

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WITHDRAWN	Noes _____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 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-15-2-1, AS AMENDED BY P.L.1-2007,
- 4 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2011]: Sec. 1. (a) In order to remove the handicaps and
- 6 hazards on the congested highways in Indiana, to facilitate vehicular
- 7 traffic throughout the state, to promote the agricultural and industrial
- 8 development of the state, and to provide for the general welfare by the
- 9 construction of modern express highways embodying safety devices,
- 10 including center division, ample shoulder widths, long sight distances,
- 11 multiple lanes in each direction, and grade separations at intersections
- 12 with other highways and railroads, the authority may:
- 13 (1) subject to subsection (d), construct, reconstruct, maintain,
- 14 repair, and operate toll road projects at such locations as shall be
- 15 approved by the governor;
- 16 (2) in accordance with such alignment and design standards as
- 17 shall be approved by the authority and subject to IC 8-9.5-8-10,
- 18 issue toll road revenue bonds of the state payable solely from
- 19 funds pledged for their payment, as authorized by this chapter, to
- 20 pay the cost of such projects;
- 21 (3) finance, develop, construct, reconstruct, improve, or maintain
- 22 improvements for manufacturing, commercial, or public
- 23 transportation activities within a county through which a toll road
- 24 passes;

- 1 (4) in cooperation with the Indiana department of transportation  
 2 or a political subdivision, construct, reconstruct, or finance the  
 3 construction or reconstruction of an arterial highway or an arterial  
 4 street that is located within a county through which a toll road  
 5 passes and that:
- 6 (A) interchanges with a toll road project; or
  - 7 (B) intersects with a road or a street that interchanges with a  
 8 toll road project;
- 9 (5) finance improvements necessary for developing transportation  
 10 corridors in northwestern Indiana; and
- 11 (6) exercise these powers in participation with any governmental  
 12 entity or with any individual, partnership, limited liability  
 13 company, or corporation.
- 14 (b) Notwithstanding subsection (a), the authority shall not construct,  
 15 maintain, operate, nor contract for the construction, maintenance, or  
 16 operation of transient lodging facilities on, or adjacent to, such toll road  
 17 projects.
- 18 (c) This chapter:
- 19 (1) applies to the authority only when acting for the purposes set  
 20 forth in this chapter; and
  - 21 (2) does not apply to the authority when acting under any other  
 22 statute for any other purpose.
- 23 (d) Notwithstanding any other law, neither the authority nor an  
 24 operator selected under IC 8-15.5 may carry out any of the following  
 25 activities under this chapter unless the general assembly enacts a  
 26 statute authorizing that activity: ~~(1) Carrying out construction for~~  
 27 ~~Interstate Highway 69 in a township having a population of more than~~  
 28 ~~seventy-five thousand (75,000) and less than ninety-three thousand five~~  
 29 ~~hundred (93,500) (2) Imposing tolls on motor vehicles for use of the~~  
 30 ~~part of an interstate highway that connects a consolidated city and a~~  
 31 ~~city having a population of more than eleven thousand five hundred~~  
 32 ~~(11,500) but less than eleven thousand seven hundred forty (11,740).~~  
 33 **unless the general assembly enacts a statute authorizing the**  
 34 **activity."**
- 35 Page 2, delete lines 10 through 42, begin a new paragraph and  
 36 insert:
- 37 "SECTION 3. IC 8-15-3-9, AS AMENDED BY P.L.85-2010,  
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2011]: Sec. 9. (a) Subject to subsection (e), the governor must  
 40 approve the location of any tollway.
- 41 (b) The department may, in any combination, plan, design, develop,  
 42 construct, reconstruct, maintain, repair, police, finance, and operate  
 43 tollways, public improvements, and arterial streets and roads at those  
 44 locations that the governor approves.
  - 45 (c) The department may, in any combination, plan, design, develop,  
 46 construct, reconstruct, improve, finance, operate, repair, or maintain

1 public improvements such as roads and streets, sewer lines, water lines,  
2 and other utilities if these improvements are:

- 3 (1) adjacent or appurtenant to a tollway; or  
4 (2) necessary or desirable for the financing, construction,  
5 operation, or maintenance of a tollway.

6 (d) The department may, in any combination, plan, design, develop,  
7 construct, reconstruct, improve, maintain, repair, operate, or finance  
8 the construction or reconstruction of an arterial highway or an arterial  
9 street that:

- 10 (1) is adjacent to, appurtenant to, or interchanges with a tollway;  
11 or  
12 (2) intersects with a road or street that interchanges with a  
13 tollway.

14 (e) Notwithstanding any other law, the governor, the department, or  
15 an operator may not carry out any of the following activities under this  
16 chapter unless the general assembly enacts a statute authorizing that  
17 activity:

18 (1) Approve the location of a tollway, other than:

19 (A) Interstate Highway 69 between Interstate Highway 64 and  
20 a city having a population of more than eleven thousand five  
21 hundred (11,500) but less than eleven thousand seven hundred  
22 forty (11,740);

23 (B) the Ellettsville Expressway, a limited access facility connecting  
24 Interstate Highway 65 in northwestern Indiana with an  
25 interstate highway in Illinois; or

26 (C) a project that is located within a metropolitan planning  
27 area (as defined by 23 U.S.C. 134) and that connects the state  
28 of Indiana with the commonwealth of Kentucky.

