

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WITHDRAWN	Noes _____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 30 and 31, begin a new paragraph and insert:
- 2 "SECTION 5. IC 8-15.5-5-2, AS AMENDED BY P.L.85-2010,
- 3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 2. A public-private agreement entered into under
- 5 this article must provide for the following:
- 6 (1) The ~~original~~ term of the public-private agreement, which may
- 7 not exceed **the following:**
- 8 **(A) For the original term of a public-private agreement**
- 9 **entered into before July 1, 2011, seventy-five (75) years.**
- 10 **(B) For the term, including all extensions, of a**
- 11 **public-private agreement entered into after June 30, 2011,**
- 12 **fifty (50) years.**
- 13 (2) Provisions for a:
- 14 (A) lease, franchise, or license of the toll road project and the
- 15 real property owned by the authority upon which the toll road
- 16 project is located or is to be located; or
- 17 (B) management agreement or other contract to operate the toll
- 18 road project and the real property owned by the authority upon
- 19 which the toll road project is located or is to be located;
- 20 for a predetermined period. The public-private agreement must
- 21 provide for ownership of all improvements and real property by
- 22 the authority in the name of the state.
- 23 (3) Monitoring of the operator's maintenance practices by the
- 24 authority and the taking of actions by the authority that it

- 1 considers appropriate to ensure that the toll road project is
 2 properly maintained.
- 3 (4) The basis upon which user fees that may be collected by the
 4 operator, as determined under this article, are established.
- 5 (5) Compliance with applicable state and federal laws and local
 6 ordinances.
- 7 (6) Grounds for termination of the public-private agreement by
 8 the authority or the operator.
- 9 (7) The date of termination of the operator's authority and duties
 10 under this article.
- 11 (8) Procedures for amendment of the agreement.
- 12 (9) Provisions requiring the completion of all environmental
 13 analyses of the toll road project required by state and federal law
 14 in the manner and at the times required by the appropriate state
 15 and federal agencies.
- 16 (10) An expedited method for resolving disputes between or
 17 among the authority, the parties to the public-private agreement,
 18 and units of local government that contain any part of the toll road
 19 project, as required by IC 8-15.5-10-8."
- 20 Page 14, between lines 14 and 15, begin a new paragraph and insert:
 21 "SECTION 14. IC 8-15.7-13-1, AS ADDED BY P.L.47-2006,
 22 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 1. The term of a public-private agreement,
 24 including all extensions, may not exceed **the following:**
- 25 **(1) For a public-private agreement entered into before July 1,**
 26 **2011, seventy-five (75) years.**
- 27 **(2) For a public-private agreement entered into after June 30,**
 28 **2011, fifty (50) years.**
- 29 For purposes of measuring the term, the term begins on the date on
 30 which operations of a part of the qualifying project by the operator
 31 commences."
- 32 Renumber all SECTIONS consecutively.
 (Reference is to ESB 473 as printed April 8, 2011.)

Representative Austin