

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WITHDRAWN	Noes _____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 **the following:**
- 8 **(A) For the original term of a public-private agreement**
- 9 **entered into before July 1, 2011, seventy-five (75) years.**
- 10 **(B) For the term, including all extensions, of a**
- 11 **public-private agreement entered into after June 30, 2011,**
- 12 **fifty (50) years.**
- 13 (2) Provisions for a:
- 14 (A) lease, franchise, or license of the toll road project and the
- 15 real property owned by the authority upon which the toll road
- 16 project is located or is to be located; or
- 17 (B) management agreement or other contract to operate the toll
- 18 road project and the real property owned by the authority upon
- 19 which the toll road project is located or is to be located;
- 20 for a predetermined period. The public-private agreement must
- 21 provide for ownership of all improvements and real property by
- 22 the authority in the name of the state.
- 23 (3) Monitoring of the operator's maintenance practices by the
- 24 authority and the taking of actions by the authority that it

- 1 considers appropriate to ensure that the toll road project is
- 2 properly maintained.
- 3 (4) The basis upon which user fees that may be collected by the
- 4 operator, as determined under this article, are established.
- 5 (5) Compliance with applicable state and federal laws and local
- 6 ordinances.
- 7 (6) Grounds for termination of the public-private agreement by
- 8 the authority or the operator.
- 9 (7) The date of termination of the operator's authority and duties
- 10 under this article.
- 11 (8) Procedures for amendment of the agreement.
- 12 (9) Provisions requiring the completion of all environmental
- 13 analyses of the toll road project required by state and federal law
- 14 in the manner and at the times required by the appropriate state
- 15 and federal agencies.
- 16 (10) An expedited method for resolving disputes between or
- 17 among the authority, the parties to the public-private agreement,
- 18 and units of local government that contain any part of the toll road
- 19 project, as required by IC 8-15.5-10-8."

20 Page 14, between lines 14 and 15, begin a new paragraph and insert:
 21 "SECTION 14. IC 8-15.7-13-1, AS ADDED BY P.L.47-2006,
 22 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 1. The term of a public-private agreement,
 24 including all extensions, may not exceed **the following:**

- 25 **(1) For a public-private agreement entered into before July 1,**
- 26 **2011, seventy-five (75) years.**
- 27 **(2) For a public-private agreement entered into after June 30,**
- 28 **2011, fifty (50) years.**

29 For purposes of measuring the term, the term begins on the date on
 30 which operations of a part of the qualifying project by the operator
 31 commences."

32 Renumber all SECTIONS consecutively.
 (Reference is to ESB 473 as printed April 8, 2011.)

Representative Dembowski