SENATE JOINT RESOLUTION NO. 25

INTRODUCED BY BRUSKI-MAUS BY REQUEST OF THE SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

IN THE SENATE

FEBRUARY 17, 1993 INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

FEBRUARY 20, 1993 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

FEBRUARY 22, 1993 PRINTING REPORT.

SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 23, 1993

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THIRD READING, PASSED. AYES, 48; NOES, 1.

TRANSMITTED TO HOUSE.

INTRODUCED AND REFERRED TO COMMITTEE

ON HIGHWAYS & TRANSPORTATION.

IN THE HOUSE

FEBRUARY 23, 1993

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FIRST READING.

MARCH 19, 1993 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

MARCH 27, 1993 SECOND READING, CONCURRED IN.

MARCH 30, 1993 THIRD READING, CONCURRED IN. AYES, 86; NOES, 13.

MARCH 31, 1993 RETURNED TO SENATE.

IN THE SENATE

MARCH 31, 1993

SENT TO ENROLLING.

RECEIVED FROM HOUSE.

REPORTED CORRECTLY ENROLLED.

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LC 1548/01

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23 written certification expressing its opposition to such a 24 law; and

25 WHEREAS, failure of this Legislature to take either

1 mandated action will result in the withholding of 2 federal-aid highway funds; and

3 WHEREAS, the Senate Committee on Highways and Transportation has considered and tabled Senate Bill No. 4 309, which would have enacted statutory provisions 5 6 consistent with the federal requirement to suspend a driver's license for certain drug-related offenses; and 7 8 WHEREAS, current Montana law provides that 9 driving-related acts are the only basis upon which a

10 driver's license may be suspended; and

11 WHEREAS, the provisions of section 333 of the federal 12 Department of Transportation and Related Agencies 13 Appropriation Act for Fiscal Year 1991 would require the 14 suspension of a driver's license for actions not related to 15 driving; and

WHEREAS, current Montana law provides for the suspension
or revocation of a driver's license for driving under the
influence of drugs; and

19 WHEREAS, the Senate and the House of Representatives of 20 the 53rd Montana Legislature believe that the granting or 21 withholding of driving privileges is and always has been a 22 state prerogative; and

WHEREAS, the Senate and the House of Representatives of
the 53rd Montana Legislature believe that the federal
government should not coerce or attempt to coerce states

-2- SJR 25 INTRODUCED BILL 1 into passing legislation involving subjects traditionally
2 left to the states.

3

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

6 That this Senate Joint Resolution is intended to certify 7 Montana's opposition to the enactment of driver's license 8 suspension provisions consistent with section 333 of the 9 federal Department of Transportation and Related Agencies 10 Appropriation Act for Fiscal Year 1991.

BE IT FURTHER RESOLVED, that the Secretary of State
 provide a copy of this resolution to the Governor of the
 State of Montana.

14 BE IT FURTHER RESOLVED, that the 53rd Montana Legislature, in order to avoid the impending loss of 15 federal-aid highway funds, respectfully requests the 16 Governor to submit a copy of this resolution to the 17 Secretary of the United States Department of Transportation 18 19 and, with the copy, to simultaneously submit his comments 20 concurring in the Legislature's opposition to the enactment 21 of driver's license suspension provisions consistent with 22 section 333 of the federal Department of Transportation and 23 Related Agencies Appropriation Act for Fiscal Year 1991.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SJR0025, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A joint resolution of the Senate and the House of Representatives of the State of Montana expressing the Legislature's opposition to Section 333 of the federal Department of Transportation and Related Agencies Appropriation Act for Fiscal Year 1991.

ASSUMPTIONS:

- Section 333 of the federal Department of Transportation and Related Agencies Appropriation Act for Fiscal Year 1991 (codified in federal statute) requires that states either: 1) enact legislation which would suspend an individual's driver license upon conviction of a violation of any drug-related offense; or 2) certify that the Legislature and Governor are opposed to enactment of such a law.
- 2. Failure to enact such legislation or certify opposition as described above would result in the Federal Highway Administration withholding 5%, increasing to 10%, of federal-aid highway funds.
- 3. Under current law, the state will forfeit federal-aid highway funds allocated to Montana.

