

SENATE BILL NO. 115

BY SENATOR FOIL

1 AN ACT

2 To enact R.S. 48:212(E), relative to the Department of Transportation and Development and  
3 the federal government; to provide for giving authority to the department to take over  
4 duties of the federal government; to provide for allowing limited lawsuits against the  
5 department; to provide for the department to accept funds from any federal agency;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 48:212(E) is hereby enacted to read as follows:

9 §212. Agreements with federal government

10 \* \* \*

11 E. The department may enter into any agreements with the federal  
12 government or with any federal agency, including memoranda of  
13 understanding, to assume responsibility of the United States Department of  
14 Transportation, pursuant to 23 U.S.C. 326 and 327 as authorized under the  
15 federal Moving Ahead for Progress in the 21st Century Act, the federal Safe,  
16 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users,  
17 and the federal National Environmental Policy Act of 1969.

18 (1) State sovereign immunity under the Eleventh Amendment of the  
19 United States Constitution is waived for lawsuits in federal court, but only as  
20 required by 23 U.S.C. 326 and 327. This waiver is limited solely to the  
21 compliance, discharge, or enforcement of responsibilities assumed by the  
22 department under these agreements and does not create any liability beyond  
23 federal law requirements.

24 (2) The department may adopt and promulgate any rules and regulations  
25 necessary to implement an agreement pursuant to this Subsection and to carry  
26 out any duties imposed by the agreement.

1                    (3) The department may accept and make expenditures of money  
2                    received from the federal government or any agency of the federal government  
3                    for any transportation purpose.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_