SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1002 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-14.9, AS ADDED BY P.L.213-2015, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14.9. (a) As used in this section, "account" refers to the state bicentennial capital account established by subsection (c).
(b) As used in this section, "bicentennial commission" refers to the Indiana 2016 bicentennial commission established by IC 4-23-33-3.
(c) The state bicentennial capital account is established within the state general fund for the purposes set forth in subsection (f). The account shall be administered by the budget agency. The account consists of the following:
(1) Money transferred to the account under IC 4-13-1-4(10) or IC 8-15.5-1-2(g).
(2) Appropriations, if any, made by the general assembly.
(3) Grants and gifts intended for deposit in the account.
(4) Any earnings on money in the account.
(d) The expenses of administering the account shall be paid from money in the account.
(e) Money in the account at the end of the state fiscal year does not revert to the state general fund.
(f) Money in the account may be used only for capital projects that commemorate the bicentennial of Indiana's statehood.
(g) The budget agency shall consult with the bicentennial commission in making a determination to expend money from the account for the purposes under subsection (f)."

Page 37, between lines 31 and 32, begin a new paragraph and insert:
"SECTION 50. IC 8-15-2-4, AS AMENDED BY P.L.85-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Authority" refers to the Indiana finance authority established under IC 4-4-11.

(2) "Capitalized interest" means:

(A) interest costs on toll road revenue bonds before and during the period of construction of the project for the payment of the cost of which the bonds were issued, and for one (1) year after completion of construction; and

(B) interest costs on succeeding lien bonds authorized by this chapter for the period from the date of such bonds until the date when the prior outstanding toll road revenue bonds, for which revenues are pledged, are retired, but not later than ten (10) years from the date of issue of the succeeding lien bonds.

(3) "Department" refers to the Indiana department of transportation.

(4) "Project" or "toll road project" means any new or existing express highway, limited access facility, superhighway, or motorway constructed under the provisions of this chapter or accepted as a toll road under IC 8-23-7, or any toll lane established by the department under IC 8-15-3-36, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, tollhouses, service stations, and administration, storage, and other buildings and facilities which the authority may deem necessary or desirable for the operation of the project, together with all property, rights, easements, and interests which may be acquired by the authority for the construction or the operation of the project. "Project" or "toll road project" includes any subsequent improvement, betterment, enlargement, extension, or reconstruction of an existing project. "Project" or "toll road project" also includes a project connecting the state of Indiana with an adjacent state. Each project or toll road project may be constructed or extended in such sections as the authority may from time to time determine, and shall be separately designated by name or number, which designation shall also apply to any project which is a subsequent improvement, betterment, enlargement, extension, or reconstruction of such project. The construction, maintenance, or operation, of transient lodging facilities on, or adjacent to any such project, or the contracting therefor, shall not be considered as within the definition of "project" or "toll road project".

(5) "Cost" as applied to a toll road project or any part of a toll road project includes:
(A) the cost of construction, including bridges over or under existing highways and railroads;
(B) the cost of acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the authority for such construction;
(C) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved;
(D) the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or easements therefor;
(E) the cost of all machinery and equipment;
(F) financing charges and capitalized interest;
(G) the cost of funding any reserves to secure the payment of toll road revenue bonds;
(H) the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues;
(I) other expenses necessary or incident to determining the feasibility or practicability of constructing any such project;
(J) administrative expense;
(K) such other expenses as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation; and
(L) the cost of conversion to a toll road project of a state highway or part of a highway accepted as a toll road project under IC 8-23-7.

Any obligation or expense incurred by the department for surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project under this chapter or for the repayment of a grant from a federal agency which the authority itself would be authorized to repay under section 5(9) of this chapter in connection with such project or with the issuance of bonds for the payment of the cost of such project, shall be regarded as a part of the cost of such project and shall be reimbursed to the state out of the proceeds of toll road revenue bonds as authorized.

(6) "Owner" includes all individuals, copartnerships, associations, limited liability companies, or corporations having any title or interest in any property, rights, easements, and interests authorized to be acquired by this chapter.

(7) "Revenues" means all tolls, rentals, gifts, grants, money, and all other funds and property coming into the possession or under the control of the authority by virtue of the terms and provisions of this chapter, except the proceeds from the sale of bonds issued under the provisions of this chapter and earnings thereon.
(8) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(9) "Transient lodging facility" means accommodations for overnight or temporary habitation, including, but not limited to, hotels, motels, motor courts, lodges, and inns, for persons using any toll road project.

(10) "Toll road bonds" means all bonds issued under the provisions of this chapter, including refunding bonds and succeeding lien bonds.

(11) "State highway" means a public road for which the department is responsible under IC 8-23-2.

