

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WITHDRAWN	Noes _____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 before~~ the authority ~~nor~~
 24 ~~or~~ an operator selected under IC 8-15.5 may carry out any of the
 25 following activities under this chapter, ~~unless~~ the general assembly
 26 ~~enacts must enact~~ a statute authorizing that activity:
- 27 (1) Carrying out construction for Interstate Highway 69 in a
 28 township having a population of more than seventy-five thousand
 29 (75,000) and less than ninety-three thousand five hundred
 30 (93,500).
 - 31 (2) Imposing tolls on motor vehicles for use of the part of an
 32 interstate highway that connects a consolidated city and a city
 33 having a population of more than eleven thousand five hundred
 34 (11,500) but less than eleven thousand seven hundred forty
 35 (11,740).
 - 36 **(3) Imposing tolls on motor vehicles for use of the part of a**
 37 **highway, roadway, or other facility in existence on July 1,**
 38 **2011."**
- 39 Page 2, delete lines 10 through 42, begin a new paragraph and
 40 insert:
- 41 "SECTION 2. IC 8-15-3-9, AS AMENDED BY P.L.85-2010,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 JULY 1, 2011]: Sec. 9. (a) Subject to subsection (e), the governor must
 44 approve the location of any tollway.
- 45 (b) The department may, in any combination, plan, design, develop,
 46 construct, reconstruct, maintain, repair, police, finance, and operate

1 tollways, public improvements, and arterial streets and roads at those
2 locations that the governor approves.

3 (c) The department may, in any combination, plan, design, develop,
4 construct, reconstruct, improve, finance, operate, repair, or maintain
5 public improvements such as roads and streets, sewer lines, water lines,
6 and other utilities if these improvements are:

- 7 (1) adjacent or appurtenant to a tollway; or
- 8 (2) necessary or desirable for the financing, construction,
9 operation, or maintenance of a tollway.

10 (d) The department may, in any combination, plan, design, develop,
11 construct, reconstruct, improve, maintain, repair, operate, or finance
12 the construction or reconstruction of an arterial highway or an arterial
13 street that:

- 14 (1) is adjacent to, appurtenant to, or interchanges with a tollway;
15 or
- 16 (2) intersects with a road or street that interchanges with a
17 tollway.

18 (e) Notwithstanding any other law, **before** the governor, the
19 department, or an operator may ~~not~~ carry out any of the following
20 activities under this chapter, ~~unless~~ the general assembly **enacts must**
21 **enact** a statute authorizing that activity:

- 22 (1) Approve the location of a tollway, other than:
 - 23 (A) Interstate Highway 69 between Interstate Highway 64 and
24 a city having a population of more than eleven thousand five
25 hundred (11,500) but less than eleven thousand seven hundred
26 forty (11,740);
 - 27 (B) the Illiana Expressway, a limited access facility connecting
28 Interstate Highway 65 in northwestern Indiana with an
29 interstate highway in Illinois; ~~or~~
 - 30 (C) a project that is located within a metropolitan planning
31 area (as defined by 23 U.S.C. 134) and that connects the state
32 of Indiana with the commonwealth of Kentucky;
 - 33 **(D) a project that is constructed after June 30, 2011; or**
 - 34 **(E) the addition of toll lanes, including high occupancy toll**
35 **lanes, to a highway, roadway, or other facility in existence**
36 **on July 1, 2011, provided that the number of nontolled**
37 **lanes on the highway, roadway, or facility as of July 1,**
38 **2011, does not decrease due to the addition of the toll lanes.**
- 39 (2) Carry out construction for Interstate Highway 69 in a township
40 having a population of more than seventy-five thousand (75,000)
41 and less than ninety-three thousand five hundred (93,500).
- 42 (3) Impose tolls on motor vehicles for use of the part of an
43 interstate highway that connects a consolidated city and a city
44 having a population of more than eleven thousand five hundred
45 (11,500) but less than eleven thousand seven hundred forty
46 (11,740).

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

13 (b) This subsection does not apply to **the following:**

14 (1) A project for the construction of the Illiana Expressway, a
 15 limited access facility connecting Interstate Highway 65 in
 16 northwestern Indiana with an interstate highway in Illinois. ~~or~~

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

20 (3) **A project that is constructed after June 30, 2011.**

21 (4) **The addition of toll lanes, including high occupancy toll**
 22 **lanes, to a highway, roadway, or other facility in existence on**
 23 **July 1, 2011, provided that the number of nontolled lanes on**
 24 **the highway, roadway, or facility as of July 1, 2011, does not**
 25 **decrease due to the addition of the toll lanes.**

26 Notwithstanding any other law, after August 1, 2006, ~~neither before~~
 27 the authority ~~nor or~~ the department may ~~(1)~~ issue a request for
 28 proposals for or ~~(2)~~ enter into a public-private agreement under this
 29 article that would authorize an operator to impose tolls for the
 30 operation of motor vehicles on all or part of a project, ~~unless~~ the
 31 general assembly ~~adopts~~ **must adopt** a statute authorizing the
 32 imposition of tolls.

