drunk who drives without regard to the lives of others. This increased penalty would also be consistent with a proposal contained in Senate Bill 111 creating the crime of aggravated vehicular battery to cover those cases in which the victim suffers great bodily harm at the hands of the

Attach A

drunk driver. The Governor and I asked that the crime be made an E felony.

House Bill 2952 addresses two victims' rights issues. In section (b), the bill requires that the victim or victim's family be given an opportunity to present testimony on the impact of the alcohol or drug-related offense on their lives. Certainly, the court should hear how a victim's life has been affected before deciding on a proper sentence.

Section (c) permits a court to order that the offender make restitution to the victim in cases involving alcohol or drug-related offenses. I believe that victims who suffer losses because of a drunk driver should be entitled to restitution, just as victims of other types of crimes are.

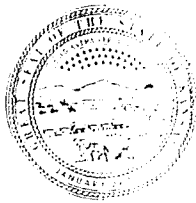
The last bill, House Bill 2953, will suspend or restrict the driving privileges of those persons who refuse or fail a test for alcohol concentration. Under present law, a driver's license may be suspended for 6 months for refusing to take a test. This bill would set suspension for refusal at 90 days. I believe the length of suspension should remain at 6 months.

If a person takes the test but has a blood alcohol reading of .10 or higher, the license is suspended for 30 days, consistent with the federal mandate. However, if the

person is under the age of 18 years, his refusal or failure will cause his license to be suspended for 1 year.

Most of this bill provides for administrative action in regard to licenses; thus, I defer to those directly involved to respond to those aspects of the bill.

STATE OF KANSAS



OFFICE OF THE GOVERNOR

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

Mike Hayden Governor

Testimony Concerning HB2951; 2952; 2953
Presented To
The House Federal and State Affairs Committee
February 18, 1988

Mr. Chairman, members of the committee, my name is Galen Davis, I am Governor Mike Hayden's Special Assistant on Drug Abuse.

I appreciate the opportunity to testify before you today in support of House Bills 2951, 2952, 2953. These bills focus on the problems related to driving under the influence.

President Reagan has described drunk driving as "a national menace, a national tragedy and a national disgrace." In America, drunk drivers were responsible for about 1/2 of the 46,000 driving fatalities in 1986. According to the National Highway Traffic Safety Administration a person dies in this country in a DUI crash every 27 minutes. The number one killer of teenagers in this country is drinking, drug use and driving.

Kansas Department of Transportation and Kansas Bureau of Investigation statistics indicate that in 1986 there were 14,520 DUI arrests, 4234 injuries, and 224 fatalities related to drunk driving. Clearly, we have reason to further address this problem in Kansas.

Previous legislation, enforcement, educational programs, media attention, and increased citizen activism are helping with this problem. The bills before you will strengthen our DUI laws and our support of victims rights.

ATTACH B

On Wednesday, January 6, Governor Hayden and Attorney General Stephen called for additional legislation to strengthen this state's laws against driving under the influence. The ultimate goal of these measures is to protect the health and safety of Kansas citizens by reducing the incidence of drinking and driving, alcohol related crashes, injuries, and fatalities.

Again, on January 12, in the Governor's Legislative Message presented to the 1988 Legislature, Governor Hayden requested your support for 7 legislative measures to combat drunk and drugged driving. Six of the seven requested measures are before you today in House Bills 2951, 2952 and 2953.

These measures have been supported by Kansans through letters of support to the Governor, by letters to the editor and by editorials in Kansas newspapers. Additionally, these measures appear in the checklist of countermeasures of the National Commission of Drunk Driving and the incentive grant program of the National Highway Traffic Safety Administration.

At this time I would like to briefly review our support for each of these bills.

House Bill 2951

This bill seeks to elevate the crime of aggravated vehicular homicide from a Class E felony to a Class D felony.

Criminal law typically treats the taking of another person's life as the most serious of all offenses. The crime of drinking, driving, and causing a crash where another person is killed seems very well described in the crime of involuntary manslaughter (KSA21-3404) which is currently a Class D felony. Making aggravated vehicular homicide a D felony would show consistency between crimes that have almost identical wording. It is no less serious when death is caused by a person who drives and kills while under the influence.

It is our belief that the sentence prescribed for a Class D felony of 2 years minimum with a 10 year maximum is a more appropriate penalty for this crime. The general public perception of this type of severe sanctioning also serves as a significant strategy for the general deterrence of driving under the influence.

House Bill 2952

Quite often the victim of crime is forgotten in our society's attempt to protect the rights of the accused. This bill seeks to provide victims or the families of victims with the opportunity to testify prior to the sentencing of a person convicted of causing serious injury or death while driving under the influence. Additionally, this bill authorizes courts to require the paying of restitution to victims or the families of victims when a person is convicted of causing severe injury or death while DUI.

The requirement that prosecutors must notify victims of their right to testify prior to sentencing ensures that the judge gets a full and complete picture of the impact this crime has had on its innocent victim.

By allowing judges to order restitution we further convey this society's value that says a person should be held financially as well as legally and morally responsible for their unlawful acts.

Your positive action on this bill will communicate this legislature's concern for the innocent victims of this crime.

House Bill 2953

This bill incorporates three well accepted methods of combatting drunken driving.

First, this bill would authorize the administrative per se revocation of a drivers license for failing or refusing a blood alcohol content test. There is a provision for a drivers license hearing in this bill. Currently there are 22 states that have such a law.

Second, this bill suspends the drivers license of a person under 18 who fails or refuses a blood alcohol content test or is convicted of DUI. The license suspension would be for one year or until the minor reaches 18, whichever is longer. It has long been recognized that inexperienced alcohol use and inexperienced driving combines to be the single greatest killer of this nations teenagers. There are 20 states that have this type of law.

Third, this bill would increase the length of drivers license suspensions for refusals, failures and convictions of blood alcohol content tests, as they relate to our state law of driving under the influence. Generally, the length of drivers license suspensions are in accordance with National Highway Traffic Safety Administration standards for effective deterrence.

As you make your decision on this bill please consider: 1) the suspension of the drivers license is one of the most effective countermeasures against drinking and driving offenders; 2) driving in Kansas is a privilege not a right; 3) Kansas law requires submission to BAC tests; 4) there is no right to consult with an attorney regarding testing; 5) there must be reasonable grounds to believe a driver was DUI; 6) this bill allows for a drivers license hearing upon request; 7) results of 2 studies fail to support the contention that license suspension has a negative impact on employment stability of DUI offenders.

We are prepared to discuss with you this extensive bill, section by section, or provide you with an in-depth overview.

In Conclusion:

We appreciate the commitment of this committee to review and consider the passage of this comprehensive set of proposed DUI legislation. We stand at a crossroads that could make Kansas one of the most progressive states in America in combatting drinking and driving. Let us commit that together we Kansans can truly make drunken driving morally, socially and legally unacceptable.

Thank you very much for the opportunity to appear before you.

21-3404. Involuntary manslaughter. (a) Involuntary manslaughter is the unlawful killing of a human being, without malice, which is done unintentionally in the wanton commission of an unlawful act not amounting to felony, or in the commission of a lawful act in an unlawful or wanton manner.

(b) As used in this section, an "unlawful act" is any act which is prohibited by a statute of the United States or the state of Kansas or an ordinance of any city within the state, which statute or ordinance is enacted for the protection of human life or safety.

(c) Involuntary manslaughter is a class D felony.

History: L. 1969, ch. 180, § 21-3404; L. 1979, ch. 90, § 3; L. 1982, ch. 132, § 2; May 13.

Law Review and Bar Journal References:
"Criminal Law: The Kansas Approach to the Battered Woman's Use of Self-Defense [*State v. Hundley*, 236 Kan. 461, 693 P.2d 475 (1985)]," Shelley A. Ryan, 25 W.L.J. 174, 176, 178 (1985).

21-3405a. Aggravated vehicular homicide. (1) Aggravated vehicular homicide is the unintentional killing of a human being without malice, which is done while committing a violation of K.S.A. 8-1566, 8-1567 or 8-1568, and amendments thereto, or the ordinance of a city which prohibits any of the acts prohibited by those statutes.

(2) This section shall be applicable only when the death of the injured person ensues within one year as a proximate result of the operation of a vehicle in the manner described in subsection (1).

(3) Aggravated vehicular homicide is a class E felony.

History: L. 1984, ch. 39, § 48; L. 1985, ch. 48, § 14; July 1.

Law Review and Bar Journal References:
"Third Party Liability for Drunken Driving," Betsey J. Morgan, 26 W.L.J. 267, 280 (1987).