Page 37, between lines 35 and 36, begin a new paragraph and insert:
"SECTION 52. IC 8-15-3-7, AS AMENDED BY P.L.163-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. As used in this chapter, "tollway" includes:
(1) an express highway, limited access facility, superhighway, bridge, tunnel, or motor way, including express lanes and managed lanes, constructed under this chapter or IC 8-15.7 or, subject to section 10 of this chapter, converted to a tollway under IC 8-23-7-22 or any toll lane established by the department under IC 8-15-3-36;
(2) any bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service station, or administration, storage, or other buildings or facilities, including temporary facilities and buildings, facilities, and structures that will not be tolled, that the department considers appurtenant to or necessary or desirable for the financing, construction, operation, or maintenance of one (1) or more of the items described in subdivision (1);
(3) any subsequent improvement, betterment, enlargement, extension, or reconstruction of one (1) or more items described in this section, including any nontolled part, that are separately designated by name or number;
(4) a project connecting the state of Indiana with an adjacent state; or
(5) any combination of items or projects described in subdivisions (1) through (4)."

Page 39, line 3, delete "(a) Before July 1, 2017, the department" and insert "(a) As used in this section, "toll lane" means a lane on a bridge, road, or highway that is part of an interstate system that is authorized to be tolled under this section.

(b) As used in this section, "interstate system" has the meaning set forth in IC 8-23-1-25.

(c) Before July 1, 2017, the department shall submit a request
to the Federal Highway Administration for an authorization for
toll lanes. If:

Page 39, delete lines 4 through 6.
Page 39, line 7, delete "a waiver" and insert "an authorization".
Page 39, line 9, delete "under the waiver".
Page 39, line 10, delete "on an interstate highway" and insert "that
are part of an interstate system".
Page 39, line 11, delete "an interstate highway".
Page 39, line 12, delete "or bridge" and insert "a bridge, road, or
highway".
Page 39, line 13, delete "(b)" and insert "(d)".
Page 39, line 14, delete "tolling the interstate highways," and insert
"toll lanes,".
Page 39, line 18, delete "(e)" and insert "(e)".
Page 39, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 53. IC 8-15.5-1-2, AS AMENDED BY P.L.181-2016,
SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2017]: Sec. 2. (a) This article contains full and complete
authority for public-private agreements between the authority, a private
toll lanes, and, where applicable, a governmental entity. Except as
provided in this article, no law, procedure, proceeding, publication,
otice, consent, approval, order, or act by the authority or any other
officer, department, agency, or instrumentality of the state or any
political subdivision is required for the authority to enter into a
public-private agreement with a private entity under this article, or for
a project that is the subject of a public-private agreement to be
constructed, acquired, maintained, repaired, operated, financed,
transferred, or conveyed.

(b) Before the authority or the department may issue a request for
proposals for or enter into a public-private agreement under this article
that would authorize an operator to impose tolls for the operation of
motor vehicles on all or part of a toll road project, the general assembly
must adopt a statute authorizing the imposition of tolls: However,
during the period beginning July 1, 2011, and ending June 30, 2021,
and notwithstanding subsection (c); the general assembly is not
required to enact a statute authorizing the authority or the department
to issue a request for proposals or enter into a public-private agreement
to authorize an operator to impose tolls for the operation of motor
vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011,
not including any part of Interstate Highway 69 other than a part
described in subdivision (4):
(2) The addition of toll lanes; including high occupancy toll lanes;
to a highway, roadway, or other facility in existence on July 1, 2011;
if the number of nontolled lanes on the highway, roadway,
or facility as of July 1, 2011; does not decrease due to the addition
of the toll lanes:

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois:

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

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(2) Imposing tolls on motor vehicles for use of a nontolled highway; roadway; or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways; U.S. routes; and state routes:

(d) (b) The general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) (c) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) (d) As permitted by subsection (e); (c), the general assembly authorizes the authority to enter into public-private agreements for the following facility projects:

(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than three hundred thousand (300,000).

(2) Communications systems infrastructure, including:

   (A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;
   (B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and
   (C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) (e) The following apply to a public-private agreement for communications systems infrastructure under subsection (f)(2); (d)(2):

(1) The authority may:

   (A) use the procedures set forth in IC 8-15.5-4; or
   (B) at the authority's option and in its sole discretion, negotiate
an agreement with a single offeror.

The authority must issue a request for information before entering negotiations with a single offeror. If an agreement is negotiated with a single offeror, IC 8-15.5-4-11 and IC 8-15.5-4-12 are the only sections in IC 8-15.5-4 that apply.

(2) This article, and any other applicable laws with respect to establishing, charging, and collecting user fees, including IC 8-15.5-7, do not apply, and the operator may establish, charge, and collect user fees as set forth in the public-private agreement.

(3) Notwithstanding IC 8-15.5-5-2(2) providing that all improvements and real property must be owned by the authority in the name of the state or by a governmental entity, or both, the public-private agreement may provide that any improvements on any real property interests may be owned by the authority, a governmental entity, an operator, or a private entity.

(4) The authority shall transfer money received from an operator under a public-private agreement to the state bicentennial capital account established under IC 4-12-1-14.9.