29 (2) Carry out construction for Interstate Highway 69 in a township  
30 having a population of more than seventy-five thousand (75,000)  
31 and less than ninety-three thousand five hundred (93,500)

32 (3) Impose tolls on motor vehicles for use of the part of an  
33 interstate highway that connects a consolidated city and a city  
34 having a population of more than eleven thousand five hundred  
35 (11,500) but less than eleven thousand seven hundred forty  
36 (11,740): **unless the general assembly enacts a statute  
37 authorizing the activity.**

38 SECTION 4. IC 8-15.5-1-2, AS AMENDED BY P.L.85-2010,  
39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2011]: Sec. 2. (a) This article contains full and complete  
41 authority for public-private agreements between the authority and a  
42 private entity. Except as provided in this article, no law, procedure,  
43 proceeding, publication, notice, consent, approval, order, or act by the  
44 authority or any other officer, department, agency, or instrumentality  
45 of the state or any political subdivision is required for the authority to  
46 enter into a public-private agreement with a private entity under this

1 article, or for a toll road project that is the subject of a public-private  
2 agreement to be constructed, acquired, maintained, repaired, operated,  
3 financed, transferred, or conveyed.

4 (b) This subsection does not apply to a project for the construction  
5 of the Illiana Expressway, a limited access facility connecting Interstate  
6 Highway 65 in northwestern Indiana with an interstate highway in  
7 Illinois, or a project that is located within a metropolitan planning area  
8 (as defined by 23 U.S.C. 134) and that connects the state of Indiana  
9 with the commonwealth of Kentucky. Notwithstanding any other law,  
10 after August 1, 2006, neither the authority nor the department may:

11 (1) issue a request for proposals for; or

12 (2) enter into;

13 a public-private agreement under this article that would authorize an  
14 operator to impose tolls for the operation of motor vehicles on all or  
15 part of a project, unless the general assembly adopts a statute  
16 authorizing the imposition of tolls.

17 (c) Notwithstanding any other law, neither the authority nor a  
18 operator may carry out ~~any of the following activities under this article~~  
19 ~~unless the general assembly enacts a statute authorizing that activity:~~

20 ~~(1) Carrying out construction for Interstate Highway 69 in a~~  
21 ~~township having a population of more than seventy-five thousand~~  
22 ~~(75,000) and less than ninety-three thousand five hundred~~  
23 ~~(93,500)~~

24 ~~(2) Imposing tolls on motor vehicles for use of the part of an~~  
25 ~~interstate highway that connects a consolidated city and a city~~  
26 ~~having a population of more than eleven thousand five hundred~~  
27 ~~(11,500) but less than eleven thousand seven hundred forty~~  
28 ~~(11,740). unless the general assembly enacts a statute~~  
29 ~~authorizing the activity."~~

30 Delete page 3.

31 Page 4, delete lines 1 through 9.

32 Page 5, delete lines 34 through 42, begin a new paragraph and  
33 insert:

34 "SECTION 7. IC 8-15.7-1-5, AS AMENDED BY P.L.85-2010,  
35 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2011]: Sec. 5. (a) This article contains full and complete  
37 authority for agreements and leases with private entities to carry out the  
38 activities described in this article. Except as provided in this article, no  
39 procedure, proceeding, publication, notice, consent, approval, order, or  
40 act by the authority, the department, or any other state or local agency  
41 or official is required to enter into an agreement or lease, and no law to  
42 the contrary affects, limits, or diminishes the authority for agreements  
43 and leases with private entities, except as provided by this article.

44 (b) Notwithstanding any other law, the department, the authority, or  
45 an operator may not carry out ~~any of the following activities under this~~  
46 ~~article unless the general assembly enacts a statute authorizing that~~

- 1 activity:
- 2 (1) Issuing a request for proposals for, or entering into, a
- 3 public-private agreement concerning a project other than:
- 4 (A) Interstate Highway 69 between Interstate Highway 465
- 5 and Interstate Highway 64;
- 6 (B) the Illiana Expressway, a limited access facility connecting
- 7 Interstate Highway 65 in northwestern Indiana with an
- 8 interstate highway in Illinois; or
- 9 (C) a project that is located within a metropolitan planning
- 10 area (as defined by 23 U.S.C. 134) and that connects the state
- 11 of Indiana with the commonwealth of Kentucky.
- 12 (2) Carrying out construction for Interstate Highway 69 in a
- 13 township having a population of more than seventy-five thousand
- 14 (75,000) and less than ninety-three thousand five hundred
- 15 (93,500)
- 16 (3) Imposing user fees on motor vehicles for use of the part of an
- 17 interstate highway that connects a consolidated city and a city
- 18 having a population of more than eleven thousand five hundred
- 19 (11,500) but less than eleven thousand seven hundred forty
- 20 (11,740); **unless the general assembly enacts a statute**
- 21 **authorizing the activity.**

22 (c) Notwithstanding subsection (b) or any other law, the department

23 or the authority may enter into a public-private agreement concerning

24 a project consisting of a passenger or freight railroad system described

25 in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and

26 appropriation by the general assembly. However, this subsection does

27 not prohibit the department from:

- 28 (1) conducting preliminary studies that the department considers
- 29 necessary to determine the feasibility of such a project; or
- 30 (2) issuing a request for qualifications or a request for proposals,
- 31 or both, under IC 8-15.7-4 for such a project."

