

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WITHDRAWN	Noes _____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

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

1 (b) The department may, in any combination, plan, design, develop,
 2 construct, reconstruct, maintain, repair, police, finance, and operate
 3 tollways, public improvements, and arterial streets and roads at those
 4 locations that the governor approves.

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

9 (1) adjacent or appurtenant to a tollway; or

10 (2) necessary or desirable for the financing, construction,
 11 operation, or maintenance of a tollway.

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

16 (1) is adjacent to, appurtenant to, or interchanges with a tollway;
 17 or

18 (2) intersects with a road or street that interchanges with a
 19 tollway.

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

24 (1) **Subject to subsection (f)**, approve the location of a tollway.
 25 **other than:**

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

30 (B) the Hiana Expressway, a limited access facility connecting
 31 Interstate Highway 65 in northwestern Indiana with an
 32 interstate highway in Illinois; or

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

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

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

44 (f) **Notwithstanding subsection (e)(1), during the period**
 45 **beginning July 1, 2011, and ending June 30, 2021, the general**
 46 **assembly is not required to enact a statute authorizing the**

1 governor, the department, or an operator to approve the location
2 of a tollway with respect to the following projects:

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

4 (2) The addition of toll lanes, including high occupancy toll
5 lanes, to a highway, roadway, or other facility in existence on
6 July 1, 2011, if the number of nontolled lanes on the highway,
7 roadway, or facility as of July 1, 2011, does not decrease due
8 to the addition of the toll lanes.

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

13 (4) The Illiana Expressway, a limited access facility
14 connecting Interstate Highway 65 in northwestern Indiana
15 with an interstate highway in Illinois.

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

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

31 (b) This subsection does not apply to a project for the construction
32 of the Illiana Expressway, a limited access facility connecting Interstate
33 Highway 65 in northwestern Indiana with an interstate highway in
34 Illinois or a project that is located within a metropolitan planning area
35 (as defined by 23 U.S.C. 134) and that connects the state of Indiana
36 with the commonwealth of Kentucky. Notwithstanding any other law,
37 after August 1, 2006, ~~neither before~~ the authority ~~nor~~ or the
38 department may ~~(1)~~ issue a request for proposals for or ~~(2)~~ enter into
39 a public-private agreement under this article that would authorize an
40 operator to impose tolls for the operation of motor vehicles on all or
41 part of a project, ~~unless~~ the general assembly ~~adopts~~ **must adopt** a
42 statute authorizing the imposition of tolls. **However, during**
43 **the period beginning July 1, 2011, and ending June 30, 2021, the**
44 **general assembly is not required to enact a statute authorizing the**
45 **authority or the department to issue a request for proposals or**
46 **enter into a public-private agreement to authorize an operator to**
47 **impose tolls for the operation of motor vehicles on all or part of the**

1 following projects:

- 2 (1) A project that is constructed after June 30, 2011.
- 3 (2) The addition of toll lanes, including high occupancy toll
4 lanes, to a highway, roadway, or other facility in existence on
5 July 1, 2011, if the number of nontolled lanes on the highway,
6 roadway, or facility as of July 1, 2011, does not decrease due
7 to the addition of the toll lanes.
- 8 (3) 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 (4) The Illiana Expressway, a limited access facility
13 connecting Interstate Highway 65 in northwestern Indiana
14 with an interstate highway in Illinois.
- 15 (5) 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 (c) Notwithstanding any other law, ~~neither before~~ the authority ~~nor~~
19 ~~or~~ an operator may carry out any of the following activities under this
20 article, ~~unless~~ the general assembly ~~enacts~~ **must enact** a statute
21 authorizing that activity:

- 22 (1) Carrying out construction for Interstate Highway 69 in a
23 township having a population of more than seventy-five thousand
24 (75,000) and less than ninety-three thousand five hundred
25 (93,500).
- 26 (2) Imposing tolls on motor vehicles for use of the part of an
27 interstate highway that connects a consolidated city and a city
28 having a population of more than eleven thousand five hundred
29 (11,500) but less than eleven thousand seven hundred forty
30 (11,740).
- 31 (3) **Imposing tolls on motor vehicles for use of the part of a**
32 **highway, roadway, or other facility in existence on July 1,**
33 **2011."**

34 Delete page 3.

35 Page 4, delete lines 1 through 9.

36 Page 5, delete lines 34 through 42, begin a new paragraph and
37 insert:

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

1 and leases with private entities, except as provided by this article.

