

1 ENGROSSED SENATE
2 BILL NO. 711

By: Stanislawski of the Senate

3 and

4 Richardson of the House

5
6
7 [transportation - allowing assumption of
8 responsibilities by the Department of Transportation
- National Environmental Policy Act - codification -
9 emergency]

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 4019 of Title 69, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Department of Transportation is authorized to:

16 1. File an application with the United States Department of
17 Transportation (USDOT) to assume all, or part, of the National
18 Environmental Policy Act and related environmental responsibilities;

19 2. Enter one or more memorandum of understandings with the
20 USDOT as provided in 23 U.S.C. 325 et seq., 23 U.S.C. 326 et seq.,
21 and 23 U.S.C. 327 et seq.;

22 3. Explicitly waive the state's immunity from suit under the
23 Eleventh Amendment to the Constitution of the United States, but
24 only insofar as such waiver relates to compliance, discharge or

1 enforcement of responsibilities assumed by the Department pursuant
2 to either 23 U.S.C. 325, 23 U.S.C. 326(c) or 23 U.S.C. 327(c). Such
3 waiver will allow, after administrative remedies are exhausted,
4 judicial review by federal courts of the Department's implementation
5 of the provisions of those portions of the National Environmental
6 Policy Act delegated by the USDOT to the Department:

7 a. termination under 23 U.S.C. 326(d) or 23 U.S.C.
8 327(i), or

9 b. term expiration under 23 U.S.C. 325(b)(3), or 23
10 U.S.C. 326(c)(2), unless extended by any authorized
11 renewal periods, except that the waiver shall remain
12 effective for any such responsibility that has been
13 carried out by the state prior to the termination or
14 term expiration as described herein;

15 4. Give such other pledges, assurances, and certifications as
16 may be required by the USDOT to accept duties, authority, or powers
17 under 23 U.S.C. 325, 23 U.S.C. 326, or 23 U.S.C. 327; and

18 5. Accept, receive, and administer grants or other funds or
19 gifts from public and private agencies including the federal
20 government for the purpose of carrying out any of the functions
21 under this chapter.

22 B. In implementing an approved program, the Department is
23 authorized to perform or conduct any of the activities described in
24 memorandums, if any, entered into under 23 U.S.C. 325, 23 U.S.C.

1 326, or 23 U.S.C. 327, and to do all other things necessary to carry
2 out the intent of associated programs in accordance with any
3 existing provisions of law not inconsistent therewith. Any power
4 granted to the Department by any other law may, in addition to the
5 purposes specified therein, be exercised in furtherance of the
6 carrying out of an approved 23 U.S.C. 325, 23 U.S.C. 326, or 23
7 U.S.C. 327 program.

8 C. The Department is authorized to adopt implementing
9 regulations to effectuate the purposes of this section and to
10 administer and enforce its provisions and requirements. For
11 purposes of implementing 23 U.S.C. 325, 23 U.S.C. 326, and 23 U.S.C.
12 327, the Department may adopt as the official standards for this
13 state, any relevant environmental standards promulgated or announced
14 by executive order or enacted by the Congress of the United States
15 necessary to effectuate the purposes of this section. In carrying
16 out the provisions of this section, the Department is authorized to
17 cooperate with the United States or any department thereof.

18 SECTION 2. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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