

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 711

By: Stanislawski of the Senate

and

Richardson of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to transportation; allowing
12 assumption of certain responsibilities by the
13 Department of Transportation; authorizing
14 administration of certain elements of the National
15 Environmental Policy Act; providing for codification;
16 and declaring an emergency.

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

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

21 A. The Department of Transportation is authorized to:

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

4 2. Enter one or more memorandum of understandings with the
5 USDOT as provided in 23 U.S.C., Section 325 et seq., 23 U.S.C.,
6 Section 326 et seq., and 23 U.S.C., Section 327 et seq.;

7 3. Explicitly waive the state's immunity from suit under the
8 Eleventh Amendment to the Constitution of the United States, but
9 only insofar as such waiver relates to compliance, discharge or
10 enforcement of responsibilities assumed by the Department pursuant
11 to either 23 U.S.C., Section 325, 23 U.S.C., Section 326(c) or 23
12 U.S.C., Section 327(c). Such waiver will allow, after
13 administrative remedies are exhausted, judicial review by federal
14 courts of the Department's implementation of the provisions of those
15 portions of the National Environmental Policy Act delegated by the
16 USDOT to the Department:

17 a. termination under 23 U.S.C., Section 326(d) or 23
18 U.S.C., Section 327(i), or

19 b. term expiration under 23 U.S.C., Section 325(b)(3), or
20 23 U.S.C., Section 326(c)(2), unless extended by any
21 authorized renewal periods, except that the waiver
22 shall remain effective for any such responsibility
23 that has been carried out by the state prior to the

1 termination or term expiration as described herein;

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

6 5. Accept, receive, and administer grants or other funds or
7 gifts from public and private agencies including the federal
8 government for the purpose of carrying out any of the functions
9 under this chapter.

10 B. In implementing an approved program, the Department is
11 authorized to perform or conduct any of the activities described in
12 memorandums, if any, entered into under 23 U.S.C., Section 325, 23
13 U.S.C., Section 326 or 23 U.S.C., Section 327, and to do all other
14 things necessary to carry out the intent of associated programs in
15 accordance with any existing provisions of law not inconsistent
16 therewith. Any power granted to the Department by any other law
17 may, in addition to the purposes specified therein, be exercised in
18 furtherance of the carrying out of an approved 23 U.S.C., Section
19 325, 23 U.S.C., Section 326 or 23 U.S.C., Section 327 program.

20 C. The Department is authorized to adopt implementing
21 regulations to effectuate the purposes of this section and to
22 administer and enforce its provisions and requirements. For
23 purposes of implementing 23 U.S.C., Section 325, 23 U.S.C., Section

1 326 and 23 U.S.C., Section 327, the Department may adopt as the
2 official standards for this state, any relevant environmental
3 standards promulgated or announced by executive order or enacted by
4 the Congress of the United States necessary to effectuate the
5 purposes of this section. In carrying out the provisions of this
6 section, the Department is authorized to cooperate with the United
7 States or any department thereof.

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

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13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-12-2011 - DO
14 PASS, As Amended.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.