FISCAL IMPACT:

Passage of the proposed resolution would maintain the existing level of federal-aid highway funds for the state if concurred in by the Governor.

DAVID LEWIS, BUDGET DIRECTOR DATE Office of Budget and Program Planning

Sette Bruch Man 2-23-93

BETTY BRUSKI-MAUS, PRIMARY SPONSOR DATE

Fiscal Note for <u>SJR0025</u>, as introduced SJR 25

APPROVED BY COMMITTEE ON HIGHWAYS & TRANSPORTATION

53rd Legislature

LC 1548/01

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1	Senate joint resolution no. 25	1	mandated action
2	INTRODUCED BY Brushi. Thun	2	federal-aid highw
3	BY REQUEST OF THE SENATE HIGHWAYS	3	WHEREAS, the
4	AND TRANSPORTATION COMMITTEE	4	Transportation h
5		5	309, which woul
6	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF	6	consistent with
7	REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE	7	driver's license
8	LEGISLATURE'S OPPOSITION TO SECTION 333 OF THE FEDERAL	8	WHEREAS, cu
9	DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES	9	driving-related
10	APPROPRIATION ACT FOR PISCAL YEAR 1991.	10	driver's license
11		11	WHEREAS, the
12	WHEREAS, section 333 of the federal Department of	12	Department of
13	Transportation and Related Agencies Appropriation Act for	13	Appropriation Ac
14	Piscal Year 1991 mandates the withholding of certain	14	suspension of a d
15	federal-aid highway funds from states that, by October 31,	15	driving; and
16	1993, fail to either:	16	WHEREAS, curr
17	(1) enact legislation requiring suspension of an	17	or revocation o
18	individual's driver's license upon conviction of any	18	influence of drug
19	violation of the federal Controlled Substances Act or any	19	WHEREAS, the
20	drug offense; or	20	the 53rd Montan
21	(2) certify that the governor is opposed to the	21	withholding of dr
22	enactment of such a law and that the legislature has adopted	22	state prerogative
23	written certification expressing its opposition to such a	23	WHEREAS, the
24	law; and	24	the 53rd Montar
25	WHEREAS, failure of this Legislature to take either	25	government should

Legislative Council

mandated action will result in the withholding of federal-aid highway funds; and

WHEREAS, the Senate Committee on Highways and Transportation has considered and tabled Senate Bill No. 309, which would have enacted statutory provisions consistent with the federal requirement to suspend a driver's license for certain drug-related offenses; and

8 WHEREAS, current Montana law provides that 9 driving-related acts are the only basis upon which a 0 driver's license may be suspended; and

1 WHEREAS, the provisions of section 333 of the federal 2 Department of Transportation and Related Agencies 3 Appropriation Act for Fiscal Year 1991 would require the 4 suspension of a driver's license for actions not related to 45 driving; and

WHEREAS, current Montana law provides for the suspension
or revocation of a driver's license for driving under the
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19 WHEREAS, the Senate and the House of Representatives of 20 the 53rd Montana Legislature believe that the granting or 21 withholding of driving privileges is and always has been a 22 state prerogative; and

WHEREAS, the Senate and the House of Representatives of
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-2-

SJR 25 SECOND READING

LC 1548/01

into passing legislation involving subjects traditionally
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LC 1548/01

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LC 1548/01

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-2- SJR 25

THIRD READING

LC 1548/01

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SJR 0025/02

1	SENATE JOINT RESOLUTION NO. 25
2	INTRODUCED BY BRUSKI-MAUS
3	BY REQUEST OF THE SENATE HIGHWAYS
4	AND TRANSPORTATION COMMITTEE

6 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF 7 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE 8 LEGISLATURE'S OPPOSITION TO SECTION 333 OF THE FEDERAL 9 DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES 10 APPROPRIATION ACT FOR FISCAL YEAR 1991.

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SJR 0025/02

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-2- REFERENCE BILL

SJR 0025/02

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-End-