DUE PROCESS -

1. Driving is a privilege - Agee v. Kansas Highway Commission, 198 Kan. 173, 180 (1967).

2. Codification of case law, § 8(b)(c), Standish v. Dept. of Revenue, 235 Kan. 900 (1976).

3. Record review by the division of motor vehicles, prior to suspension--if it doesn't meet statutory requirements, the proceeding is dismissed and driving privileges will be reinstated. Heddan v. Dirkswager, 336 N.W. 2d 54 (1983) Minnesota.

4. Right to hearing before final determination on suspension.

5. Summary suspension is constitutional. Mackey v. Montrym, 443 U.S. 1 (1978).

6. No right to jury trial in implied consent hearing. Schmidtbauer v. Commissioner of Public Safety, 392 N.W. 2d 668. (Petition for review denied Minn. Oct. 29, 1986).

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SUMMARY OF TESTIMONY

BEFORE THE HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

February 18, 1988

HOUSE BILLS 2951, 2952, 2953

PRESENTED BY THE KANSAS HIGHWAY PATROL

(Colonel Don Pickert)

APPEARED IN SUPPORT OF THE BILLS

Attach C

HOUSE BILL 2951

Considering the crime described in this bill and the requirement that a serious traffic offense be present to constitute a violation of the statute, we feel the increased penalty proposed would greatly enhance the desired deterrent effect.

HOUSE BILL 2952

We feel this proposed legislation could have a very positive effect on the age-old problem of persons operating motor vehicles while under the influence of alcohol or drugs and parallels legislation already adopted by various other states.

The appearance by victims of the crime, if they so desire, would serve the dual purpose of making the violators exceedingly aware of the consequences of their actions and place the matter in total and proper perspective.

Restitution, if any, is properly placed with the court of jurisdiction and we feel is only just, again considering the crime and the elements thereof, and it should prove to be an effective deterrent.

HOUSE BILL 2953

We support this bill and would have only one suggestion for consideration by the committee. On page 17, line 0106 directs the methods of service for a notice of suspension by an officer in cases where test failure is established by a subsequent analysis (at a later time) and states the officer shall serve notice either personally or by a mailed notice.

We would respectfully request that this section be amended to read beginning on line 107: "...the officer shall serve notice of such suspension in person or through another law enforcement designee or by mailing the notice to the person at the address provided at the time of the test."

Personal service, when possible, either by the officer or a designee, would serve greatly to dispel any doubt concerning receipt of the notice by the affected party.

In summation, our agency considers that these proposed bills are a large step forward in addressing this perpetual problem and would serve to send a clear message to those who, by their own choice, elect to disregard the safety and well being of others, and we request your favorable consideration of each of the bills.



MADD

Mothers Against Drunk Driving

Butler County MADD • Box 332 • El Dorado, KS 67042 • (316) 321-6576

My name is Wanda Stewart and I have been active in the state with issues concerning drinking and driving for the last four years. I travel across the state making presentations at town meetings, community organizations, and schools. I have served on various state boards concerned with alcohol and drug abuse and highway safety. I have recently been appointed to the Attorney General's Victims' Rights Task Force. In my travels and work with victims and non-victims I feel it is the mood of the public to deal with drunk driving vigorously.

Mothers Against Drunk Driving was started to address the injustice created by drunk driving and to be the voice of the victim. Our goals are threefold:

To educate the public about the seriousness of drinking and driving.

To ease the pain of families by providing support services

To work for enforcement of present laws and work to support future legislation concerning Driving under the influence

Fully 30% of those convicted of a DUI crime are repeat offenders. Obviously our criminal justice system has some shortcomings in guaranteeing swift and sure punishment as an adequate deterrent to these offenders. That is why MADD insists on better laws, stringent enforcement, and tougher prosecution so that our streets and highways can be made safe.

ATTACHED

Kansas MADD's Coordinating Committee was established in late 1985 from representatives of local chapters. Because of the five local chapters ... Kansas MADD stands with a membership of 400 and an alliance of thousands. With an established MADD state office in the near future we look to triple in size within a year.

MADD is concerned with the individual who chooses to drink and drive which takes away the future options of innocent victims. In 1981 our family became one of those victims when we lost our 3½ month old son, Scott.

Before you are names of those victims from 1985-86 alone due to drinking and driving. In 1985 there were 240 alcohol-related fatalities in Kansas and 226 in 1986. The stories are sad and senseless and the only element they have in common is an intoxicated person behind the wheel of a car.

With the focus on fatalities we sometimes forget the thousands of injuries each year in Kansas caused by drinking and driving. Injuries which require more than just a band-aid. I was thankful I received only a brain concussion, hip dislocation, 3 pelvis fractures, rib fractures and facial lacerations. There are so many who have been less fortunate.

Drinking and driving should be a concern of everyone. It holds such a potential danger for everyone unless you are never ever out on the road. One death or injury due to drinking and driving is one too many, especially if it involves your family. Someone else's Scott is on the road everyday.

MADD and citizen groups like ours look to you to make improvements with our current system. We hope you continue to make drinking and driving a priority. It is law enforcement who make the arrest, prosecutors who should act on them and judges who hear the case. It all starts here with legislatures who look at the system for shortcomings and address them. I feel positive action on these DUI bills would make great strides towards the

future safety of Kansans. Let's take the message back to Kansans that drinking and driving will not be tolerated---for their sake as well as our own.

I have been told in years past that the legislature is tired of hearing about drinking and driving. This is not an adequate answer especially to victims of drinking and driving. You will continue to hear about it as long as we have so much destruction caused by it. The first step towards solving a problem is to begin. You have addressed DUI seriously since 1981 and I urge you to keep up the work.

In 1981 when we lost Scott I was off the road and feeding Scott. I heard nothing or saw nothing before the crash but she didn't see us either-hitting us full force from behind. She was merely charged with DUI, received a \$100 fine and a driver license's restriction to drive to and from college-clear across Kansas-exactly what she was doing the day of the crash. I would like to think that that type of prosecution and sentencing no longer happens but that is not necessarily the case.

Before you is a typical stuffed toy-a baby's favorite toy. A stuffed animal that will no longer get the love and attention from a child because of the senseless decision of an intoxicated person to drive. Some things like this giraffe could be replaced---a life cannot.

The day the 18 year old made the decision to drink and drive I am sure she didn't intend to kill or hurt anyone but the reality of it is when someone decides to mix alcohol or other drugs with driving it increases the odds of a senseless tragedy happening.

Currently as state coordinator of Kansas MADD I am called upon to assist victims. The one thing many cannot understand is how a DUI offender can be allowed to continue driving before their court proceedings. Victims as well

as non-victims will benefit by seeing license revocation followed by swift and sure prosecution. License revocation will communicate the much needed message that driving is a privilege not a right. No one has the right to drink and drive so if they do the privilege should be taken away. I would also like to suggest that it would speed up the judicial process. A defendant is guaranteed a speedy trial but presently it is to the defendants benefit to have continuance after continuance.

The mandatory 30-day suspension of a d.l. for a first conviction with no exceptions would once again stress driving is a privilege, not a right.

The DUI victims I have worked with all have communicated frustration at current sentencing limits when there is a loss of life. One quote: "There will always be victims when the punishment is so insufficient for this crime". A victim is victimized tragically by the DUI offender then again and again by our current system.

Previous legislation being introduced has been labeled as severe--I say on the contrary. The house bills 2951, 52, 53 and other DUI legislation will help make a difference for Kansans. Other countries' handling of DUI's may be labeled severe but not ours. MADD and fellow advocates are not after ^{revenge but we are for} justice. If it were revenge we would take care of the offender ourselves and not look to you to insure justice.

Thank you.

Hearing on HB 2951, 2952, 2953. February 18, 1988
House Federal & State Affairs Committee
Rev. Richard Taylor, KANSANS FOR LIFE AT ITS BEST!

These three measure before you today will almost do everything our Board of Directors requested from Governor Hayden in our letter of October 20, 1987. Only a Dram Shop Statute would be needed to make Kansas the first state to be in the YES column for all 19 drunk driving countermeasures adopted by the National Commission Against Drunk Driving. The attached clipping from the Lawrence Journal-World lists the seven countermeasures where Kansas is in the NO column.

Of all the measures, ADMINISTRATIVE LICENSE SUSPENSION OR REVOCATION FOR B.A.C. TEST FAILURE OR REFUSAL may bring forth the most opposition. It seems the news media did not give Father Benedict Pope enough information to understand the bill. This law does not "allow license to be confiscated in DUI arrest." B.A.C. test failure or refusal is the key. Responsible drinkers who understand this bill will support it.