SECTION 54. IC 8-15.5-4-0.5, AS ADDED BY P.L.181-2016, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 0.5. If a public-private agreement for communications systems infrastructure is negotiated with a single offeror under IC 8-15.5-1-2(g)(1)(B), IC 8-15.5-1-2(e)(1)(B), the requirements of this chapter, except sections 11 and 12 of this chapter, do not apply.

SECTION 55. IC 8-15.7-1-5, AS AMENDED BY P.L.94-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article. However, this article may not be construed to:

(1) limit the power of the authority, the department, or a private entity to enter an agreement; or

(2) impose any procedural or substantive requirements on the authority, the department, or a private entity;

concerning a project (as defined by IC 8-15.5-2-7) carried out under IC 8-15.5.

(b) Notwithstanding any other law, before the department, the authority; or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:
(1) Subject to subsection (d), and after June 30, 2011, issuing a request for proposals for; or entering into; a public-private agreement concerning a project:
(2) Imposing user fees on motor vehicles for use of Interstate Highway 69.

(c) (b) Notwithstanding subsection (b) or any other law, the The department or the authority may enter into a public-private agreement concerning a project consisting of a passenger or freight railroad system described in IC 8-15.7-2-14(a)(4). Such an agreement is subject to review and appropriation by the general assembly. However, this subsection does not prohibit the department from:
(1) conducting preliminary studies that the department considers necessary to determine the feasibility of such a project; or
(2) issuing a request for qualifications or a request for proposals, or both, under IC 8-15.7-4 for such a project.

(d) Notwithstanding subsection (b); during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the department, the authority, or an operator to issue a request for proposals for; or enter into; a public-private agreement for the following projects:
(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4):
(2) The addition of toll lanes; including high occupancy toll lanes; to a highway; roadway; or other facility in existence on July 1, 2011; if the number of nontolled lanes on the highway; roadway; or facility as of July 1, 2011; does not decrease due to the addition of the toll lanes:
(3) The Illiana Expressway; a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois:
(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

"SECTION 54. IC 8-23-7-22, AS AMENDED BY P.L.94-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 22. (a) Subject to subsection (b); the The department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state
highways within a specified period. The specified period may not exceed five (5) years.

(b) Before the governor, the department, or an operator may carry out any of the following activities under this section; the general assembly must enact a statute authorizing that activity:

1. Determine that a highway that is in existence or under construction on July 1, 2011, should become a tollway;
2. Impose tolls on motor vehicles for use of Interstate Highway 69.

(c) Notwithstanding subsection (b), during the period beginning July 1, 2011, and ending June 30, 2021, the general assembly is not required to enact a statute authorizing the governor, the department, or an operator to determine that all or part of the following projects should become a tollway:

1. A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4);
2. The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011; if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes;
3. The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois;
4. A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

SECTION 55. IC 8-23-7-23, AS AMENDED BY P.L.94-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23. (a) Subject to subsection (c), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a toll road. An order under this section does not become effective unless the authority adopts a resolution to accept the designated state highway, or part of the highway, as a toll road project under the conditions contained in the order. An order issued by the department under this section must set forth the conditions upon which the transfer of the state highway, or part of the highway, to the authority must occur, including the following:

1. The consideration, if any, to be paid by the authority to the department.
2. A requirement that the authority:
   (A) enter into a contract or lease with the department with respect to the toll road project under IC 8-9.5-8-7 or IC 8-9.5-8-8; or
(B) enter into a public-private agreement with an operator with respect to the toll road under IC 8-15.5.

(b) To complete a transfer under this section, the department must, with the governor's approval, execute a certificate describing the real and personal property constituting or to be transferred with the state highway that is to become a toll road project. Upon delivery of the certificate to the authority, the real and personal property described in the certificate is under the jurisdiction and control of the authority.

(c) Before the authority or an operator may carry out any of the following activities under this section, the general assembly must enact a statute authorizing that activity:

(1) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.”.

Page 50, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 68. IC 34-28-5-5, AS AMENDED BY P.L.146-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in subsections (e) and (f) and IC 9-21-5-11(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the
defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading

of nolo contendere for a moving traffic violation.

(e) The funds collected for an infraction judgment described in

section 4(h) of this chapter shall be transferred to a dedicated county

fund. The money in the dedicated county fund does not revert to the

county general fund or state general fund and may be used, after

appropriation by the county fiscal body, only for the following

purposes:

(1) To pay compensation of commissioners appointed under

IC 33-33-49.

(2) To pay costs of the county's guardian ad litem program.

(f) The funds collected for an infraction judgment described in

section 4(i) of this chapter shall be transferred to a dedicated toll

revenue fund created as part of a project under IC 8-15.5-1-2(b)(4). IC

8-15.5. The money in the fund does not revert to the county general

fund or state general fund and may be used only to pay the cost of

operating, maintaining, and repairing the tolling system for a project

under IC 8-15.5-1-2(b)(4); IC 8-15.5, including major repairs, 

replacements, and improvements.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1002 as printed March 31, 2017.)