

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WITHDRAWN	Noes _____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 8-15.5-3-1, AS ADDED BY P.L.47-2006,  
3 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2011]: Sec. 1. Subject to **section 2 of this chapter and the**  
5 other provisions of this article, the authority and a private entity may  
6 enter into a public-private agreement with respect to a toll road project.  
7 Subject to the requirements of this article, a public-private agreement  
8 may provide that the private entity is partially or entirely responsible  
9 for any combination of the following activities with respect to the  
10 project:  
11 (1) Planning.  
12 (2) Design.  
13 (3) Acquisition.  
14 (4) Construction.  
15 (5) Reconstruction.  
16 (6) Improvement.  
17 (7) Extension or expansion.  
18 (8) Operation.  
19 (9) Repair.  
20 (10) Management.  
21 (11) Maintenance.  
22 (12) Financing.  
23 SECTION 5. IC 8-15.5-3-2 IS ADDED TO THE INDIANA CODE  
24 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1 1, 2011]: **Sec. 2. (a) After June 30, 2011, the authority may not**  
 2 **enter into a public-private agreement with a private entity that is**  
 3 **majority owned, directly or indirectly, by a private entity that is**  
 4 **domiciled in a country other than the United States.**

5 **(b) This section may not be construed to affect the validity of a**  
 6 **public-private agreement entered into before July 1, 2011."**

7 Page 6, between lines 34 and 35, begin a new paragraph and insert:

8 "SECTION 10. IC 8-15.7-3-1, AS ADDED BY P.L.47-2006,  
 9 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2011]: Sec. 1. Subject to **section 1.5 of this chapter and**  
 11 **IC 8-15.7-1-5**, the department may exercise the powers granted by this  
 12 article to carry out:

13 (1) the development;

14 (2) the financing;

15 (3) the operation; or

16 (4) any combination of the development, financing, and operation;  
 17 of all or part of one (1) or more projects through public-private  
 18 agreements with one (1) or more private entities. The parties to a  
 19 public-private agreement that relates to a tollway or a project that  
 20 otherwise charges user fees may exercise any of the powers granted to  
 21 the party under IC 8-15-3. The department may use the revenues  
 22 arising out of one (1) project or public-private agreement for all or part  
 23 of the development, financing, and operation of any part of one (1) or  
 24 more other projects through public-private agreements with one (1) or  
 25 more private entities or as otherwise considered appropriate by the  
 26 department.

27 SECTION 11. IC 8-15.7-3-1.5 IS ADDED TO THE INDIANA  
 28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. (a) After June 30, 2011, the**  
 30 **department may not enter into a public-private agreement with a**  
 31 **private entity that is majority owned, directly or indirectly, by a**  
 32 **private entity that is domiciled in a country other than the United**  
 33 **States.**

34 **(b) This section may not be construed to affect the validity of a**  
 35 **public-private agreement entered into before July 1, 2011."**

36 Renumber all SECTIONS consecutively.

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

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Representative Reske