33 (c) Notwithstanding any other law, ~~neither before~~ the authority ~~nor~~
 34 **or** an operator may carry out any of the following activities under this
 35 article, ~~unless~~ the general assembly ~~enacts~~ **must enact** a statute
 36 authorizing that activity:

37 (1) Carrying out construction for Interstate Highway 69 in a
 38 township having a population of more than seventy-five thousand
 39 (75,000) and less than ninety-three thousand five hundred
 40 (93,500).

41 (2) Imposing tolls on motor vehicles for use of the part of an
 42 interstate highway that connects a consolidated city and a city
 43 having a population of more than eleven thousand five hundred
 44 (11,500) but less than eleven thousand seven hundred forty
 45 (11,740).".

46 Delete page 3.

1 Page 4, delete lines 1 through 9.

2 Page 5, delete lines 34 through 42, begin a new paragraph and
3 insert:

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

14 (b) Notwithstanding any other law, **before** the department, the
15 authority, or an operator may ~~not~~ carry out any of the following
16 activities under this article, ~~unless~~ the general assembly ~~enacts~~ **must**
17 **enact** a statute authorizing that activity:

18 (1) Issuing a request for proposals for, or entering into, a
19 public-private agreement concerning a project other than:

20 (A) Interstate Highway 69 between Interstate Highway 465
21 and Interstate Highway 64;

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

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

28 **(D) a project that is constructed after June 30, 2011; or**
29 **(E) the addition of toll lanes, including high occupancy toll**
30 **lanes, to a highway, roadway, or other facility in existence**
31 **on July 1, 2011, provided that the number of nontolled**
32 **lanes on the highway, roadway, or facility as of July 1,**
33 **2011, does not decrease due to the addition of the toll lanes.**

34 (2) Carrying out construction for Interstate Highway 69 in a
35 township having a population of more than seventy-five thousand
36 (75,000) and less than ninety-three thousand five hundred
37 (93,500).

38 (3) Imposing user fees on motor vehicles for use of the part of an
39 interstate highway that connects a consolidated city and a city
40 having a population of more than eleven thousand five hundred
41 (11,500) but less than eleven thousand seven hundred forty
42 (11,740).

43 (c) Notwithstanding subsection (b) or any other law, the department
44 or the authority may enter into a public-private agreement concerning
45 a project consisting of a passenger or freight railroad system described
46 in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and

1 appropriation by the general assembly. However, this subsection does
2 not prohibit the department from:

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

7 Page 6, delete lines 1 through 34.

8 Page 14, delete lines 15 through 42, begin a new paragraph and
9 insert:

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

23 (b) Notwithstanding any other law, **before** the governor, the
24 department, or an operator may ~~not~~ carry out any of the following
25 activities under this section, ~~unless~~ the general assembly ~~enacts~~ **must**
26 **enact** a statute authorizing that activity:

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

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

32 (B) the Illiana Expressway, a limited access facility connecting
33 Interstate Highway 65 in northwestern Indiana with an
34 interstate highway in Illinois; ~~or~~

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

38 **(D) a highway or project that is constructed after June 30,**
39 **2011; or**

40 **(E) the addition of toll lanes, including high occupancy toll**
41 **lanes, to a highway, roadway, or other facility in existence**
42 **on July 1, 2011, provided that the number of nontolled**
43 **lanes on the highway, roadway, or facility as of July 1,**
44 **2011, does not decrease due to the addition of the toll lanes;**

45 should become a tollway.

46 (2) Carry out construction for Interstate Highway 69 in a township

1 having a population of more than seventy-five thousand (75,000)
2 and less than ninety-three thousand five hundred (93,500).

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

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

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

22 (2) A requirement that the authority:

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

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

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

34 (c) Notwithstanding any other law, ~~neither before~~ the authority ~~nor~~
35 or an operator may carry out any of the following activities under this
36 section, ~~unless~~ the general assembly ~~enacts~~ **must enact** a statute
37 authorizing that activity:

38 (1) Carrying out construction for Interstate Highway 69 in a
39 township having a population of more than seventy-five thousand
40 (75,000) and less than ninety-three thousand five hundred
41 (93,500).

42 (2) Imposing tolls on motor vehicles for use of the part of an
43 interstate highway that connects a consolidated city and a city
44 having a population of more than eleven thousand five hundred
45 (11,500) but less than eleven thousand seven hundred forty
46 (11,740).

1 **(3) Imposing tolls on motor vehicles for use of the part of a**
2 **highway, roadway, or other facility in existence on July 1,**
3 **2011."**

4 Page 15, delete lines 1 through 10.

5 Re-number all SECTIONS consecutively.

(Reference is to ESB 473 as printed April 8, 2011.)

Representative Soliday