

HOUSE JOINT RESOLUTION NO. 24

2/11 Introduced
2/11 Referred to Judiciary
2/22 Hearing
2/22 Committee Report-Bill Do Pass
2/25 2nd Reading Pass
2/27 3rd Reading Pass

Transmitted to Senate

3/05 Referred to Judiciary
3/26 Hearing
3/28 Tabled in Committee

HOUSE JOINT RESOLUTION NO. 24

INTRODUCED BY *Raney NATHAN* *Albin Miles* *Coay*
Keyser *Carson* *Montoy* *Barker* *David Moore*
 JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING SUPPORT
 FOR SOUTH DAKOTA'S CHALLENGE TO THE CONSTITUTIONALITY OF THE
 FEDERALLY MANDATED LEGAL DRINKING AGE AND URGING THE
 ATTORNEY GENERAL OF MONTANA TO RENDER ASSISTANCE TO SOUTH
 DAKOTA IN PURSUING ITS LITIGATION ON THE ISSUE.

Richard E. Manning *Moran* *Bangston* *HARP*
Pratt *Redm*
Conover *Keller*
David *Driscoll* *LANE* *Yellowtail* *Shannon* *Holliday*

WHEREAS, in June 1984, the Congress passed and the President signed a bill amending the Surface Transportation Assistance Act of 1982 (P.L. 98-363); and

WHEREAS, this law requires the Secretary of Transportation to withhold highway funds from states allowing the purchase or public possession of an alcoholic beverage by a person who is less than 21 years of age; and

WHEREAS, the State of Montana may lose more than \$5.5 million in fiscal year 1987 and more than \$11.1 million in fiscal year 1988 in federal highway funds if the state does not comply with the federally mandated legal drinking age; and

WHEREAS, the 21st amendment of the United States Constitution appears to give the states exclusive authority over the delivery and use of intoxicating liquors; and

WHEREAS, the State of South Dakota has filed suit challenging the federally mandated legal drinking age as a violation of states' rights guaranteed by the United States Constitution (State of South Dakota v. Elizabeth H. Dole, Secretary, U.S. Department of Transportation, civil action No. 84-5137, U.S. District Court, District of South Dakota, Western Division); and

WHEREAS, the State of Montana has the same interest as the State of South Dakota in preserving states' rights.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

- (1) That the State of Montana supports the State of South Dakota's challenge to the constitutionality of the federally mandated legal drinking age.
- (2) That the Attorney General of the State of Montana is urged to render such assistance as requested by the State of South Dakota in pursuing its litigation on the issue.
- (3) That the Secretary of State send a copy of this resolution to the Attorneys General of the States of Montana and South Dakota and to the Montana Congressional Delegation.

-End-



-2- INTRODUCED BILL
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APPROVED BY COMMITTEE ON JUDICIARY

Blaylock
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HOUSE JOINT RESOLUTION NO. 24

INTRODUCED BY Nancy NATHAN *Nathan* *Niles* *Cody*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING SUPPORT FOR SOUTH DAKOTA'S CHALLENGE TO THE CONSTITUTIONALITY OF THE FEDERALLY MANDATED LEGAL DRINKING AGE AND URGING THE ATTORNEY GENERAL OF MONTANA TO RENDER ASSISTANCE TO SOUTH DAKOTA IN PURSUING ITS LITIGATION ON THE ISSUE.

WHEREAS, in June 1984, the Congress passed and the President signed a bill amending the Surface Transportation Assistance Act of 1982 (P.L. 98-363); and

WHEREAS, this law requires the Secretary of Transportation to withhold highway funds from states allowing the purchase or public possession of an alcoholic beverage by a person who is less than 21 years of age; and

WHEREAS, the State of Montana may lose more than \$5.5 million in fiscal year 1987 and more than \$11.1 million in fiscal year 1988 in federal highway funds if the state does not comply with the federally mandated legal drinking age; and

WHEREAS, the 21st amendment of the United States Constitution appears to give the states exclusive authority over the delivery and use of intoxicating liquors; and

WHEREAS, the State of Montana has the same interest as the State of South Dakota in preserving states' rights.

WHEREAS, the State of South Dakota has filed suit challenging the federally mandated legal drinking age as a violation of states' rights guaranteed by the United States Constitution (State of South Dakota v. Elizabeth H. Dole, Secretary, U.S. Department of Transportation, civil action No. 84-5137, U.S. District Court, District of South Dakota, Western Division); and

WHEREAS, the State of Montana has the same interest as the State of South Dakota in preserving states' rights.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the State of Montana supports the State of South Dakota's challenge to the constitutionality of the federally mandated legal drinking age.

(2) That the Attorney General of the State of Montana is urged to render such assistance as requested by the State of South Dakota in pursuing its litigation on the issue.

(3) That the Secretary of State send a copy of this resolution to the Attorneys General of the States of Montana and South Dakota and to the Montana Congressional Delegation.

-End-



HOUSE JOINT RESOLUTION NO. 24

INTRODUCED BY *Raney NATHAN Miles* *Cody*
Keyser *Ward* *Montoy* *Warko* *David Moore*
 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF *Selby*
 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING SUPPORT *Boyer*
 FOR SOUTH DAKOTA'S CHALLENGE TO THE CONSTITUTIONALITY OF THE *HARP*
 FEDERALLY MANDATED LEGAL DRINKING AGE AND URGING THE *Dean*

ATTORNEY GENERAL OF MONTANA TO RENDER ASSISTANCE TO SOUTH *Conroy*
 DAKOTA IN PURSUING ITS LITIGATION ON THE ISSUE. *Ward* *Keller*
Strand *Spivak* *LANE* *Yellowtail* *Shimo* *Glenn*

WHEREAS, in June 1984, the Congress passed and the
 President signed a bill amending the Surface Transportation
 Assistance Act of 1982 (P.L. 98-363); and

WHEREAS, this law requires the Secretary of
 Transportation to withhold highway funds from states
 allowing the purchase or public possession of an alcoholic
 beverage by a person who is less than 21 years of age; and

WHEREAS, the State of Montana may lose more than \$5.5
 million in fiscal year 1987 and more than \$11.1 million in
 fiscal year 1988 in federal highway funds if the state does
 not comply with the federally mandated legal drinking age;
 and

WHEREAS, the 21st amendment of the United States
 Constitution appears to give the states exclusive authority
 over the delivery and use of intoxicating liquors; and

WHEREAS, the State of South Dakota has filed suit
 challenging the federally mandated legal drinking age as a
 violation of states' rights guaranteed by the United States
 Constitution (State of South Dakota v. Elizabeth H. Dole,
 Secretary, U.S. Department of Transportation, civil action
 No. 84-5137, U.S. District Court, District of South Dakota,
 Western Division); and

WHEREAS, the State of Montana has the same interest as
 the State of South Dakota in preserving states' rights.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 OF REPRESENTATIVES OF THE STATE OF MONTANA:

- (1) That the State of Montana supports the State of South Dakota's challenge to the constitutionality of the federally mandated legal drinking age.
- (2) That the Attorney General of the State of Montana is urged to render such assistance as requested by the State of South Dakota in pursuing its litigation on the issue.
- (3) That the Secretary of State send a copy of this resolution to the Attorneys General of the States of Montana and South Dakota and to the Montana Congressional Delegation.

-End-

THIRD READING
HJR 24