The Sixth and latest SPECIAL REPORT TO THE U.S. CONGRESS ON ALCOHOL AND HEALTH, page 108 states, "Research has found that educational or rehabilitative programs may have marginal positive impact on DWI recidivism, compared with no intervention or sanctions at all (Hagen 1985), but that license revocation is a more effective countermeasure for reducing driving by impaired drivers (Waller 1985). Drivers convicted of alcohol-related offenses have fewer crashes after having their licenses suspended or revoked than after being sent through rehabilitation programs (Haddon and Blumenthal 1984)."

THE WICHITA EAGLE-BEACON

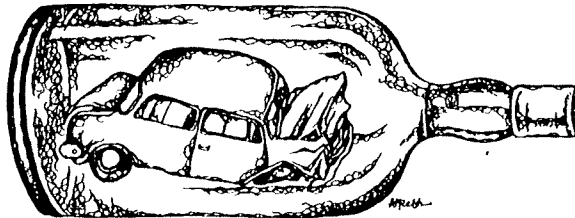
Tuesday, January 12, 1988

DUI: Don't let police yank licenses

The proposal to allow licenses to be confiscated in DUI arrests ("Proposal would allow license to be confiscated in DUI arrest," Eagle-Beacon, Jan. 7) worries me as a drastic proposal that would cause hardships far beyond the good it would do. In fact I think it would do harm in general and good in only a very limited way in individual cases. It would not be a real remedy to the DUI problem.

When someone is drunk and is arrested is not the time to confiscate his license to drive. Taking his license would not sober him up or lead to his seeking help toward sobriety. It may rather enrage him toward the law and those enforcing the law. In many cases, a seizure of a driver's license without due process would encourage flouting the law to the extent that there would be driving with no license.

You quoted Emil Tonkovich of KU as saying he sees no constitutional barrier to police confiscating the driver's license. Perhaps he is right in that statement. But do we mean to imply we have no rights except what the Constitution states explicitly? Aren't there good reasons to say that many things are guaranteed indirectly by the Constitution without being explicitly mentioned? (I doubt if the signers were explicitly concerned about licenses to drive cars then.) Doesn't our American way of life guarantee such things as the right to work and legitimate pursuit of happiness? With the scarcity of public transportation in Kansas (for example, it takes three days to get from Hays to Liberal by bus), the license to drive one's own car seems to me to be more than a mere state-granted privilege. Wouldn't



The Wichita Eagle-Beacon, Tuesday, Jan. 12, 1988 *George Rehn*

there be a right involved here? I feel I have a right to drive my car if I pay the taxes to build the roads, and buy the plates and the driver's license and own the car, as I try to respect the rights and safety of others. Does one DUI, even a suspected one, rob me of that right?

Sadly, rights are abused. Anyone DUIing is abusing his right to drive. But let's not have the state abuse its right to serve the people by telling a policeman in place of a judge to make a confiscation.

Sometimes diabetics have symptoms like DUI. This would be just one of the too many times a single arresting policeman might make the mistake of confiscating the license without just cause. The problem of getting a license back would take much time and perhaps even legal and expensive help.

We need to protect people from DUI. We need to prevent DUI. We need to offer help to those who have DUIed. But giving the police the power to confiscate the license upon arrest would not help the situation if the

entire problem is considered.

It is difficult enough for a policeman to handle a DUI and make an arrest without demanding that he accept the responsibility of confiscating a driver's license. This should be only a court responsibility — not a street corner scene.

I have never been drunk in my life. I have never had my license revoked, but I think I understand the implications of "instant cure" by confiscation. I like a drink once in a while. I like a drive once in a while. Others do, too. I'm concerned for those who drink too much. I'm concerned for people who want to consider a driver's license only a privilege and threaten to take it away as easily as this proposed bill would do. I'm disappointed that our governor and attorney general favor a package that includes this confiscation. Perhaps there are other good items in the package. If there are, I hope they can separate the good from the bad.

FATHER BENEDICT POPE
Hays

Attach E

'I don't feel any ill will...she had a problem

By LINDA MOWERY
BELLEVILLE (HNS) — Warren Hardin was raised in a house without liquor.

"I've always been a teetotaler and we raised our family this way," he says. "Example does an awfully lot."

That's one of the reasons Hardin finds it so ironic that his son, Greg, was killed by a drunk driver.

"He had done everything a kid could do," says Hardin in a voice touched with pain and pride. "Greg loved life and he died before he was 23 years old."

Greg Hardin died on a beautiful fall afternoon in 1971 as he returned from a Kansas State University football game in Colorado.

His fiancée and three friends died with him.

"That makes it so much worse," Warren Hardin says. "Five productive lives taken from this country."

Greg's car was eastbound on Interstate 70 near Quinter. Road repairs had temporarily reduced the four-lane highway to two-lane traffic.

As Greg threaded his way through the construction, another automobile came from the east, side-swiped the vehicle in front of Greg and collided head-on with the Hardin car.

Only one of Greg's friends survived

the crash and the driver of the other car also was killed.

Hardin, a county engineer, learned of his son's death at a meeting of the American Roadbuilders.

"I was drinking a Coke," he remembers.

Hardin was sickened by the loss of Greg and his friends. The deaths made even less sense when he discovered the driver of the car that hit his son had a blood alcohol content of .243, more than twice the legal limit. Authorities also found a near-empty liquor bottle in the car, according to Hardin.

"I don't feel any ill will toward the driver of the car. She had a problem.

"But I will never get over the loss of this boy. Maybe I won't let it go away."

Hardin remembers his son as someone "who loved sports." Greg Hardin was a quarterback his junior and senior years in high school for the Golden Eagles of WaKeeney. At K-State, his father says, Greg had "purple blood." He worked in the press box with Dev Nelson, former KSU radio announcer.

He also was an "exceptionally good" student. Greg was graduated cum laude from Kansas State and received a master's degree in engineering in 1971. He was president of Triangle Fraternity and a member of Blue Key, a select

group of 13 outstanding senior men at the university.

His bride-to-be, Linda Henry, was a 21-year-old secondary education major at Kansas State and one of five homecoming finalists.

"The day after she died, she would have known if she had been selected homecoming queen," Warren Hardin says.

After his son's death, a relative found in Greg's apartment a list of 27 rules. They included goals for self-improvement, rules to make Greg Hardin a better person. Above the top of the paper was written, "Read every day."

"Greg went by the book his whole life," Hardin says.

Hardin says he had encouraged his three children not to drink, although he and his wife "didn't make any big deal about it."

At K-State, Hardin said Greg and his brother would arrive at a party and their friends would say, "here come the Hardin boys, break out the pop."

"I don't understand," Hardin says. "If I'm not offended or ill at ease because people drink around me, why should they be ill at ease if I don't drink around them?"

Hardin decided he couldn't allow his son to die in vain. Shortly after Greg's death, he launched a campaign for tougher laws against drunk drivers.

He wrote letters. He gave talks. He appeared on television with the Rev. Richard Taylor, another advocate of stiffer DWI laws.

Mr. Taylor sometimes refers to drunk drivers as "criminals behind the wheel."

Hardin believes the description may be harsh, but he asks, "What do you call a drunk who kills somebody with a gun? It's a fair analogy. Their car is a guided missile—a lethal weapon."

He also is a staunch supporter of Mr. Taylor, a man he has known for many years.

"People have a tendency to joke about Rev. Taylor, but we're lucky to have such a man. He's telling people to drink responsibly. Why can't people drink responsibly?"

Hardin was present when Gov. John Carlin this year signed a tougher drunk driving law. The law, which took effect this month, represents a radical change in the state's official attitude toward driving under the influence of alcohol or drugs.

The law mandates jail sentences for second and third offenders, and even 48 hours for first-time offenders who aren't selected for diversion into treatment programs.

Hardin says he has talked with lawyer friends and he suspects there may be some problems with the new law. Because mandatory jail sentences have replaced plea bargaining, defense

attorneys may start requesting jury trials for their clients. As a result, smaller courts could be jammed with DWI cases. In addition, some have questioned the provision forbidding plea bargaining. They believe it might be a constitutional flaw in the law.

Hardin, however, is not concerned with possible loopholes.

"Whether this is the correct law is beside the point. We're started. I am in awe that it took so long for this to come

to people's attention. But so much has happened that we're armed. We're getting together."

Today, Hardin, an engineer for Jewell and Republic counties, lives in Belleville. He plans to return to WaKeeney, the town where he reared his family, after he retires. His wife died more than a year ago of cancer.

Hardin goes home at night to a mobile home. There he has newspaper clippings about his son's death. There also

are statistics on drunk drivers and correspondence which attest to his vigorous crusade for stiffer legislation.

