

IC 5-23-2

Chapter 2. Definitions

IC 5-23-2-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-2

"Board"

Sec. 2. "Board" refers to the agent, board, commission, officer, or trustee of a public agency having the power to award contracts on behalf of the public agency.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-3

"BOT agreement"

Sec. 3. "BOT agreement" means any agreement between a governmental body and an operator to construct, operate, and maintain a public facility and to transfer the public facility back to the governmental body at an established future date.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-4

"Construction"

Sec. 4. (a) "Construction" means the process of building, renovating, reconstructing, expanding, modernizing, or assembling a public work, including any material enhancements or upgrades to an existing public facility.

(b) The term does not include normal repair, operation, general maintenance, or preservation of a public work.

As added by P.L.49-1997, SEC.34.

IC 5-23-2-5

"Cost"

Sec. 5. "Cost" means the cost of entering into any public-private agreement, including, without limitation, the following:

- (1) The cost of acquisition and construction of any public facility or any modification, improvement, or extension of that facility.
- (2) Any cost incident to the acquisition of any necessary property, easement, or right-of-way.
- (3) Engineering or architectural fees, legal fees, and fiscal agents' and financial advisers' fees.
- (4) Any cost incurred for preliminary planning to determine the economic or engineering feasibility of a proposed public-private agreement.
- (5) Costs of economic investigations and studies, surveys,

preparation of designs, plans, working drawings, specifications, the inspection and supervision of the construction of any public facility, and any other cost incurred by the governmental body.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-6

"Governmental body"

Sec. 6. "Governmental body" has the meaning set forth in IC 5-22-2-13 and includes, for purposes of this article, any state educational institution or other instrumentality of this state.
As added by P.L.49-1997, SEC.34. Amended by P.L.213-2015, SEC.69.

IC 5-23-2-7

"Operating agreement"

Sec. 7. "Operating agreement" means an agreement between an operator and the governmental body for the operation, maintenance, repair, or management of a public facility.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-8

"Operator"

Sec. 8. "Operator" means a person who has entered into either an operating agreement or a BOT agreement with a governmental body to provide services to or on behalf of the governmental body.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-9

"Original term"

Sec. 9. "Original term" means the initial term of a public-private agreement. The term includes all automatic renewals and automatic extensions of a public-private agreement.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-10

"Person"

Sec. 10. "Person" means an association, a corporation, a limited liability company, a fiduciary, an individual, a joint stock company, a joint venture, a partnership, a sole proprietorship, or any other private legal entity.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-11

"Public facility"

Sec. 11. "Public facility" means a facility located on, or to be located on, real property owned or leased by a governmental body and upon which a public service is or may be provided.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-12

"Public funds"

Sec. 12. "Public funds" has the meaning set forth in IC 5-22-2-23.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-13

"Public-private agreement"

Sec. 13. "Public-private agreement" means a BOT agreement or an operating agreement.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-14

"Public service"

Sec. 14. "Public service" means any service customarily provided by a governmental body.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-15

"Public work"

Sec. 15. "Public work" means any public building, highway, street, alley, bridge, sewer, drain, or any other public facility that is paid for out of public funds.
As added by P.L.49-1997, SEC.34.

IC 5-23-2-16

"State"

Sec. 16. "State" means the state of Indiana or a state agency (as defined in IC 6-1.1-1-18).
As added by P.L.213-2015, SEC.70.