

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 473 be amended to read as follows:

- 1 Page 4, between lines 30 and 31, begin a new paragraph and insert:
- 2 "SECTION 5. IC 8-15.5-5-2, AS AMENDED BY P.L.85-2010,
- 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 2. A public-private agreement entered into under
- 5 this article must provide for the following:
- 6 (1) The original term of the public-private agreement, which may
- 7 not exceed seventy-five (75) years.
- 8 (2) Provisions for a:
- 9 (A) lease, franchise, or license of the toll road project and the
- 10 real property owned by the authority upon which the toll road
- 11 project is located or is to be located; or
- 12 (B) management agreement or other contract to operate the toll
- 13 road project and the real property owned by the authority upon
- 14 which the toll road project is located or is to be located;
- 15 for a predetermined period. The public-private agreement must
- 16 provide for ownership of all improvements and real property by
- 17 the authority in the name of the state.
- 18 (3) Monitoring of the operator's maintenance practices by the
- 19 authority and the taking of actions by the authority that it
- 20 considers appropriate to ensure that the toll road project is
- 21 properly maintained.
- 22 (4) The basis upon which user fees that may be collected by the
- 23 operator, as determined under this article, are established.
- 24 (5) Compliance with applicable state and federal laws and local

- 1 ordinances.
- 2 (6) Grounds for termination of the public-private agreement by
- 3 the authority or the operator.
- 4 (7) The date of termination of the operator's authority and duties
- 5 under this article.
- 6 (8) Procedures for amendment of the agreement.
- 7 (9) Provisions requiring the completion of all environmental
- 8 analyses of the toll road project required by state and federal law
- 9 in the manner and at the times required by the appropriate state
- 10 and federal agencies.
- 11 (10) An expedited method for resolving disputes between or
- 12 among the authority, the parties to the public-private agreement,
- 13 and units of local government that contain any part of the toll road
- 14 project, as required by IC 8-15.5-10-8.
- 15 **(11) For a public-private agreement entered into after July 1,**
- 16 **2011, human operation or supervision of each location at**
- 17 **which the operator collects tolls, user fees, or other charges,**
- 18 **whether through manual or nonmanual methods."**
- 19 Page 13, between lines 7 and 8, begin a new paragraph and insert:
- 20 "SECTION 12. IC 8-15.7-5-1.5, AS ADDED BY P.L.85-2010,
- 21 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2011]: Sec. 1.5. In addition to the other requirements of this
- 23 article, a public-private agreement entered into under this article must
- 24 include the following:
- 25 (1) A requirement for the completion of all environmental
- 26 analyses of the project required by state and federal law in the
- 27 manner and at the times required by the appropriate state and
- 28 federal agencies.
- 29 (2) A requirement for ownership by the department in the name
- 30 of the state of Indiana of:
- 31 (A) all the real property on which the project is located; and
- 32 (B) all of the improvements on that real property.
- 33 (3) An expedited method for resolving disputes between or among
- 34 the department, the parties to the public-private agreement, and
- 35 affected jurisdictions, as required by IC 8-15.7-12-2.
- 36 **(4) For a public-private agreement entered into after July 1,**
- 37 **2011, human operation or supervision of each location at**

- 1 **which the operator collects tolls, user fees, or other charges,**
- 2 **whether through manual or nonmanual methods."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to ESB 473 as printed April 8, 2011.)

Representative Reske