

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	5

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 473, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, delete lines 10 through 42, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. IC 8-15-3-9, AS AMENDED BY P.L.85-2010,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2011]: Sec. 9. (a) Subject to subsection (e), the governor must
- 6 approve the location of any tollway.
- 7 (b) The department may, in any combination, plan, design, develop,
- 8 construct, reconstruct, maintain, repair, police, finance, and operate
- 9 tollways, public improvements, and arterial streets and roads at those
- 10 locations that the governor approves.
- 11 (c) The department may, in any combination, plan, design, develop,
- 12 construct, reconstruct, improve, finance, operate, repair, or maintain
- 13 public improvements such as roads and streets, sewer lines, water lines,
- 14 and other utilities if these improvements are:
- 15 (1) adjacent or appurtenant to a tollway; or
- 16 (2) necessary or desirable for the financing, construction,

1 operation, or maintenance of a tollway.

2 (d) The department may, in any combination, plan, design, develop,
3 construct, reconstruct, improve, maintain, repair, operate, or finance
4 the construction or reconstruction of an arterial highway or an arterial
5 street that:

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

7 or

8 (2) intersects with a road or street that interchanges with a
9 tollway.

10 (e) Notwithstanding any other law, the governor, the department, or
11 an operator may not carry out any of the following activities under this
12 chapter unless the general assembly enacts a statute authorizing that
13 activity:

14 ~~(1) Approve the location of a tollway, other than:~~

15 ~~(A) Interstate Highway 69 between Interstate Highway 64 and~~
16 ~~a city having a population of more than eleven thousand five~~
17 ~~hundred (11,500) but less than eleven thousand seven hundred~~
18 ~~forty (11,740);~~

19 ~~(B) the Elkhart Expressway, a limited access facility connecting~~
20 ~~Interstate Highway 65 in northwestern Indiana with an~~
21 ~~interstate highway in Illinois; or~~

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

25 ~~(2) (1) Carry out construction for Interstate Highway 69 in a~~
26 ~~township having a population of more than seventy-five thousand~~
27 ~~(75,000) and less than ninety-three thousand five hundred~~
28 ~~(93,500).~~

29 ~~(3) (2) Impose tolls on motor vehicles for use of the part of an~~
30 ~~interstate highway that connects a consolidated city and a city~~
31 ~~having a population of more than eleven thousand five hundred~~
32 ~~(11,500) but less than eleven thousand seven hundred forty~~
33 ~~(11,740).~~

34 SECTION 3. IC 8-15.5-1-2, AS AMENDED BY P.L.85-2010,
35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2011]: Sec. 2. (a) This article contains full and complete
37 authority for public-private agreements between the authority and a
38 private entity. Except as provided in this article, no law, procedure,

1 proceeding, publication, notice, consent, approval, order, or act by the
 2 authority or any other officer, department, agency, or instrumentality
 3 of the state or any political subdivision is required for the authority to
 4 enter into a public-private agreement with a private entity under this
 5 article, or for a toll road project that is the subject of a public-private
 6 agreement to be constructed, acquired, maintained, repaired, operated,
 7 financed, transferred, or conveyed.

8 ~~(b) This subsection does not apply to a project for the construction~~
 9 ~~of the Iliana Expressway, a limited access facility connecting Interstate~~
 10 ~~Highway 65 in northwestern Indiana with an interstate highway in~~
 11 ~~Illinois; or a project that is located within a metropolitan planning area~~
 12 ~~(as defined by 23 U.S.C. 134) and that connects the state of Indiana~~
 13 ~~with the commonwealth of Kentucky. Notwithstanding any other law,~~
 14 ~~after August 1, 2006, neither the authority nor the department may:~~

15 ~~(1) issue a request for proposals for; or~~

16 ~~(2) enter into;~~

17 ~~a public-private agreement under this article that would authorize an~~
 18 ~~operator to impose tolls for the operation of motor vehicles on all or~~
 19 ~~part of a project; unless the general assembly adopts a statute~~
 20 ~~authorizing the imposition of tolls.~~

21 ~~(c) (b) Notwithstanding any other law, neither the authority nor an~~
 22 ~~operator may carry out any of the following activities under this article~~
 23 ~~unless the general assembly enacts a statute authorizing that activity:~~

24 ~~(1) Carrying out construction for Interstate Highway 69 in a~~
 25 ~~township having a population of more than seventy-five thousand~~
 26 ~~(75,000) and less than ninety-three thousand five hundred~~
 27 ~~(93,500).~~

28 ~~(2) Imposing tolls on motor vehicles for use of the part of a~~
 29 ~~interstate highway that connects a consolidated city and a city~~
 30 ~~having a population of more than eleven thousand five hundred~~
 31 ~~(11,500) but less than eleven thousand seven hundred forty~~
 32 ~~(11,740).".~~

33 Delete page 3.

34 Page 4, delete lines 1 through 10.

35 Page 4, between lines 31 and 32, begin a new paragraph and insert:

36 "SECTION 5. IC 8-15.5-6-2, AS AMENDED BY P.L.85-2010,
 37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 2. (a) Unless otherwise provided by federal law or

1 this section, the operator or any contractor or subcontractor of the
 2 operator engaged in the construction of a toll road project is not
 3 required to comply with IC 4-13.6 or IC 5-16 concerning state public
 4 works, IC 5-17 concerning purchases of materials and supplies, or
 5 other statutes concerning procedures for procurement of public works
 6 or personal property as a condition of being awarded and performing
 7 work on the project.