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

6 (1) **Subject to subsection (d)**, issuing a request for proposals for,
7 or entering into, a public-private agreement concerning a project.
8 **other than:**

9 (A) ~~Interstate Highway 69 between Interstate Highway 465~~
10 ~~and Interstate Highway 64;~~

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

21 (3) Imposing user fees 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 (c) Notwithstanding subsection (b) or any other law, the department
27 or the authority may enter into a public-private agreement concerning
28 a project consisting of a passenger or freight railroad system described
29 in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and
30 appropriation by the general assembly. However, this subsection does
31 not prohibit the department from:

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

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

36 (d) **Notwithstanding subsection (b)(1), during the period**
37 **beginning July 1, 2011, and ending June 30, 2021, the general**
38 **assembly is not required to enact a statute authorizing the**
39 **department, the authority, or an operator to issue a request for**
40 **proposals for, or enter into, a public-private agreement for the**
41 **following projects:**

42 (1) **A project that is constructed after June 30, 2011.**

43 (2) **The addition of toll lanes, including high occupancy toll**
44 **lanes, to a highway, roadway, or other facility in existence on**
45 **July 1, 2011, if the number of nontolled lanes on the highway,**
46 **roadway, or facility as of July 1, 2011, does not decrease due**

- 1 **to the addition of the toll lanes.**
 2 **(3) Interstate Highway 69 between Interstate Highway 64 and**
 3 **a city having a population of more than eleven thousand five**
 4 **hundred (11,500) but less than eleven thousand seven hundred**
 5 **forty (11,740).**
 6 **(4) The Illiana Expressway, a limited access facility**
 7 **connecting Interstate Highway 65 in northwestern Indiana**
 8 **with an interstate highway in Illinois.**
 9 **(5) 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 Page 6, delete lines 1 through 34.

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

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

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

32 (1) **Subject to subsection (c)**, determine that a highway ~~other~~
 33 ~~than:~~

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

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

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

44 should become a tollway.

45 (2) Carry out construction for Interstate Highway 69 in a township
 46 having a population of more than seventy-five thousand (75,000)

1 and less than ninety-three thousand five hundred (93,500).

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

7 **(c) Notwithstanding subsection (b)(1), during the period**
8 **beginning July 1, 2011, and ending June 30, 2021, the general**
9 **assembly is not required to enact a statute authorizing the**
10 **governor, the department, or an operator to determine that all or**
11 **part of the following projects should become a tollway:**

12 **(1) A project that is constructed after June 30, 2011.**

13 **(2) The addition of toll lanes, including high occupancy toll**
14 **lanes, to a highway, roadway, or other facility in existence on**
15 **July 1, 2011, if the number of nontolled lanes on the highway,**
16 **roadway, or facility as of July 1, 2011, does not decrease due**
17 **to the addition of the toll lanes.**

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

22 **(4) The Illiana Expressway, a limited access facility**
23 **connecting Interstate Highway 65 in northwestern Indiana**
24 **with an interstate highway in Illinois.**

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

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

42 (2) A requirement that the authority:

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

46 (B) enter into a public-private agreement with an operator with
47 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 before~~ the authority ~~nor~~
 8 ~~or~~ an operator may carry out any of the following activities under this
 9 section, ~~unless~~ the general assembly ~~enacts~~ **must enact** a statute
 10 authorizing that activity:

11 (1) Carrying out construction for Interstate Highway 69 in a
 12 township having a population of more than seventy-five thousand
 13 (75,000) and less than ninety-three thousand five hundred
 14 (93,500).

15 (2) Imposing tolls on motor vehicles for use of the part of a
 16 interstate highway that connects a consolidated city and a city
 17 having a population of more than eleven thousand five hundred
 18 (11,500) but less than eleven thousand seven hundred forty
 19 (11,740).

20 **(3) Imposing tolls on motor vehicles for use of the part of a**
 21 **highway, roadway, or other facility in existence on July 1,**
 22 **2011."**

23 Page 15, delete lines 1 through 10.

24 Renumber all SECTIONS consecutively.

(Reference is to ESB 473 as printed April 8, 2011, and as amended
 by the motions adopted April 13, 2011.)

Representative Soliday