

HOUSE BILL REPORT

HJM 4010

As Reported By House Committee On:
Transportation

Brief Description: Expressing opposition to sanctions on federal highway funds.

Sponsors: Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen.

Brief History:

Reported by House Committee on:
Transportation, February 16, 1993, DP.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 24 members: Representatives R. Fisher, Chair; Brown, Vice Chair; Jones, Vice Chair; Schmidt, Ranking Minority Member; Brumsickle; Cothorn; Eide; Forner; Fuhrman; Hansen; Heavey; Horn; Johanson; J. Kohl; R. Meyers; Miller; H. Myers; Orr; Patterson; Quall; Sheldon; Shin; Wood; and Zellinsky.

Staff: Brad Lovaas (786-7307).

Background: The 1990 Federal Budget Reconciliation Act contained provisions mandating the states to suspend the driver's licenses of individuals convicted of any drug-related offense. The federal mandate carries a penalty of 5 percent of highway construction dollars the first and second year, and increases to 10 percent per year thereafter.

A state has three options. The first option is to take no action, which would lead to withholding penalties. The second option is compliance with the federal mandate by enacting a statute that suspends an individual driver's license for at least six months for any drug conviction. The third option is to use the "nullification clause" provided for in the federal statute by which both houses of the Legislature must pass a resolution, with the governor concurring, that the state chooses not to comply with the federal mandate.

If a state chooses to enact a statute suspending an individual driver's license for any drug conviction, the law must be in effect by October 1, 1993, the start of the federal fiscal year. Regardless of the option of compliance

with the federal mandate, a statute or a resolution expressing opposition to such a statute, written certification from the governor is due to the United States Department of Transportation (USDOT) by April 1, 1993.

The programs that would be affected by the withholding of federal highway apportionment dollars under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) would be the national highway system, the surface transportation program, interstate completion, and the interstate 4R program (resurfacing, restoration, rehabilitation and reconstruction).

The current estimate of withholding penalties is \$13 million to \$18 million per year for Washington state. This dollar estimate would remain approximately constant, even as the penalty increased from 5 percent to 10 percent after two years of noncompliance, because the interstate completion program will be close to completion.

In addition to the sanction described above, states currently face federal highway apportionment penalties if they are not in compliance with 16 other federal mandates. These withholding penalties range from 5 percent to 100 percent for failure to comply with federal mandates ranging from control of junkyards and outdoor advertising to national minimum drinking age laws and speed limit compliance.

Summary of Bill: This memorial to the secretary of the United States Department of Transportation expresses the Washington State Legislature's opposition to the enactment of a law that requires the revocation of an individual's driver's license for at least six months for any drug conviction.

This memorial, when accompanied by written certification from the governor, will put Washington in compliance with the federal statute's "nullification clause", which provides for an exemption from the requirements of the federal mandate.

By choosing one of two methods of compliance with the federal mandate, of which this memorial is one method, the Legislature will protect an estimated \$13 million to \$18 million of highway apportionment dollars per year.

Fiscal Note: Not requested.

Testimony For: Sanctions on driver's licenses for nondriving offenses are ineffective. This legislation will

protect between \$26 million to \$36 million of highway apportionment dollars per biennium.

Testimony Against: None.

Witnesses: Paul Klinkosz, Department of Transportation; Sid Morrison, Office of the Governor; and John Swannack, Department of Licensing.