8 (b) IC 5-16-7 concerning the common construction wage applies to
 9 the **following:**

10 **(1) The operator or any contractor or subcontractor of the**
 11 **operator engaged in a project for the construction of the Illiana**
 12 **Expressway, a limited access facility connecting Interstate**
 13 **Highway 65 in northwestern Indiana with an interstate highway**
 14 **in Illinois.**

15 **(2) The operator or any contractor or subcontractor of the**
 16 **operator engaged in the construction of a project that is the**
 17 **subject of a public-private agreement entered into after June**
 18 **30, 2011."**

19 Page 5, delete lines 14 through 42, begin a new paragraph and
 20 insert:

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

31 (b) Notwithstanding any other law, the department, the authority, or
 32 an operator may not carry out any of the following activities under this
 33 article unless the general assembly enacts a statute authorizing that
 34 activity:

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

37 ~~(A) Interstate Highway 69 between Interstate Highway 465~~
 38 ~~and Interstate Highway 64;~~

1 ~~(B) the Elkhart Expressway, a limited access facility connecting~~
 2 ~~Interstate Highway 65 in northwestern Indiana with an~~
 3 ~~interstate highway in Illinois; or~~

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

7 ~~(2) (1) Carrying out construction for Interstate Highway 69 in a~~
 8 ~~township having a population of more than seventy-five thousand~~
 9 ~~(75,000) and less than ninety-three thousand five hundred~~
 10 ~~(93,500).~~

11 ~~(3) (2) Imposing user fees on motor vehicles for use of the part of~~
 12 ~~an interstate highway that connects a consolidated city and a city~~
 13 ~~having a population of more than eleven thousand five hundred~~
 14 ~~(11,500) but less than eleven thousand seven hundred forty~~
 15 ~~(11,740).~~

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

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

26 Page 6, delete lines 1 through 15.

27 Page 12, between lines 30 and 31, begin a new paragraph and insert:

28 "SECTION 11. IC 8-15.7-6-2, AS AMENDED BY P.L.85-2010,
 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2011]: Sec. 2. (a) Unless otherwise provided by federal law or
 31 this section, the operator or any contractor or subcontractor of the
 32 operator engaged in the construction of a project is not required to
 33 comply with IC 4-13.6 or IC 5-16 concerning state public works,
 34 IC 5-17 concerning purchases of materials and supplies, or other
 35 statutes concerning procedures for procurement of public works or
 36 personal property as a condition of being awarded and performing work
 37 on the project.

38 (b) IC 5-16-7 concerning the common construction wage applies to

1 the following:

2 (1) The operator or any contractor or subcontractor of the
3 operator engaged in a project for the construction of the Illiana
4 Expressway, a limited access facility connecting Interstate
5 Highway 65 in northwestern Indiana with an interstate highway
6 in Illinois.

7 (2) The operator or any contractor or subcontractor of the
8 operator engaged in the construction of a project that is the
9 subject of a public-private agreement entered into after June
10 30, 2011."

11 Page 13, delete lines 17 through 42, begin a new paragraph and
12 insert:

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

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

30 ~~(1) Determine that a highway, other than~~

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

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

38 ~~(C) a project that is located within a metropolitan planning~~

1 area (as defined by 23 U.S.C. 134) and that connects the state
2 of Indiana with the commonwealth of Kentucky.

3 should become a tollway.

4 ~~(2)~~ (1) Carry out construction for Interstate Highway 69 in a
5 township having a population of more than seventy-five thousand
6 (75,000) and less than ninety-three thousand five hundred
7 (93,500).

8 ~~(3)~~ (2) Impose tolls on motor vehicles for use of the part of an
9 interstate highway that connects a consolidated city and a city
10 having a population of more than eleven thousand five hundred
11 (11,500) but less than eleven thousand seven hundred forty
12 (11,740).".

13 Page 14, delete lines 1 through 12.

14 Page 14, delete lines 29 through 42, begin a new paragraph and
15 insert:

16 **"(b) Upon receiving notice, as described in IC 9-21-3.5-10(c), of**
17 **the failure of an owner of a vehicle to pay a fine, charge, or other**
18 **assessment for a toll violation documented under IC 9-21-3.5-12,**
19 **the bureau shall withhold the annual registration of the vehicle**
20 **that was used in the commission of the toll violation until the owner**
21 **pays the fine, charge, or other assessment, plus any applicable fees,**
22 **to:**

23 (1) the bureau; or

24 (2) the appropriate authority under IC 9-21-3.5 that is
25 responsible for the collection of fines, charges, or other
26 assessments for toll violations under IC 9-21-3.5.

27 **If the owner pays the fine, charge, or assessment, plus any**
28 **applicable fees, to the bureau as described in subdivision (1), the**
29 **bureau shall remit the appropriate amount to the appropriate**
30 **authority under IC 9-21-3.5 that is responsible for the collection of**
31 **finances, charges, assessments, or fees for toll violations under**
32 **IC 9-21-3.5."**

- 1 Page 15, delete lines 1 through 3.
- 2 Page 15, line 9, delete "." and insert "**or user fee.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 473 as printed February 18, 2011.)

and when so amended that said bill do pass.

Representative Soliday