

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WITHDRAWN	Noes _____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 2, delete lines 10 through 42, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. IC 8-15-3-9, AS AMENDED BY P.L.85-2010,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2011]: Sec. 9. (a) Subject to subsection (e), the governor must
- 6 approve the location of any tollway.
- 7 (b) The department may, in any combination, plan, design, develop,
- 8 construct, reconstruct, maintain, repair, police, finance, and operate
- 9 tollways, public improvements, and arterial streets and roads at those
- 10 locations that the governor approves.
- 11 (c) The department may, in any combination, plan, design, develop,
- 12 construct, reconstruct, improve, finance, operate, repair, or maintain
- 13 public improvements such as roads and streets, sewer lines, water lines,
- 14 and other utilities if these improvements are:
- 15 (1) adjacent or appurtenant to a tollway; or
- 16 (2) necessary or desirable for the financing, construction,
- 17 operation, or maintenance of a tollway.
- 18 (d) The department may, in any combination, plan, design, develop,
- 19 construct, reconstruct, improve, maintain, repair, operate, or finance
- 20 the construction or reconstruction of an arterial highway or an arterial
- 21 street that:
- 22 (1) is adjacent to, appurtenant to, or interchanges with a tollway;
- 23 or
- 24 (2) intersects with a road or street that interchanges with a

1 tollway.

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

6 (1) **This subdivision does not apply before July 1, 2015.**

7 Approve the location of a tollway, other than:

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

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

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

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).

26 SECTION 3. IC 8-15.5-1-2, AS AMENDED BY P.L.85-2010,  
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2011]: Sec. 2. (a) This article contains full and complete  
 29 authority for public-private agreements between the authority and a  
 30 private entity. Except as provided in this article, no law, procedure,  
 31 proceeding, publication, notice, consent, approval, order, or act by the  
 32 authority or any other officer, department, agency, or instrumentality  
 33 of the state or any political subdivision is required for the authority to  
 34 enter into a public-private agreement with a private entity under this  
 35 article, or for a toll road project that is the subject of a public-private  
 36 agreement to be constructed, acquired, maintained, repaired, operated,  
 37 financed, transferred, or conveyed.

38 (b) This subsection does not apply to a project for the construction  
 39 of the Illiana Expressway, a limited access facility connecting Interstate  
 40 Highway 65 in northwestern Indiana with an interstate highway in  
 41 Illinois, or a project that is located within a metropolitan planning area  
 42 (as defined by 23 U.S.C. 134) and that connects the state of Indiana  
 43 with the commonwealth of Kentucky. Notwithstanding any other law,  
 44 after ~~August 1, 2006~~, **June 30, 2015**, neither the authority nor the  
 45 department may:

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

1 (2) enter into;  
 2 a public-private agreement under this article that would authorize an  
 3 operator to impose tolls for the operation of motor vehicles on all or  
 4 part of a project, unless the general assembly adopts a statute  
 5 authorizing the imposition of tolls.

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

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

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

18 Delete page 3.

19 Page 4, delete lines 1 through 9.

20 Page 5, delete lines 34 through 42, begin a new paragraph and  
 21 insert:

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

32 (b) Notwithstanding any other law, the department, the authority, or  
 33 an operator may not carry out any of the following activities under this  
 34 article unless the general assembly enacts a statute authorizing that  
 35 activity:

36 (1) **This subdivision does not apply before July 1, 2015.** Issuing  
 37 a request for proposals for, or entering into, a public-private  
 38 agreement concerning a project other than:

39 (A) Interstate Highway 69 between Interstate Highway 465  
 40 and Interstate Highway 64;

41 (B) the Illiana Expressway, a limited access facility connecting  
 42 Interstate Highway 65 in northwestern Indiana with an  
 43 interstate highway in Illinois; or

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

1 (2) Carrying out construction for Interstate Highway 69 in a  
 2 township having a population of more than seventy-five thousand  
 3 (75,000) and less than ninety-three thousand five hundred  
 4 (93,500).

5 (3) Imposing user fees on motor vehicles for use of the part of an  
 6 interstate highway that connects a consolidated city and a city  
 7 having a population of more than eleven thousand five hundred  
 8 (11,500) but less than eleven thousand seven hundred forty  
 9 (11,740).

10 (c) Notwithstanding subsection (b) or any other law, the department  
 11 or the authority may enter into a public-private agreement concerning  
 12 a project consisting of a passenger or freight railroad system described  
 13 in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and  
 14 appropriation by the general assembly. However, this subsection does  
 15 not prohibit the department from:

16 (1) conducting preliminary studies that the department considers  
 17 necessary to determine the feasibility of such a project; or

18 (2) issuing a request for qualifications or a request for proposals,  
 19 or both, under IC 8-15.7-4 for such a project."

20 Page 6, delete lines 1 through 34.

21 Page 14, delete lines 15 through 42, begin a new paragraph and  
 22 insert:

23 "SECTION 13. IC 8-23-7-22, AS AMENDED BY P.L.85-2010,  
 24 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2011]: Sec. 22. (a) Subject to subsection (b), the department  
 26 may, after issuing an order and receiving the governor's approval,  
 27 determine that a state highway should become a tollway. After the  
 28 order becomes effective, the department shall maintain and operate the  
 29 tollway and levy and collect tolls as provided in IC 8-15-3 or enter into  
 30 a public-private agreement with an operator with respect to the tollway  
 31 under IC 8-15.7. Before issuing an order under this section, the  
 32 department shall submit to the governor a plan to bring the tollway to  
 33 the current design standards of the department for new state highways  
 34 within a specified period. The specified period may not exceed five (5)  
 35 years.

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

40 (1) **This subdivision does not apply before July 1, 2015.**

41 Determine that a highway, other than

42 (A) Interstate Highway 69 between Interstate Highway 64 and  
 43 a city having a population of more than eleven thousand five  
 44 hundred (11,500) but less than eleven thousand seven hundred  
 45 forty (11,740),

46 (B) the Illiana Expressway, a limited access facility connecting

- 1 Interstate Highway 65 in northwestern Indiana with an
  - 2 interstate highway in Illinois; or
  - 3 (C) a project that is located within a metropolitan planning
  - 4 area (as defined by 23 U.S.C. 134) and that connects the state
  - 5 of Indiana with the commonwealth of Kentucky.
  - 6 should become a tollway.
  - 7 (2) Carry out construction for Interstate Highway 69 in a township
  - 8 having a population of more than seventy-five thousand (75,000)
  - 9 and less than ninety-three thousand five hundred (93,500).
  - 10 (3) Impose tolls on motor vehicles for use of the part of an
  - 11 interstate highway that connects a consolidated city and a city
  - 12 having a population of more than eleven thousand five hundred
  - 13 (11,500) but less than eleven thousand seven hundred forty
  - 14 (11,740).".
  - 15 Page 15, delete lines 1 through 10.
  - 16 Renumber all SECTIONS consecutively.
- (Reference is to ESB 473 as printed April 8, 2011.)

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Representative Austin