

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.
FEBRUARY 23, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	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	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate JOINT RESOLUTION NO. 25
2 INTRODUCED BY Sen. Mike Mann
3 BY REQUEST OF THE SENATE HIGHWAYS
4 AND TRANSPORTATION COMMITTEE
5
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.
11
12 WHEREAS, section 333 of the federal Department of
13 Transportation and Related Agencies Appropriation Act for
14 Fiscal Year 1991 mandates the withholding of certain
15 federal-aid highway funds from states that, by October 31,
16 1993, fail to either:
17 (1) enact legislation requiring suspension of an
18 individual's driver's license upon conviction of any
19 violation of the federal Controlled Substances Act or any
20 drug offense; or
21 (2) certify that the governor is opposed to the
22 enactment of such a law and that the legislature has adopted
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
4 Transportation has considered and tabled Senate Bill No.
5 309, which would have enacted statutory provisions
6 consistent with the federal requirement to suspend a
7 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
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
16 WHEREAS, current Montana law provides for the suspension
17 or revocation of a driver's license for driving under the
18 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
23 WHEREAS, the Senate and the House of Representatives of
24 the 53rd Montana Legislature believe that the federal
25 government should not coerce or attempt to coerce states

1 into passing legislation involving subjects traditionally
2 left to the states.

3
4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
5 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.

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

14 BE IT FURTHER RESOLVED, that the 53rd Montana
15 Legislature, in order to avoid the impending loss of
16 federal-aid highway funds, respectfully requests the
17 Governor to submit a copy of this resolution to the
18 Secretary of the United States Department of Transportation
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.

-End-

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:

1. 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 2-23-93

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

Betty Bruski-Maus 2-23-93

BETTY BRUSKI-MAUS, PRIMARY SPONSOR DATE

Fiscal Note for SJR0025, as introduced

SJR 25

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

53rd Legislature

LC 1548/01

LC 1548/01

Senate JOINT RESOLUTION NO. 25

INTRODUCED BY Sen. Sh. Mann

BY REQUEST OF THE SENATE HIGHWAYS
AND TRANSPORTATION COMMITTEE

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.

WHEREAS, section 333 of the federal Department of
Transportation and Related Agencies Appropriation Act for
Fiscal Year 1991 mandates the withholding of certain
federal-aid highway funds from states that, by October 31,
1993, fail to either:

(1) enact legislation requiring suspension of an
individual's driver's license upon conviction of any
violation of the federal Controlled Substances Act or any
drug offense; or

(2) certify that the governor is opposed to the
enactment of such a law and that the legislature has adopted
written certification expressing its opposition to such a
law; and

WHEREAS, failure of this Legislature to take either

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

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

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

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

WHEREAS, the Senate and the House of Representatives of
the 53rd Montana Legislature believe that the federal
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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.

WHEREAS, section 333 of the federal Department of Transportation and Related Agencies Appropriation Act for Fiscal Year 1991 mandates the withholding of certain federal-aid highway funds from states that, by October 31, 1993, fail to either:

(1) enact legislation requiring suspension of an individual's driver's license upon conviction of any violation of the federal Controlled Substances Act or any drug offense; or

(2) certify that the governor is opposed to the enactment of such a law and that the legislature has adopted written certification expressing its opposition to such a law; and

WHEREAS, failure of this Legislature to take either

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

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

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

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

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