

1 a law requiring automatic suspension of the driver's license of an
2 individual who is convicted of any drug-related offense
3 inappropriately limits the ability of Texas courts to exercise
4 discretion in determining punishment; and

5 WHEREAS, As an alternative to enacting or enforcing such a
6 law, the governor of a state can submit a written certification to
7 the United States secretary of transportation stating the
8 governor's opposition to the enactment or enforcement in the state
9 of such a law; and

10 WHEREAS, A governor pursuing this alternative must also
11 certify that the state legislature has adopted a concurrent
12 resolution expressing opposition to the enactment or enforcement in
13 the state of such a law; and

14 WHEREAS, Texas should join the numerous other states that
15 have met the certification requirements in a federal rule (23
16 C.F.R. Section 192.5(c)) by submitting a written statement from the
17 governor and a concurrent resolution from the state legislature to
18 the United States secretary of transportation; now, therefore, be
19 it

20 RESOLVED, That the 86th Legislature of the State of Texas
21 hereby express opposition to the enactment or enforcement in Texas
22 of a law that automatically suspends the driver's license of an
23 individual who is convicted of any drug-related offense; and, be it
24 further

25 RESOLVED, That the Texas secretary of state forward official
26 copies of this resolution to the executive clerk of the Office of
27 the Governor, with the request that the governor submit the

S.C.R. No. 10

1 resolution to the United States secretary of transportation along
2 with written certification pursuant to 23 C.F.R. Section 192.5(c).