"I don't understand what I've missed by not drinking," he says. "What good does it do except make people feel good? I guess. I feel good enough now. I don't know what I'm missing and I want to remain ignorant.

"If I can do anything at all, then the lives of Greg and his girlfriend won't have been lost in vain."

Persons who drive after drinking have a problem. We want to help them in a R-E-A-L way. We want to help them with Rehabilitation, treatment for their drinking problem. We want to help them with Education, help them understand what the drug does to the brain and body. We want to help them with Amount, help them just say NO to alcohol if they are an alcoholic or help them just say NO to drinking more than one or two drinks a day. We want to help them with Law, laws that make punishment so swift, sure, and severe that all persons will choose not to drink before driving.

I remember well the sessions of 1972 and later when year after year Warren Hardin would come to the legislature and plead for stiffer drinking driver laws. We did not receive support from any legislative leader. I remember sitting in the House gallery and listening to debaters saying that on the 3rd DUI conviction we should begin getting really tough on the drinking driver. Not until 1982 did we experience success. Here is one of the pens Governor Carlin used to sign SB 699.

How wonderful it is to live to see the change manifested here today. When the Presidents Commission and now National Commission Against Drunk Driving, when the Governor and Attorney General of Kansas, when the Chairman of this committee, when large numbers of lawmakers are calling for and supporting tough DUI laws, what a joy it is to be part of this rising tide of public opinion that proclaims - NO PERSON HAS THE RIGHT TO DRINK BEFORE DRIVING. JUST SAY NO TO ALCOHOL AND OTHER DRUGS BEFORE YOU GET BEHIND THE WHEEL.

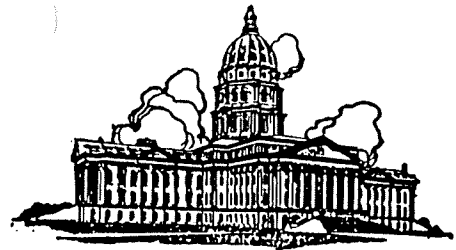
Mr. Chairman and all members of the Committee, concerned drinkers and non-drinkers thank you for your support of these measures.

Richard Taylor

KANSANS FOR LIFE AT ITS BEST!

Rev. Richard Taylor, Box 888, Topeka, Kansas 66601

Phone (913) 235-1866 Office 1273 Harrison
(3 Blocks South of Statehouse)



October 20, 1987

A Proud Land

Governor Mike Hayden
The Statehouse
Topeka, Kansas 66603

Dear Governor Hayden,

We know the affairs of state rest heavy on your shoulders. We are numbered with the thousands of Kansans who pray that you will have the wisdom and strength to do what is best for the heart-state of America.

We regret adding another letter to your heavy load of mail. But highway safety is a very important issue. The enclosed letters indicate our goal when the legislature meets in January.

We are asking every automobile insurance agent in Kansas, every group concerned for highway safety, the Kansas Highway Patrol, and thousands of concerned citizens to support this effort to place Kansas in the YES column of all 19 areas on the CHECKLIST OF STATE DRUNK DRIVING COUNTERMEASURES as adopted by the NATIONAL COMMISSION AGAINST DRUNK DRIVING.

Lawmakers who voted to promote the sale of our most abused drug by the drink in public places said they would give full support to laws that would encourage persons not to drink before driving. These seven areas of legislation will give them an opportunity to prove their sincerity.

Will you help us in the seven areas where Kansas falls short in state drunk driving countermeasures? Will you join this GLADD campaign, a campaign for Good Laws Against Drinking Drivers? Dealers in this deadly drug will oppose these countermeasures, but thousands of concerned drinkers and non drinkers will praise you for making these seven areas a part of your legislative agenda to help bring life at its best for all Kansans.

Respectfully yours,

A handwritten signature in cursive script that reads "Charles W. Wright".

Charles W. Wright
Chairman of the Board

A handwritten signature in cursive script that reads "Richard Taylor".

Richard E. Taylor, Jr.
President

(This letter was adopted at the Fall Meeting, Board of Directors, KANSANS FOR LIFE AT ITS BEST, Grace United Methodist Church, Topeka, Kansas.)

"Of our political revolution of 1776 we are all justly proud," said Abraham Lincoln on Washington's birthday in 1842. He went on to say "how proud the title of that land" where persons declare their freedom from alcoholic beverages because they "shall find a stronger bondage broken, a viler slavery manumitted, a greater tyrant deposed. . . perfect liberty!" With per-person consumption at nearly half the national average, thousands of Kansans enjoy that perfect liberty. Concerned users and non-users are united in this R-E-A-L effort to prevent alcoholism, highway tragedy, and other suffering caused by our most abused recreational drug.

Rehabilitation — Help alcohol-dependent persons adjust to life without the drug.

Education — Inform children, youth & adults of effect of alcohol on mind & body.

Amount — Encourage persons to be non-users and encourage users to use less.

Law — Pass and enforce laws that reduce consumption and suffering.

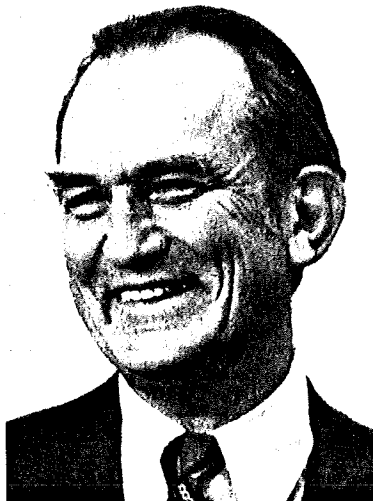
Temperance group will press anti-drunken driving legislation

TOPEKA (AP) — The state's temperance organization announced Wednesday that it plans to push for a package of legislation designed to strengthen the state's laws against drunken driving.

The group, Kansans for Life at Its Best, has started a "Good Laws Against Drinking Drivers" campaign, aimed at gaining the 1988 Legislature's approval of seven measures after it convenes in January. The group sent a letter to Gov. Mike Hayden on Tuesday, asking for his support.

"We are numbered with the thousands of Kansans who pray that you will have the wisdom and the strength to do what is best for the heart-state of America," the letter said. "We are asking every automobile insurance agent in Kansas, every group concerned for highway safety, the Kansas Highway Patrol, and thousands of concerned citizens to support this effort."

THE REV. Richard Taylor, president of the group, said it wants to make the state's highways safer by reducing the amount of drunken drivers on the roads. His group also led the opposition last year to an amendment to the Kansas Constitution that would allow the sale of liquor by the drink in public restaurants, citing some of the same concerns.



Rev. Taylor

"The law must be so swift, so sure and so severe that the drinker will say, 'Tonight, I'm going to drive home. I can't drink,'" Taylor said. "That's the only way to stop drinking drivers."

Kathy Peterson, Hayden's press secretary, said the governor had received the group's letter and is having his staff study its recommendations.

TAYLOR SAID the proposals his group has are in effect in other states, according to statistics compiled by the National Commission Against Drunk Driving. The Kansas group's proposed legislative package contains laws that would:

- Automatically suspend the driver's license of a person who refused to take a blood-alcohol test or had failed such a test, without a court hearing. Twenty-two states currently have such a law.

- Make liquor store owners and tavern and club owners liable for damages in an accident involving a drunken driver if they sold alcohol to him while he was intoxicated. Nineteen states have such a "dram shop statute."

- Require drunken drivers involved in accidents pay restitution to their victims, either directly or through a special state fund. Only eight states do not currently have such a law.

- Mandate that courts tell juries they should consider the impact of a drunken drivers' actions on a victim in a civil or criminal trial. Fifteen states have such laws.

- Making vehicular homicide or causing the death of another person while driving under the influence a felony. Twenty-seven states have such a law.

- Suspend or revoke for 90 days the license of a person convicted of driving under the influence for the first time. Thirteen states have such a law.

- Withdraw a provisional license of a young person who failed or refused to take a blood-alcohol test. Twenty states currently have such a law.

STATE OF KANSAS



OFFICE OF THE GOVERNOR

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

Mike Hayden *Governor*

October 30, 1987

Rev. Richard Taylor
Box 888
Topeka, KS 66601

Dear Reverend Taylor:

I appreciate your recent letter calling to my attention the National Commission Against Drunk Driving checklist of state drunk driving countermeasures. I am sure you know that I continue to be concerned about substance abuse issues which most definitely includes drunk driving.

I have asked Galen Davis my Special Assistant on Drug Abuse, to review the seven areas of the checklist that are not covered by Kansas statutes. Galen will be working with D.E. Robinson, Traffic Safety Director for the Kansas Department of Transportation and Nancy Lindburg of the Attorney General's Office to evaluate the need for additional drunk driving legislation and to make suggestions for introducing appropriate new legislation.

