

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WITHDRAWN	Noes _____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 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 4. IC 8-15.5-4-1.5, AS ADDED BY P.L.85-2010,
- 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 1.5. (a) The authority may not issue a request for
- 5 proposals for a toll road project **in a county** under this article unless
- 6 **both of the following are satisfied:**
- 7 (1) The authority has received a preliminary feasibility study and
- 8 an economic impact study for the project from the department,
- 9 prepared in the same manner as required by IC 8-15.7-4-1.
- 10 (2) **The voters of the county have approved a public question**
- 11 **under section 1.7 of this chapter.**
- 12 (b) The economic impact study must, at a minimum, include an
- 13 analysis of the following matters with respect to the proposed project:
- 14 (1) Economic impacts on existing commercial and industrial
- 15 development.
- 16 (2) Potential impacts on employment.
- 17 (3) Potential for future development near the project area,
- 18 including consideration of locations for interchanges that will
- 19 maximize opportunities for development.
- 20 (4) Fiscal impacts on revenues to local units of government.
- 21 (5) Demands on government services, such as public safety,
- 22 public works, education, zoning and building, and local airports.
- 23 The authority shall post a copy of the economic impact study on the
- 24 authority's Internet web site and shall also provide copies of the study

1 to the governor and the legislative council (in an electronic format
2 under IC 5-14-6).

3 (c) After completion of the economic impact study, the authority
4 must conduct a public hearing on the results of the study in the county
5 seat of the county in which the proposed project would be located. At
6 least ten (10) days before each public hearing, the authority shall:

- 7 (1) post notice of the public hearing on the authority's Internet
8 web site;
9 (2) publish notice of the public hearing one (1) time in accordance
10 with IC 5-3-1 in two (2) newspapers of general circulation in the
11 county; and
12 (3) include in the notices under subdivisions (1) and (2):
13 (A) the date, time, and place of the hearing;
14 (B) the subject matter of the hearing;
15 (C) a description of the purpose of the economic impact study;
16 (D) a description of the proposed project and its location; and
17 (E) a statement concerning the availability of the study on the
18 authority's Internet web site.

19 At the hearing, the authority shall allow the public to be heard on the
20 economic impact study and the proposed project.

21 SECTION 5. IC 8-15.5-4-1.7 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2011]: **Sec. 1.7. (a) If the authority notifies
24 the county election board of a county in which the authority
25 proposes to begin a toll road project, the county election board
26 shall place the following public question on the ballot at the next
27 general election held in the county:**

28 **"Should the Indiana Finance Authority be authorized to issue
29 a request for proposals to begin a toll road project (insert the
30 description of the toll road project provided by the authority
31 under subsection (b)) in (insert the name of the county)
32 County?"**.

33 **(b) The authority's notification of the county election board
34 must include a brief description of the location of the toll road
35 project in the county. The description shall be included in the
36 public question required by subsection (a).**

37 **(c) The county election board shall tabulate the votes cast on the
38 public question described in this section and certify the results
39 under IC 3-12-4-9. The circuit court clerk shall send a copy of the
40 certification required by this subsection to the authority.**

41 **(d) IC 3 applies to the public question placed on the ballot under
42 this section to the extent IC 3 is not inconsistent with this section.**

43 **(e) If a majority of the eligible voters voting on a public question
44 placed on the ballot under this section vote in favor of the public
45 question, the authority may issue a request for proposals as
46 provided in this chapter.**

47 **(f) If a majority of the eligible voters voting on a public question**

1 placed on the ballot under this section vote in opposition to the
2 public question, both of the following apply:

3 (1) The authority may not issue the request for proposals.

4 (2) Another public question under this section on the same or
5 a substantially similar project may not be submitted to the
6 voters of the county earlier than five (5) years after the date
7 of the election at which the public question was rejected."

8 Page 9, between lines 13 and 14, begin a new paragraph and insert:

9 "SECTION 11. IC 8-15.7-4-1, AS AMENDED BY P.L.85-2010,
10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2011]: Sec. 1. (a) The department may request proposals from
12 private entities for all or part of the development, financing, and
13 operation of one (1) or more projects.

14 (b) If all or part of the project will consist of a tollway **in a county**,
15 the department shall take the following steps before the
16 commencement of the procurement process under this chapter:

17 (1) Except as provided by subsection (c), the department shall
18 cause to be prepared a preliminary feasibility study and an
19 economic impact study on that part of the project consisting of a
20 tollway by a firm or firms internationally recognized in the
21 preparation of studies or reports on the financial feasibility and
22 economic impact of proposed toll road projects. Before the
23 preparation of the preliminary feasibility study and the economic
24 impact study, the department must conduct a public hearing on
25 the proposed studies in the county seat of the county in which the
26 proposed project would be located. At least ten (10) days before
27 each public hearing, the authority shall:

28 (A) post notice of the public hearing on the department's
29 Internet web site;

30 (B) publish notice of the public hearing one (1) time in
31 accordance with IC 5-3-1 in two (2) newspapers of general
32 circulation in the county in which the proposed project would
33 be located; and

34 (C) include in the notices under clauses (A) and (B):

35 (i) the date, time, and place of the hearing;

36 (ii) the subject matter of the hearing;

37 (iii) a description of the purpose of the proposed preliminary
38 feasibility study and economic impact study; and

39 (iv) a description of the proposed project and its location.