32 Page 6, delete lines 1 through 34.

33 Page 14, delete lines 15 through 42, begin a new paragraph and

34 insert:

35 "SECTION 13. IC 8-23-7-22, AS AMENDED BY P.L.85-2010,

36 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

37 JULY 1, 2011]: Sec. 22. (a) Subject to subsection (b), the department

38 may, after issuing an order and receiving the governor's approval,

39 determine that a state highway should become a tollway. After the

40 order becomes effective, the department shall maintain and operate the

41 tollway and levy and collect tolls as provided in IC 8-15-3 or enter into

42 a public-private agreement with an operator with respect to the tollway

43 under IC 8-15.7. Before issuing an order under this section, the

44 department shall submit to the governor a plan to bring the tollway to

45 the current design standards of the department for new state highways

46 within a specified period. The specified period may not exceed five (5)

1 years.

2 (b) Notwithstanding any other law, the governor, the department, or  
 3 an operator may not carry out any of the following activities under this  
 4 section unless the general assembly enacts a statute authorizing that  
 5 activity:

6 (1) Determine that a highway, other than:

7 (A) Interstate Highway 69 between Interstate Highway 64 and  
 8 a city having a population of more than eleven thousand five  
 9 hundred (11,500) but less than eleven thousand seven hundred  
 10 forty (11,740);

11 (B) the Iliana Expressway, a limited access facility connecting  
 12 Interstate Highway 65 in northwestern Indiana with an  
 13 interstate highway in Illinois; or

14 (C) a project that is located within a metropolitan planning  
 15 area (as defined by 23 U.S.C. 134) and that connects the state  
 16 of Indiana with the commonwealth of Kentucky:

17 should become a tollway.

18 (2) Carry out construction for Interstate Highway 69 in a township  
 19 having a population of more than seventy-five thousand (75,000)  
 20 and less than ninety-three thousand five hundred (93,500)

21 (3) Impose tolls on motor vehicles for use of the part of an  
 22 interstate highway that connects a consolidated city and a city  
 23 having a population of more than eleven thousand five hundred  
 24 (11,500) but less than eleven thousand seven hundred forty  
 25 (11,740): **unless the general assembly enacts a statute**  
 26 **authorizing the activity.**

27 SECTION 14. IC 8-23-7-23, AS AMENDED BY P.L.47-2006,  
 28 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2011]: Sec. 23. (a) Subject to subsection (c), the department  
 30 may, after issuing an order and receiving the governor's approval,  
 31 determine that a state highway should become a toll road. An order  
 32 under this section does not become effective unless the authority adopts  
 33 a resolution to accept the designated state highway, or part of the  
 34 highway, as a toll road project under the conditions contained in the  
 35 order. An order issued by the department under this section must set  
 36 forth the conditions upon which the transfer of the state highway, or  
 37 part of the highway, to the authority must occur, including the  
 38 following:

39 (1) The consideration, if any, to be paid by the authority to the  
 40 department.

41 (2) A requirement that the authority:

42 (A) enter into a contract or lease with the department with  
 43 respect to the toll road project under IC 8-9.5-8-7 or  
 44 IC 8-9.5-8-8; or

45 (B) enter into a public-private agreement with an operator with  
 46 respect to the toll road under IC 8-15.5.

1 (b) To complete a transfer under this section, the department must,  
2 with the governor's approval, execute a certificate describing the real  
3 and personal property constituting or to be transferred with the state  
4 highway that is to become a toll road project. Upon delivery of the  
5 certificate to the authority, the real and personal property described in  
6 the certificate is under the jurisdiction and control of the authority.

7 (c) Notwithstanding any other law, neither the authority nor an  
8 operator may carry out ~~any of the following activities under this section~~  
9 ~~unless the general assembly enacts a statute authorizing that activity:~~

10 ~~(1) Carrying out construction for Interstate Highway 69 in a~~  
11 ~~township having a population of more than seventy-five thousand~~  
12 ~~(75,000) and less than ninety-three thousand five hundred~~  
13 ~~(93,500)~~

14 ~~(2) Imposing tolls on motor vehicles for use of the part of an~~  
15 ~~interstate highway that connects a consolidated city and a city~~  
16 ~~having a population of more than eleven thousand five hundred~~  
17 ~~(11,500) but less than eleven thousand seven hundred forty~~  
18 ~~(11,740). unless the general assembly enacts a statute~~  
19 ~~authorizing the activity."~~

20 Page 15, delete lines 1 through 10.  
21 Renumber all SECTIONS consecutively.  
(Reference is to ESB 473 as printed April 8, 2011.)

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Representative Austin