Thank you for providing me the information. Your work to curb drunk driving and related tragedies is appreciated. Together, we must all work to prevent and reduce alcohol and other drug abuse.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Hayden".

MIKE HAYDEN
Governor

MH:GD:np

THE KANSAS ISSUE

Volume 31

April May June 1982

Number 2

On May 12, 1982, Governor Carlin signs into law SB 699 to take effect July 1, 1982.

Pictured (left to right) are: Dr. Lorne A. Phillips; Judge Herb Rohleder; Senator Jan Meyers; Reverend Richard Taylor; Bruce Beale; Captain Don Pickert; Captain Enos Hadley; Gene Johnson; Warren Hardin; and Fred Howard. Governor Carlin used two pens for the signing and gave one to Senator Meyers and one to Reverend Taylor.



DON'T DRIVE AFTER DRINKING IS MESSAGE OF NEW KANSAS LAW

Refusal to take blood alcohol test shall be admissible as evidence at trial for driving under the influence of alcohol and license shall be suspended for 120 days.

Blood alcohol less than .10% along with other evidence can lead to conviction of driving under the influence.

Blood alcohol of .10% or more is prima facie evidence for conviction. Plea bargaining shall not be permitted.

Stiff mandatory minimum penalties of jail, fines, diversion, treatment, and trial on stipulation of facts.

Driving under the influence of alcohol is prohibited. We may be the first state to use only the word alcohol. It makes no difference what a person has been drinking, the drug alcohol is the problem. Kansas and other states have prohibited driving under the influence of alcoholic liquors or intoxicating liquors or alcoholic beverages. When introduced, SB 699 prohibited driving under the influence of intoxicating liquor. I pointed out this implies cereal malt beverages are safe and asked that intoxicating liquor be changed to alcohol so persons who drink 3.2 beer to make them feel good could not claim the law does not apply to them. Because no person will admit to being drunk or intoxicated, this new law never talks about driving while intoxicated. Driving under the influence of alcohol is a crime. Drivers need not be drunk or intoxicated to be convicted. It is DUI, not DWI.

The Conference Committee worked often and long on the final details of this new law. They admitted it will probably need a clean up next session. We were successful in changing 60 days to 120 days for refusing to take the blood test. We wanted 180 days like California and Maine. We also wanted .10% blood alcohol to be guilty per se. Chairman Senator Talkington assured us that loop holes will be taken care of in 1983.

Attach E.

RESOLUTION FOR FREEDOM FROM GAMBLING TRACK PROBLEMS

WHEREAS, Gambling is a menace to society, deadly to the best interests of economic life, and destructive of good government; and

WHEREAS, Parimutuel supporters are promoting fraud as they claim 84% is returned in "winnings" when in fact John Q. Public is sure to lose 16% of all money bet on each race; and

COMMERCIAL GAMBLING TRACKS HURT PEOPLE AND BUSINESS

WHEREAS, Leaders in business and industry acknowledge sales drop, bad debts climb, worker productivity decreases, and job absenteeism increases when dollars that would have been spent for needed items are lost at gambling tracks; and

WHEREAS, KBI Director Thomas Kelly told Senators parimutuel wagering in Kansas would bring increases in crime, illegal gambling, bribery, race-fixing, fraud and corruption, noting Nebraska has problems with bookies and with jockies having criminal records who give false names; and

WHEREAS, The Wall Street Journal called gambling tracks a legalized swindle where the poor and others who can not afford to lose always lose the most so we support consumer protection laws which do not permit freedom of choice for the public to be subject to fraud; and

RICHES FOR PARIMUTUEL PROMOTERS IS THE ISSUE

WHEREAS, Parimutuel promoters claim gamblers at Kansas tracks will lose some \$45 million yearly so there will be \$15 million for the state, \$15 million in prizes for horse owners, and \$15 million for salaries and expense accounts of non-profit track operators and lobbyists plus other expenditures which indicates horse and track people will keep \$2 in their pockets for each \$1 in state taxes; and

WHEREAS, Long established but financially troubled Nebraska gambling tracks producing \$8.8 million were recently given a tax break by their legislature and P-A-R-I-M-U-T-U-E-L would never spell relief in Kansas even with the exaggerated claim of \$15 million revenue when property taxes alone total more than \$900 million yearly; and

WHEREAS, Gambling promoters would have the public believe they are working for tax relief and tourism when in fact they are promoting riches for themselves (\$30 million yearly into pockets of track operators, lobbyists, public relations firms, and horse owners is why they reportedly spent \$150,000 or more to win approval by the legislature. How much would they spend to buy their victory at a vote of the people?); and

WHEREAS, The spectator sport of horse racing is now legal in Kansas so the issue is gambling and horse lovers who see the beauty in this animal agree with Humane Societies opposing parimutuel because horses are drugged and abused by gambling promoters who see them as a means to riches for themselves; and

WHEREAS, Parimutuel promoters claim gambling tracks are no different than farming but they fail to explain that gambling is a desire to get rich from the financial losses of others while farmers who seek only a fair price for their product are risk takers but not gamblers; and

CONCERNED CITIZENS WANT LAWMAKERS TO DEFEAT PARIMUTUEL

WHEREAS, Legislators voting YES will force concerned citizens who give all they can to their churches and other good causes to spend time, energy, and money to defeat at the polls what concerned lawmakers can easily defeat in Topeka; and

WHEREAS, Lawmakers have a right to vote for parimutuel gambling but must admit the relationship of legislature and people on constitutional change is like the relationship of Senate and House (or House and Senate) on legislative change in that Senators are not to be rubber stamps who vote to "submit" a bill to the House, or "vote for the right of House members to vote on it." Senators vote to approve or not approve a proposed change; and

WHEREAS, Persons promoting gambling who control newspapers, radio, and TV, are deceiving the public into thinking parimutuel is good for Kansas but lawmakers who have the facts are aware of the fallacy of that claim; and

WHEREAS, Lawmakers do not vote to submit but are required to approve or not approve parimutuel wagering if they are loyal to their oath to uphold the Constitution which states, "IF EACH HOUSE SHALL APPROVE" a Constitutional change, it "SHALL BE SUBMITTED. . . TO THE ELECTORS FOR THEIR APPROVAL OR REJECTION"; and

WHEREAS, On March 2, 1982, twenty-two Senators stood tall for freedom from commercial race track gambling problems as they voted NO on Senate Concurrent Resolution 1621. Now, therefore,

BE IT RESOLVED: That we call upon all 165 members of the Legislature to exercise their constitutional responsibility and stand firm for freedom from gambling track problems by refusing to approve parimutuel wagering.

Date Adopted _____ Name of Group _____

Signed By _____ Mailing address of signer _____

(President, Chairman, Secretary)
circle one

September 17, 1981 - Letter sent to President Reagan from Minneapolis, Minnesota, signed by 44 state leaders attending the annual meeting of the American Council on Alcohol Problems. Journalist Sandy Golden spoke at the meeting and requested this letter to the President calling for appointment of a "blue ribbon Presidential Commission which will bring together the finest minds in the nation to develop a realistic national master plan to cope with this problem" of drinking drivers.

November 13, 1981 - President Reagan received the letter signed by 305 members of the House and Senate (Late signers raised the number to 341) requesting he appoint a special task force on drinking driving. Except for the deletion of three lines, this letter from Senators and Representatives is identical to the letter sent from Minneapolis on September 17 signed by ACAP members.

October 6, 1981 - Sandy Golden arranges press conference on capitol hill with Rev. Richard Taylor, President of ACAP, acting as chairman. Others speaking at the press conference included Congressman Michael D. Barnes of Maryland, Congressman Glenn Anderson of California, Congressman Jim Hansen of Utah, Tom and Dot Sexton of Maryland, and Mr. Golden. Representatives Hansen, Barnes, and Anderson followed through on the suggestion of Sandy Golden that a "Dear Colleague" letter be sent to Senators and Representatives asking them to join in requesting President Reagan appoint a Special Commission on drinking driving. ACAP leaders contacted Senators and Representatives.

January 12, 1982 - Governor Carlin in his message to the Legislature said, "I am forming a special subcommittee. . . to focus on the problem of drinking drivers. In addition, I recommend that the Legislature enact a mandatory jail sentence for persons convicted of operating a vehicle while intoxicated."

