

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE JOINT RESOLUTION 1017

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Sponsors: Senator Ballance.

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Referred to: Rules and Operation of the Senate.

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May 3, 1993

1 A JOINT RESOLUTION EXPRESSING OPPOSITION TO A FEDERAL  
2 REQUIREMENT TO WITHHOLD FEDERAL-AID HIGHWAY FUNDS  
3 UNLESS CERTAIN STATUTES ARE ENACTED TO SUSPEND THE DRIVERS  
4 LICENSE OF FELONY CONVICTIONS OF DRUG-RELATED OFFENSES.

5       Whereas, Section 333 of Public Law 102-143, "Revocation or Suspension of  
6 the Drivers' Licenses of Individuals Convicted of Drug Offenses", requires states to  
7 enact legislation requiring the revocation or suspension of an individual's drivers license  
8 upon conviction of any drug-related offense; and

9       Whereas, Section 333 requires withholding 5% of certain federal-aid highway  
10 funds in the 1994-95 fiscal year and 10% in subsequent years from states that fail to  
11 enact legislation; and

12       Whereas, Section 333 provides the following procedure to avoid the sanctions  
13 without enacting the legislation:

14       "(B) The Governor for the State –

15           (i) submits to the Secretary no earlier than the adjournment sine  
16 die of the first regularly scheduled session of the State's  
17 legislature which begins after the date of enactment of this  
18 section a written certification stating that the Governor is  
19 opposed to the enactment or enforcement in the State of a law  
20 described in subparagraph (A), relating to revocation,  
21 suspension, issuance, or reinstatement of drivers' licenses to  
22 convicted drug offenders; and

23           (ii) submits to the Secretary a written certification that the  
24 legislature (including both Houses where applicable) has  
25 adopted a resolution expressing its opposition to a law  
26 described in clause (i)."; and

1           Whereas, Senate Bill 154, "License Revoked-Drug Offenses", providing for  
2 the revocation of an individual's drivers license upon conviction of any drug-related  
3 offense, was introduced during the 1991 Session of the General Assembly and failed to  
4 pass; and

5           Whereas, the federal government should not dictate policy or legislation of  
6 this kind for the State of North Carolina; and

7           Whereas, the Tenth Amendment to the Constitution of the United States  
8 provides that: "The powers not delegated to the United States by the Constitution, nor  
9 prohibited by it to the States, are reserved to the States respectively, or to the people";

10 Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

11           Section 1. The General Assembly opposes the enactment or enforcement in  
12 this State of a law requiring the revocation or suspension of an individual's drivers  
13 license upon conviction on any drug-related offense.

14           Sec. 2. The Secretary of State shall transmit a certified copy of this resolution  
15 to the Governor of the State of North Carolina and the Governor shall submit to the  
16 United States Secretary of Transportation:

17           (1) A written certification that he is opposed to the enactment or  
18 enforcement of a law related to revocation of a person's drivers license  
19 for any drug-related offense; and

20           (2) A written certification that the legislature has adopted this resolution.

21           Sec. 3. The Secretary of State shall transmit a certified copy of this resolution  
22 to the United States Secretary of Transportation.

23           Sec. 4. This resolution is effective upon ratification.