

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 162 be amended to read as follows:

- 1 Page 12, after line 3, begin a new paragraph and insert:
- 2 "SECTION 9. IC 8-23-2-6, AS AMENDED BY P.L.235-2005,
- 3 SECTION 123, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The department, through the
- 5 commissioner or the commissioner's designee, may do the following:
- 6 (1) Acquire by purchase, gift, or condemnation, sell, abandon,
- 7 own in fee or a lesser interest, hold, or lease property in the name
- 8 of the state, or otherwise dispose of or encumber property to carry
- 9 out its responsibilities.
- 10 (2) Contract with persons outside the department to do those
- 11 things that in the commissioner's opinion cannot be adequately or
- 12 efficiently performed by the department.
- 13 (3) Enter into:
- 14 (A) a contract with the Indiana finance authority under
- 15 IC 8-9.5-8-7; or
- 16 (B) a lease with the Indiana finance authority under
- 17 IC 8-9.5-8-8;
- 18 for the construction, reconstruction, improvement, maintenance,
- 19 repair, or operation of toll road projects under IC 8-15-2 and toll
- 20 bridges under IC 8-16-1.
- 21 (4) Sue and be sued, including, with the approval of the attorney
- 22 general, the compromise of any claims of the department.
- 23 (5) Hire attorneys.
- 24 (6) Perform all functions pertaining to the acquisition of property

- 1 for transportation purposes, including the compromise of any
 2 claims for compensation.
- 3 (7) Hold investigations and hearings concerning matters covered
 4 by orders and rules of the department.
- 5 (8) Execute all documents and instruments necessary to carry out
 6 its responsibilities.
- 7 (9) Make contracts and expenditures, perform acts, enter into
 8 agreements, and make rules, orders, and findings that are
 9 necessary to comply with all laws, rules, orders, findings,
 10 interpretations, and regulations promulgated by the federal
 11 government in order to:
- 12 (A) qualify the department for; and
 13 (B) receive;
 14 federal government funding on a full or participating basis.
- 15 (10) Adopt rules under IC 4-22-2 to carry out its responsibilities.
- 16 (11) Establish regional offices.
- 17 (12) Adopt a seal.
- 18 (13) Perform all actions necessary to carry out the department's
 19 responsibilities.
- 20 (14) Order a utility to relocate the utility's facilities and coordinate
 21 the relocation of customer service facilities if:
- 22 (A) the facilities are located in a highway, street, or road; and
 23 (B) the department determines that the facilities will interfere
 24 with a planned highway or bridge construction or
 25 improvement project funded by the department.
- 26 (15) Reimburse a utility:
- 27 (A) in whole or in part for extraordinary costs of relocation of
 28 facilities;
 29 (B) in whole for unnecessary relocations;
 30 (C) in accordance with IC 8-23-26-12 and IC 8-23-26-13;
 31 (D) in whole for relocations covered by IC 8-1-9; and
 32 (E) to the extent that a relocation is a taking of property
 33 without just compensation.
- 34 (16) Provide state matching funds and undertake any surface
 35 transportation project eligible for funding under federal law.
 36 However, money from the state highway fund and the state
 37 highway road construction and improvement fund may not be
 38 used to provide operating subsidies to support a public
 39 transportation system or a commuter transportation system.
- 40 (b) In the performance of contracts and leases with the Indiana
 41 finance authority, the department has authority under IC 8-15-2, in the
 42 case of toll road projects and IC 8-16-1, in the case of toll bridges
 43 necessary to carry out the terms and conditions of those contracts and
 44 leases.
- 45 (c) The department shall:
- 46 (1) classify as confidential any estimate of cost prepared in

1 conjunction with analyzing competitive bids for projects until a
2 bid below the estimate of cost is read at the bid opening;
3 ~~(2) classify as confidential that part of the parcel files that contain~~
4 ~~appraisal and relocation documents prepared by the department's~~
5 ~~land acquisition division; and~~
6 ~~(3) (2) classify as confidential records that are the product of~~
7 ~~systems designed to detect collusion in state procurement and~~
8 ~~contracting that, if made public, could impede detection of~~
9 ~~collusive behavior in securing state contracts.~~
10 This subsection does not apply to parcel files of public agencies or
11 affect IC 8-23-7-10."
(Reference is to ESB 162 as printed March 22, 2013.)

Representative Pierce