40 At the hearing, the department shall allow the public to be heard
41 on the proposed studies and the proposed project.

42 (2) The preliminary feasibility study must be based upon a
43 public-private financial and project delivery structure. The
44 economic impact study must, at a minimum, include an analysis
45 of the following matters with respect to the proposed project:

46 (A) Economic impacts on existing commercial and industrial

- 1 development.
- 2 (B) Potential impacts on employment.
- 3 (C) Potential for future development near the project area,
4 including consideration of locations for interchanges that will
5 maximize opportunities for development.
- 6 (D) Fiscal impacts on revenues to local units of government.
- 7 (E) Demands on government services, such as public safety,
8 public works, education, zoning and building, and local
9 airports.
- 10 The department shall post copies of the preliminary feasibility
11 study and the economic impact study on the department's Internet
12 web site and shall also provide copies of the studies to the
13 governor and to the legislative council (in an electronic format
14 under IC 5-14-6).
- 15 (3) After the completion of the preliminary feasibility study and
16 the economic impact statement, the department shall schedule a
17 public hearing on the proposed project and the studies in the
18 county seat of the county that would be an affected jurisdiction for
19 purposes of the proposed project. At least ten (10) days before the
20 public hearing, the department shall:
- 21 (A) post notice of the public hearing on the department's
22 Internet web site;
- 23 (B) publish notice of the hearing one (1) time in accordance
24 with IC 5-3-1 in two (2) newspapers of general circulation in
25 the county; and
- 26 (C) include the following in the notices under clauses (A) and
27 (B):
- 28 (i) The date, time, and place of the hearing.
- 29 (ii) The subject matter of the hearing.
- 30 (iii) A description of the proposed project, its location, the
31 part of the project consisting of a tollway, and, consistent
32 with the assessments reached in the preliminary feasibility
33 study, the estimated total cost of the acquisition,
34 construction, installation, equipping, and improving of the
35 proposed project, as well as the part of the project consisting
36 of a tollway.
- 37 (iv) The address and telephone number of the department.
- 38 (v) A statement concerning the availability of the
39 preliminary feasibility study and the economic impact study
40 on the department's Internet web site.
- 41 (4) At the hearing, the department shall allow the public to be
42 heard on the proposed project, the preliminary feasibility study,
43 and the economic impact study.
- 44 **(5) The voters of the county have approved a public question**
45 **under section 1.7 of this chapter.**
- 46 ~~(5)~~ (6) After the completion of the public hearings described in

1 subdivision (3), the department shall submit the preliminary
 2 feasibility study and the economic impact study to the budget
 3 committee for its review before the commencement of the
 4 procurement process under this chapter.

5 (c) The following provisions apply if the department determines that
 6 a feasibility study for the Illiana Expressway that was prepared before
 7 March 15, 2010, meets the requirements of subsection (b) concerning
 8 the preparation of a preliminary feasibility study:

9 (1) The department is not required to prepare an additional
 10 preliminary feasibility study.

11 (2) The requirement under subsection (b)(1) for a public hearing
 12 before preparation of a preliminary feasibility study does not
 13 apply. However, the requirement under subsection (b)(1) for a
 14 public hearing on the economic impact study does apply.

15 (3) The feasibility study prepared before March 15, 2010, is
 16 considered to be the preliminary feasibility study for purposes of
 17 subsection (b)(3) through (b)(5).

18 SECTION 12. IC 8-15.7-4-1.7 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2011]: **Sec. 1.7. (a) If the department notifies
 21 the county election board of a county in which the authority
 22 proposes to begin a toll road project, the county election board
 23 shall place the following public question on the ballot at the next
 24 general election held in the county:**

25 **"Should the Indiana Department of Transportation be
 26 authorized to issue a request for proposals to begin a toll road
 27 project (insert the description of the toll road project
 28 provided by the department under subsection (b)) in (insert
 29 the name of the county) County?"**

30 **(b) The department's notification of the county election board
 31 must include a brief description of the location of the toll road
 32 project in the county. The description shall be included in the
 33 public question required by subsection (a).**

34 **(c) The county election board shall tabulate the votes cast on the
 35 public question described in this section and certify the results
 36 under IC 3-12-4-9. The circuit court clerk shall send a copy of the
 37 certification required by this subsection to the department.**

38 **(d) IC 3 applies to the public question placed on the ballot under
 39 this section to the extent IC 3 is not inconsistent with this section.**

40 **(e) If a majority of the eligible voters voting on a public question
 41 placed on the ballot under this section vote in favor of the public
 42 question, the department may issue a request for proposals as
 43 provided in this chapter.**

44 **(f) If a majority of the eligible voters voting on a public question
 45 placed on the ballot under this section vote in opposition to the
 46 public question, both of the following apply:**

47 **(1) The department may not issue the request for proposals.**

1 **(2) Another public question under this section on the same or**
2 **a substantially similar project may not be submitted to the**
3 **voters of the county earlier than five (5) years after the date**
4 **of the election at which the public question was rejected."**

5 Renumber all SECTIONS consecutively.

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

Representative Reske