
HOUSE JOINT MEMORIAL 4010

State of Washington 53rd Legislature 1993 Regular Session

By Representatives R. Fisher, Schmidt, Horn, Springer and Jacobsen

Read first time 02/08/93. Referred to Committee on Transportation.

1 TO THE HONORABLE MIKE LOWRY, GOVERNOR OF THE STATE OF WASHINGTON
2 AND TO THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES:

3 We, your Memorialists, the Senate and House of Representatives of
4 the State of Washington, in legislative session assembled, respectfully
5 represent and petition as follows:

6 WHEREAS, The Federal Government has enacted legislation to withhold
7 federal aid to highways in this State beginning October 1, 1993, unless
8 the Legislature and the Governor consider and act upon state
9 legislation related to the suspension or revocation of the driver's
10 license of any person convicted of drug offenses; and

11 WHEREAS, The government of the United States provided that the
12 Secretary of Transportation may grant an exclusion to any state if the
13 governor of the state submits to the Secretary of Transportation a
14 written certification that:

15 (1) The governor is opposed to the enactment in his state of a law
16 as described above; and

17 (2) Each house of the legislature has adopted a resolution
18 expressing its opposition to a law as described above; and

19 WHEREAS, The state's action in responding to this federal
20 requirement must be transmitted to the federal Department of
21 Transportation before April 1, 1993; and

1 WHEREAS, The Legislature of the State of Washington holds that the
2 granting or withholding of driving privileges is and always has been a
3 prerogative of the states to decide for themselves, not the federal
4 Government; and

5 WHEREAS, The Legislature of the State of Washington holds that the
6 imposition of the above-mentioned revocation or suspension of a
7 driver's license is unrelated to a violation of laws pertaining to
8 motor vehicle operation; and

9 WHEREAS, The Legislature of the State of Washington takes notice of
10 the fact that the laws of the State of Washington currently provide
11 substantial criminal and civil penalties for the crime of operating a
12 motor vehicle while under the influence of any drug, including the
13 suspension or revocation of the driver's license of a person so
14 convicted; and

15 WHEREAS, The Governor's Council on Substance Abuse, at its October
16 1991 meeting recommended to the Governor that the State of Washington
17 obtain an exemption from this federal sanction; and

18 WHEREAS, The National Governors Association adopted a resolution on
19 February 5, 1991, that stated "NGA opposes preemption of state
20 policies, practices, and taxation procedures and opposed the use of
21 sanctions on highway funds to secure state compliance with federal
22 policies."; and

23 WHEREAS, The Legislature of the State of Washington, wishes to make
24 it clear that it is opposed to the passage of such a law governing the
25 citizens of the State of Washington under such a federal mandate;

26 NOW, THEREFORE, Your Memorialists respectfully pray that the
27 Governor seek an exemption from the requirements of the federal
28 legislation from the Secretary of Transportation; and

29 BE IT RESOLVED, That copies of this resolution be immediately
30 transmitted to the United States Secretary of Transportation.

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