October 27, 1981 - Rev. Richard Taylor and Mary Foster go to the Governor's office and requests he appoint a special committee concerned with drinking drivers. Young Mary Foster was hit by a drunk in 1977. She looked Governor Carlin in the eye and told him, "They thought I was dead at the scene. They cut me from the wreckage. I received severe head injuries, facial fractures, teeth were knocked loose, several fractured ribs, and many lacerations. I was unconscious for nearly six weeks, and in the hospital for three months. . . I lose one eye, must suffer epilepsy the remainder of my life, received severe brain damage, and all the drunk loses is a \$60 fine. . . Governor Carlin, for the sake of innocent persons, please appoint this Task Force and use all the power of your office to keep alcohol drugged killers off Kansas Highways."

January 15, 1982 - Newspapers reported the Reagan administration is developing final details for the creation of a presidential commission to study the problem of drunken driving.

March 9, 1982 - Governor Carlin calls persons to his office and appoints his GOVERNOR'S COMMITTEE ON DRINKING AND DRIVING. He said, "I believe the time has come for the tragic problem of drunk driving to be made a priority item for Kansas." Rev. Richard Taylor was one of seven named to this special committee.

April 14, 1982 - President Reagan announced John Volpe would head his special commission to deal with the drunken driving problem in the United States. William Plymat, Executive Director of the American Council on Alcohol Problems, and Senator Bob Dole were among the 30 members named.

May 12, 1982 - Governor Carlin signs SB 699. Stiff new penalties for driving under the influence of alcohol should encourage persons not to drive after drinking.

PARIMUTUEL PROMOTERS SEEK RICHES. FIRST THEY MUST WIN LEGISLATIVE APPROVAL. IF THESE RICHES CAME FROM BUILDING A BETTER AIRPLANE OR PRODUCING FUEL EFFICIENT AUTOS, KANSAS WOULD BENEFIT. BUT THEY WANT TO GET RICH FROM FINANCIAL LOSSES OF POOR PEOPLE. BECAUSE THEY CAN OUTSPEND US \$100 TO \$1 AT A VOTE OF THE PEOPLE, YOU MUST BEGIN NOW AND ENCOURAGE GROUPS TO ADOPT THIS RESOLUTION. ASK YOUR SUNDAY SCHOOL CLASS, CHURCH BOARD, CHAMBER OF COMMERCE, CIVIC CLUB, COUNTY FARM BUREAU AND OTHER ORGANIZED GROUPS TO ADOPT THIS RESOLUTION FOR FREEDOM FROM GAMBLING TRACK PROBLEMS. MAKE COPIES OR WE'LL SEND ALL YOU NEED. (DETAILED INFORMATION ON EVERY WHEREAS IN RESOLUTION SENT ON REQUEST.)

In addition to groups adopting this RESOLUTION, take a plain sheet of paper and place the following PETITION heading at the top. Collect signatures. Send adopted RESOLUTIONS and signed PETITIONS to us now through January.

We, the undersigned, respectfully request that all 165 Kansas lawmakers exercise their constitutional responsibility and stand firm for freedom from commercial race track gambling problems by refusing to approve parimutuel wagering.

(Vocation includes homemaker, company you work for, banker, secretary, farmer, merchant, managers of business and industry, teacher, lawyer, medical doctor, dentist, professor, fireman, policeman, insurance agent, etc.)

Vocation Name Mailing Address

The Kansas West Annual Conference is the first state group to see this RESOLUTION and take action. Please ask your state, regional, and area church groups to take action.

Gambling Resolution Is Opposed

SALINA, Kan. (AP) — The Kansas West annual conference of the United Methodist Church passed a resolution Thursday calling upon the Legislature to oppose any proposal for legalizing pari-mutuel wagering in the state. The resolution, which will be forwarded to all 165 members of the Legislature next year, was approved unanimously, according to the Rev. Richard Taylor, who was attending the conference.

Taylor is leader of an anti-liquor and gambling group, Kansans For Life at its Best. The resolution urges lawmakers to vote against proposed constitutional amendments to legalize gambling on horse and dog races, saying legislators should "exercise their constitutional responsibility and stand firm for freedom from gambling track problems."

In the 1982 session of the Legislature, a proposal for legalizing pari-mutuel wagering was defeated in the Senate.

The conference, which ends today, is made up of representatives of more than 400 local Methodist churches in the western two-thirds of the state.

In addition, the conference passed a motion expressing its appreciation of the Legislature and Gov. John Carlin for passing legislation toughening penalties for drunken driving.

Rev. Taylor Says He Would Rather "Eat Horses Than Race"

Belleville Telescope
February 25, 1982

Should Race Bill Be "Local Option"

The anti-parimutuel forces, which are led by Reverend Richard Taylor's Kansans for Life at its Best, are looking with a hungry eye at Kansas' horse population of 50,000 as one solution to world hunger. "As tough as times are now, I think we'd better save our horses for meat, instead of running them to death on the racetrack," said Rev. L.E.A. Jones, an associate of Rev. Taylor's. Reverends Jones and Taylor appeared on KMBZ Radio's Walt Bodine Show on Thursday, January 21 in Fairway, Kan.

Jones was challenged on his comment by parimutuel proponent Chuck Henry, past chairman of the KQHRA Parimutuel Committee and owner of the Horse Agency in Wichita, Kansas. "I hope Reverend Jones was just joking," said Henry, "when he said he would rather eat the horses than race them."

"No," insisted Rev. Jones, pastor at Topeka's New Mt. Zion Baptist Church, "I'm serious, I really am, my friend."

The 90-minute debate included calls from the audience which ran 10:1 in favor

of parimutuel—and the right of the people of Kansas to vote on the issue. The Central Research poll, published last year in The Topeka Capital Journal, shows 71 percent of all Kansans support parimutuel wagering on horses.

The other proponent debate spokesman, George Adkins, chairman of the KQHRA Parimutuel Committee and a race steward at Eureka Downs, Kansas, commented afterward, "Reverend Taylor and his cronies continue to use irrational fears to oppose parimutuel. Horses are beautiful, sensitive animals bred to race and show. I love to watch them race. The people of Kansas," Adkins said, "deserve the right to vote on building a beautiful tax-generating tourist attraction in our state. Their only opportunity will be when the Kansas legislature lets them vote on it."

"If we can just get Reverend Taylor's group to quit intimidating the legislature and the public with McCarthy era tactics," Adkins said, "we know there are enough votes to pass this issue."

Gambling tracks are the issue. Gambling promoters make eating horses the issue. This story was circulated all over Kansas not by the AP or UPI. Persons working for parimutuel circulated this story.

Reverend L. E. A. Jones is a fine black pastor from Topeka who is truly concerned for quality of life in Kansas. On radio he was most convincing when he spoke of the Commandment which tells us we are happier if we do not covet anything that is our neighbors. Gambling track operators, legal counsel for the tracks, advertising agencies, horse breeders, gambling lobbyists and a host of others want to get rich from the gambling losses of poor people. They covet and want the money that belongs to their neighbors. That is the issue.

Gambling promoters made eating horses the issue. Consider the hypothetical situation where Kansas people are starving and the only possible source of food are the horses running at the parimutuel tracks. Starving

gambling promoters would be the first in line for a bite of a butchered horse.

Eating horses is not the issue. Right to vote is not the issue. Gambling is the issue. If enough lawmakers vote to approve gambling tracks on the phoney issue of right to vote and it goes to a vote of the people, parimutuel promoters will claim voters from all of Kansas should vote YES so voters in counties will have the right to vote on county option.

Rev. Jones is laughed at and made an object of ridicule, scorn, and snickering all across Kansas by gambling track promoters. Senators who favor gambling should vote NO and repudiate this repugnant tactic used by those working hard for parimutuel.

Richard Taylor

8 Topeka Capital-Journal, Tuesday, March 2, 1982 (Bullfrog Senators and horse-eating preachers is something I guess we'll just have to learn to live with. Reverend Jones and I are two of thousands of black and white pastors all over Kansas who believe that quality of life is more important than millions of dollars in the pockets of gambling promoters.)

However, Ron Smith, one of McGill's associates, remained optimistic Monday that the pari-mutuel measure would find the needed 27 votes although he acknowledged it was no easy task.

"It's like bagging bullfrogs," Smith said. "You get one in the bag and another jumps out. We've got 27 votes if we get them all in the bag."

Thought you might enjoy this bit of lobbying. The day they voted on parimutuel gambling, I stood at the Senate Chamber entrance and handed this to Senators. Senator

Vidricksen of Salina saw the headline and with a smile said, "I'll cook it!" He and 21 others who voted NO cooked the goose of gambling lobbyists who boasted they had 27 YES votes. Parimutuel promoters ended up eating crow but would eat horse if that could win them 27 bullfrogs.

