

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WITHDRAWN	Noes _____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 5, between lines 33 and 34, begin a new paragraph and insert:
- 2 "SECTION 7. IC 8-15.5-11-7 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2011]: **Sec. 7. (a) This section applies to a**
- 5 **public-private agreement entered into after June 30, 2011.**
- 6 **(b) Subject to subsection (c), money received by the department,**
- 7 **the authority, or another governmental entity or instrumentality**
- 8 **from an operator under a public-private agreement may not be**
- 9 **expended for any purpose without an appropriation of the general**
- 10 **assembly. Any lump sum payment received from an operator or**
- 11 **another private entity as consideration for entering into a**
- 12 **public-private agreement shall be held in trust by the authority**
- 13 **until the beginning of the next two (2) year budget period for**
- 14 **purposes of permitting the general assembly to appropriate the**
- 15 **money as part of the regular budget process.**
- 16 **(c) The authority may expend money received from an operator,**
- 17 **without an appropriation, for any of the following purposes:**
- 18 **(1) Pay or retire outstanding bonds issued by the authority**
- 19 **under IC 8-14.5-6 or IC 8-15-2 on property subject to the**
- 20 **public-private agreement.**
- 21 **(2) Pay amounts owed by the authority related to the**
- 22 **execution and performance of a public-private agreement**
- 23 **under this article, including establishing reserves.**
- 24 **(3) Pay amounts owed by the authority that are directly**

1 **related to the execution and performance of a public-private**
 2 **agreement under this article, including operating expenses of**
 3 **the authority."**

4 Page 13, between lines 7 and 8, begin a new paragraph and insert:
 5 "SECTION 12. IC 8-15.7-5-5, AS AMENDED BY P.L.203-2007,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2011]: Sec. 5. **(a) Subject to subsections (b) and (c)**, to the
 8 extent that the department receives any payment or compensation
 9 under the public-private agreement other than repayment of a loan or
 10 grant or reimbursement for services provided by the department to the
 11 operator, the payment or compensation shall be distributed at the
 12 direction of the department to the:

- 13 (1) major moves construction fund established under IC 8-14-14;
 14 (2) department for deposit in the state highway fund established
 15 by IC 8-23-9-54;
 16 (3) alternative transportation construction fund established under
 17 IC 8-14-17; or
 18 (4) operator or the authority for debt reduction.

19 **(b) This subsection applies to a public-private agreement**
 20 **entered into after June 30, 2011. Subject to subsection (c), money**
 21 **received by the department, the authority, or another**
 22 **governmental entity or instrumentality from an operator under a**
 23 **public-private agreement may not be expended for any purpose**
 24 **without an appropriation of the general assembly. Any lump sum**
 25 **payment received from an operator or another private entity as**
 26 **consideration for entering into a public-private agreement shall be**
 27 **held in trust by the authority until the beginning of the next two (2)**
 28 **year budget period for purposes of permitting the general assembly**
 29 **to appropriate the money as part of the regular budget process.**

30 **(c) This subsection applies to a public-private agreement**
 31 **entered into after June 30, 2011. The authority may expend money**
 32 **received from an operator, without an appropriation, for any of**
 33 **the following purposes:**

- 34 (1) Pay or retire outstanding bonds issued by the authority
 35 under IC 8-14.5-6 or IC 8-15-2 on property subject to the
 36 public-private agreement.
 37 (2) Pay amounts owed by the authority related to the
 38 execution and performance of a public-private agreement
 39 under this article, including establishing reserves.
 40 (3) Pay amounts owed by the authority that are directly

1 **related to the execution and performance of a public-private**
2 **agreement under this article, including operating expenses of the**
3 **authority. "**

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

Representative Austin