MY FIRST EXPERIENCE WITH A DRUNK DRIVER

Shortly after a 1950 appointment to my first church, an emergency call came from Asbury Hospital in Salina that a United Methodist Minister was needed immediately. On arrival I learned that two families were traveling from Hutchinson to Nebraska when a drunk hit them head on north of Salina. It happened around noon in full sunshine and dry pavement. Both husbands were in the front seat with the daughter of one between them. She was badly injured, but after spending all afternoon and evening with her in that hospital room, Carolyn was able to tell me the last

words from her father. "Get behind me!" Pushed behind her father, he took the full impact of the head on crash and died along with the driver. Both wives lived, but the hospital stay of all three was lengthy and they suffered permanent disability. I've been mad at drunk drivers ever since.

Teenage Carolyn lived because her father by choice took the full impact of a head on crash from the drunk left of center. This is the week when the world remembers in a special way the One who said, "Greater love has no man than this, that a man lay down his life for his friends."

THE CRUSADE OF WARREN HARDIN, NOW COUNTY ENGINEER AT BELLEVILLE

My Bishop appointed me to this special ministry in January of 1971. On October 3, 1971 a car load of Kansas State students was hit head on in Trego County as they returned from a Colorado football game. Five died. Warren Hardin of Wakeeney lost his son Greg and Greg's bride to be, Linda Henry of Big Springs, along with three other friends. The drunk also died. Warren and I have worked for tough drinking driver legislation since that day. The news media has given much coverage to our effort to reduce alcohol consumption and prevent gambling related suffering, but every year I have told friends I wish I could devote full time to one issue - keep alcohol drugged killers off the road!

I remember a letter dated November 19, 1973, from Senate President Bennett who told Mr. Hardin "I don't believe that you can blame the situation any more on legalized consumption of alcohol than you could on the availability of the automobile in which the drunk was driving." (Letter

from Bennett to Hardin concerning death of Greg.)

How thankful we are that Kansas lawmakers are beginning to blame alcohol, to acknowledge that the product is the problem, to admit that alcohol impaired brains cause drivers to inflict more death and injury than all our wars combined. This new legislation does not ban the automobile, it bans driving when alcohol "renders the person incapable of driving safely."

Warren Hardin spent a half hour on TV with me a week ago voicing his concern and the concern of K-State students in 1972 who called for stiff legislation 10 years ago. I remember that legislation being debated on the floor of the House with Representatives telling sob stories of hardships inflicted on the poor drinking driver if judges and prosecutors came down with laws already on the books. Since 1971 I have seen legislation ignored or easily rejected by lawmakers fearful of being trapped in their own law.

During Holy Week I lobbied by handing this statement to lawmakers in the Kansas Statehouse. This and the Open Letter to President Doyen on page 6 were carried in the Courtland Journal, thanks to Carol Sanderson.

Mr. Hardin and I fully understood why lawmakers had not passed a tough new law when Speaker of the House McGill got off in 1974 by refusing to take the breath test. We called for eliminating this loophole, but our voices were not heard. A newspaper story tells us that Senator Johnston was booked on a charge of driving while intoxicated February 14, 1980, but got off because he refused to take the breath test.

Concerned lawmakers have rejected the plea "There but for the grace of God go I." Driving after drinking has nothing to do with the grace of God. Persons choose to drive after drinking. No longer should the criminal behind the wheel get off by saying, "I'm sorry." That is how a child seeks to escape responsibility for making a bad choice. Let the so called social drinker, the leading businessman, the high ranking politician, and the richest man in town know that alcohol impaired driving makes them just as much a criminal as if they were a back alley bum.

As a Salina pastor, I remember visiting my first A.A. meeting. Afterwards I told my dry alcoholic friend that it seemed they were cruel to their drinking buddies. He said they show no mercy toward drinking alcoholics because sympathy keeps them drunk. Judges and prosecutors who show mercy toward drunk drivers have kept the killers on the road.

Under current law, drinkers choose not to take a breath test if caught driving because they know that is the best choice. Under a new tough law, drinkers will choose not to drive because they will know that is the best choice.

God so loved the world that He gave His only Son. His only Son loved us so much that He gave His life. May you so love Kansas that you will give your vote for a law that gives life to travelers on our highways. Let Holy Week of 1982 be remembered as a time when the Kansas legislature supported a law with penalties so swift, sure, and severe, that persons began choosing not to drive after drinking or they waited one hour per drink before driving.

Most of our TV time this year has been used to lobby for tough drinking driver legislation. These programs included Senator Hess, House Transportation Chairman Crowell, Representative Fox; victims of this "criminal behind the wheel" Mary Foster, Mrs. Joe Driver, Mrs. Mary Dibble, Warren Hardin; and Captain Hadley and Colonel Hornbaker of the Highway Patrol. How thankful we are that our voices along with thousands of other concerned Kansans have been heard. Warren Hardin and I wish a tough law could have been passed 10 years ago so more persons would be alive to thank you. With their new law, the California Highway Patrol reported exactly 100 fewer persons died on California highways this January than during January of 1981.

As you go home to celebrate Easter, may a special joy be yours knowing that disability and death will be reduced because your love for Kansas caused you to vote for a tough new law.

Respectfully yours,
Richard Taylor, President
Kansans For Life
At Its Best!
218½ West Sixth
Topeka, Ks. 66603
6th April, 1982

As persons we are greatly concerned about all important issues. As a group, we specialize in the prevention of alcohol and gambling suffering in order to be most effective. Dr. Ogura, who performed my cancer surgery in St. Louis, operates only on cancer in the throat and head. He is concerned about heart disease and cancer anywhere in the body, but he specializes in order to be most effective. (This April 13 letter to Speaker Lady also)

OPEN LETTER OF APPRECIATION TO PRESIDENT DOYEN

Under special appointment from my Bishop, I have worked in the Statehouse for 11 sessions. Never to date has there been a finer combination of President of the Senate, Speaker of the House, and Legislative action than during the session of 1982. There have been honest differences between lawmakers on other important issues, but when it comes to the prevention of human misery caused by drug consumption and commercial gambling, this session ranks number 1.

As of now, no measure has been worked in either house which would encourage increased use of our most abused drug. And many measures have been worked to collect increased taxes on alcohol and cigarettes. Research presented to the United States Congress indicates such taxes should be increased four-fold or more if revenue collected would equal economic destruction caused by these drugs, drugs which enjoy special exemption from our Controlled Substances law.

The few who want to get rich from the financial losses of many have been defeated three times! Twen-March 2, 1982 standing

Senators who voted for gambling race tracks in Kansas are Bogina, Burke, Chandler, Feliciano, Garr, Gaines, Gannon, Johnston, Kerr, Montgomery, Mulich, Norvell, Rehorn, Reilly, Steineger, Talkington, and Werts.

(Hayden not voting.)

Senators who refused to approve parimutuel wagering are Allen, Angell, Arasmith, Cheney, Daniels, Doyen, Ehrlich, Eldredge, Francisco, Harder, Hein, Hess, Karr, McCray, Meyers, Morris, Parrish, Pomeroy, Roitz, Thiessen, Vidricksen, and Warren.

Two Senators refused to approve parimutuel gambling tracks on March 2. (The count was reported to be 21, but 22 said they voted NO.) The House on April 8 rejected gambling tracks on a vote of 66 NO to 56 YES. Gambling promoters announced at a public meeting in Bonner Springs they would push for constitutional change which would permit them to get parimutuel on the ballot by petition. This was defeated by the Senate on April 10 by a vote of 24 YES to 15 NO. It required 27 votes for passage.

These three defeats were humiliating for the highly paid lobbyists working for the Quarter Horse Racing Association. And lobbyists employed by the Kansas Livestock Association and the Kansas Association of Wheat Growers seemed to work harder for parimutuel than they did on other issues. I wonder if all the good farmers who pay their salaries know how hard these lobbyists worked for commercial gambling tracks in Kansas. How many other lobbyists worked for parimutuel I do not know.

But the greatest joy of all comes from legislative action on SCR 1621

on a tough drinking-driver bill. Since an October 3, 1971 crash which killed 6 persons on I-70 in Trego County, Warren Hardin and I have asked for a crack down on drunk drivers. That day Mr. Hardin lost his son Greg, his daughter-in-law to be Linda Henry, and three other Kansas State Friends. The drunk who hit them head on in bright sunlight on dry pavement also died.

During the session of 1972, Kansas State students were deeply concerned, but nothing happened. Some debate took place, but sob stories of hardship that would be inflicted on poor drunken drivers carried the day.

Mary Foster of Topeka called me during the 1979 session. She had been hit by a drunk. They thought she was dead in the wreckage. She was unconscious for five weeks, and today is handicapped with the loss of one eye plus other severe damage. The drunk got off with a grand total of \$60 in fines! She thought the legislature would quickly pass a tough bill if only they knew the facts of her crash. Lawmakers listened and ignored her.

When a lawmaker in 1974 and another in 1980 were charged with DWI and got off by refusing to take a breath test, the public outcry was ignored by a majority of both Houses.

Those days are past. Lawmakers during 1982 rejected the plea, "There but for the grace of God go I." Driving after drinking has nothing to do with the grace of God. Persons choose to drive after drinking. Under

current law, drinkers choose not to take a breath test if caught driving because they know that is the best choice. Under a tough new law, drinkers will choose not to drive after drinking because they will know that is the best choice. (Or they will wait one hour per drink before driving.) Prevention, not punishment, is our goal.

We spent more lobby money and time working for highway safety this session than we spent opposing commercial gambling tracks. We thank God that you and Speaker Lady fully supported this legislation which will tend to prevent disability and death on Kansas highways. And both of you stated publically you would not vote to approve commercial gambling tracks, a step backward for quality of life in Kansas.

Thousands of Kansans for life at its best, persons who want freedom from drug suffering caused by alcohol consumption and freedom from gambling problems caused by parimutuel tracks, have found the 1982 session to date to be the finest combination of President of the Senate, Speaker of the House, and Legislative action we have known for over a decade. If we presented a FREEDOM AWARD, you all would get it! Thanks for being a statesman concerned for the next generation, not a politician concerned for the next election.

Respectfully yours,

Rev. Richard E. Taylor, Jr.
Kansans For Life At Its Best!
218½ West Sixth Avenue
Topeka, Kansas 66603

The bets are off

"Yes, it's true, that Kansas loses a few dollars each year to nearby states, such as Nebraska and Arkansas, which have horse racing tracks and pari-mutuel wagering. Those are dollars not spent in Kansas, and they are dollars not returned to the state as its share of the betting business.

"Tough luck.

"And it will be at least another year now before the state again considers letting citizens fleece themselves.

"For whatever reason, the Kansas Senate killed a resolution that would have put the betting issue up to the Kansas voters, in November....

"Betting can only erode the superb quality of life Kansans enjoy. Who needs betting besides the track owners? And professional gamblers? And crime lords? If there could be a proven way to bring betting into the state that would keep out any hint of crime, we'd say, bring on the bangtails. But it's our observation that wherever horse racing exists, there are shadows, undesirable characters, chicanery and the never-faded fear that something is, or could be, amiss.

"Is the few million dollars that pari-mutuel wagering might raise for the state worth these risks? We continue to think not, and are glad that the Senate once again has turned its back on gambling."

—Manhattan Mercury

Gambling promoters made a big deal out of their poll which claims "71% of all Kansas voters support the right to vote on parimutuel." It should be 100%. If the legislature approves a constitutional change, those who want parimutuel want the right to vote YES and concerned citizens who want freedom from gambling track problems want the right to vote NO.

But the right to vote is guaranteed by the Constitution. Right to vote is not the issue. Gambling is the issue. Lawmakers do not vote to submit parimutuel. They vote to approve or not approve parimutuel. If approved, it shall be submitted.

When a poll is taken, remember what parimutuel promoters will do with it so go to work and get everyone to register their opposition to gambling.

February 18, 1982

THE MARYSVILLE ADVOCATE

Editorial opinion

"Where all men think alike few men think at all."
—Alfred North Whitehead

Poor bet

With property taxes at the throat of the average Kansan, those touting parimutuel betting are cooing that they have a plan to chase the wolf.

"... as people are finding out that the Kansas Plan is not-for-profit with proceeds going to relieve property taxes, they're adding their support," says a public relations consultant cranking out hokum for the parimutuel crowd.

The gambling interests are seeking a two-thirds majority in the House and Senate so the issue of parimutuel betting can be put to the voters. "We're just three votes away in the Senate," lobbyist Pete McGill reported Feb. 2 to the Kansas Quarter Horse Racing Assn.

According to George Adkins, new chairman of the parimutuel committee of the Kansas Quarter Horse Racing Assn., his forces are "taking a strong popular stand," a strategy of asking all legislators to let the voters make the decision. "We try to remind them that it is

not their decision to make," he said.

Fortunately legislators were elected to make such decisions and we hope they will make it opposing parimutuel betting and its attendant ills.

Adkins claims "over 71 per cent of all Kansas voters support the right to vote on parimutuel," and "our only opposition" is "the religious zealots who want to dictate their morals to everyone else."

Religious zealotry has nothing to do with hoodlum-run booking operations on the East Coast which key their business to state-operated race tracks. It has nothing to do with people of limited means who, lured to the track by the promise of something-for-nothing, find they have lost their meager earnings.

Kansas has enough troubles controlling booze. We don't need something like parimutuel betting to create more social problems. And that has nothing to do with religious zealotry.

Word's Out:

Wichita Eagle Beacon April 2, 1982

No More Beer At Statehouse

TOPEKA (AP) — House Speaker Wendell Lady said Thursday he would warn legislators and lobbyists not to bring beer onto Capitol grounds again, in response to a complaint from the head of the state's anti-liquor organization.

"I certainly don't endorse that," said Lady, R-Overland Park, after he received a letter from the Rev. Richard Taylor, president of Kansans for Life at Its Best.

"I will write to those individuals involved and suggest that they refrain from doing that in the future on the Capitol grounds."

Taylor lodged the protest after he said he saw beer being loaded into a recreational vehicle Wednesday evening for a trip to Salina by legislators and others for a political money-raising event.

Taylor said the vehicle was parked on an apron adjoining the Statehouse steps. He called what he saw "a disgrace."

He saw a lobbyist for the beer industry deliver at least two cases of beer to the vehicle, he said, and saw it taken aboard.

The vehicle took some legislators and others to Salina for a fund-raiser for that city's state legislators, Republicans Sen. Ben Vidricksen and Rep. Bob Ott.

Ott invited House members on the trip during the House session Wednesday.

Taylor said in his letter to Lady:

"Would it be proper for you to ask lobbyists not to use the Statehouse grounds in providing our most abused drug for lawmakers?"

"At a time when the Legislature is working hard addressing the serious issue of alcohol-drugged killers on our highways, loading beer on the Statehouse grounds seems a disgrace, even if it is legal for persons in RVs to drink going down our highways."

I lobby by presenting facts. (See pages 2, 4, 5) Other lobbyists hope to win by spending a lot of money on food and drink for legislators, taking them to expensive entertainment, and giving generous campaign contributions. (For the November election, they give a lot to both candidates and insure a friendly vote in the legislature.)

We do not buy any meals or drinks for lawmakers, refuse to spend one dime on their entertainment, and have never given a campaign contribution to any candidate. Our only strength is truth and your letter to your lawmaker.

Because you contacted your lawmakers, this has been the best session in over a decade when it comes to the prevention of drug suffering caused by alcohol and the prevention of gambling problems caused by parimutuel.

PLEASE CONTINUE TO CONTACT YOUR LAWMAKERS.

Rev. Dick Taylor

This picture snapped by Jim Burton as Rev. Taylor opposed a bill promoting increased alcohol consumption and alcoholism in a Senate Federal and State Affairs Committee Hearing was run in the Topeka Capital-Journal on February 26, 1982.



YOUR MAN IN THE KANSAS STATEHOUSE

ADDRESS CORRECTION REQUESTED

Rev. Richard Taylor
The Kansas Issue
218 1/2 West Sixth Ave.
Topeka, KS 66603

Bulk Rate
U.S. Postage
P A I D
Permit No. 101
Topeka, Kansas

With his own public address system, Rev. Taylor will come to your church and city to present information on the prevention of alcohol and gambling related suffering. All you need to do is invite him.

Kansas Coalition for Drug-Free Driving

P.O. Box 58093

Topeka, KS 66658

913-286-0555

Ruth N. Meserve
KANSAS COALITION FOR
DRUG FREE DRIVING

February 17, 1988

To: Federal and State Affairs Committee
RE: House Bills 2951, 2952, 2953

REGISTERED
LOBBYIST

PRAIRIE VILLAGE, KS
913-649-1177

The Kansas Coalition for Drug Free Driving is a statewide coalition made up of members that include MADD (Mothers Against Drunk Driving), RID (Remove Intoxicated Drivers), Kansans for Highway Safety, Kansas PTA, Insurance Women of Wichita and Kansas ASAP Association.

Our coalition supports these House Bills of concern of aggravated Vehicular Homicide, certain alcohol and drug related offenses, and alcohol and drug related offenses; suspension and restriction of driving privileges.

Since you have heard from many or will hear from others that support these bills I ask for your support of these bills on behalf of the coalition.

Thank you

Ruth Meserve

Ruth Meserve

Attach F