



**ASSEMBLY AMENDMENT 12,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 557**

October 3, 1995 - Offered by Representative JENSEN.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 4, line 5: after the first semicolon insert: "authorizing  
3 build-operate-lease or transfer agreements for transportation projects;"

4 **2.** Page 4, line 8: delete "SECTION 1" and substitute:

5 "SECTION 1g. 13.48 (10) (b) 4. of the statutes is created to read:

6 13.48 (10) (b) 4. Build-operate-lease or transfer agreements by the  
7 department of transportation for transportation projects under s. 84.01 (31).

8 SECTION 1j. 13.48 (12) (b) 3. of the statutes is created to read:

9 13.48 (12) (b) 3. A facility constructed pursuant to a build-operate-lease or  
10 transfer agreement under s. 84.01 (31).

11 SECTION 1m".

12 **3.** Page 18, line 21: after that line insert:

13 "SECTION 21m. 20.395 (4) (at) of the statutes is amended to read:

1           20.395 (4) (at) *Capital building projects, service funds.* All moneys received  
2 from the fund created under s. 18.57 (1) as reimbursement for the temporary  
3 financing under sub. (9) (th) of projects for transportation administrative facilities  
4 under s. 84.01 (28) approved under s. 13.48 (10) or authorized under s. 84.01 (31) that  
5 are financed under s. 84.59, for the purpose of financing such projects.”.

6           **4.** Page 19, line 12: after that line insert:

7           “**SECTION 24g.** 20.395 (9) (th) of the statutes is amended to read:

8           20.395 (9) (th) *Temporary funding of projects financed by revenue bonds.* A sum  
9 sufficient to provide initial, temporary funding for any project to be financed under  
10 s. 84.59 which is a major highway project enumerated under s. 84.013 (3) or a project  
11 under s. 84.01 (28) approved under s. 13.48 (10) or authorized under s. 84.01 (31). The  
12 department shall keep a separate account of expenditures under this paragraph for  
13 each such project. As soon as moneys become available from the proceeds of the  
14 obligation issued under s. 84.59 to finance that project, an amount equal to the  
15 amounts expended under this paragraph shall be paid from those proceeds into the  
16 transportation fund and credited to the appropriation account under sub. (3) (br) or  
17 (4) (at).”.

18           **5.** Page 27, line 17: after that line insert:

19           “**SECTION 51m.** 84.01 (28) of the statutes is amended to read:

20           84.01 (28) **TRANSPORTATION ADMINISTRATIVE FACILITIES.** The department may  
21 acquire, construct, develop, enlarge or improve administrative or operating facilities  
22 for its use under s. 13.48 (10) or 84.01 (31).

23           **SECTION 52g.** 84.01 (31) of the statutes is created to read:

1           84.01 (31) BUILD-OPERATE-LEASE OR TRANSFER AGREEMENTS. The department  
2 may enter into build-operate-lease or transfer agreements with private entities for  
3 the construction of transportation projects, including any projects to be financed  
4 under s. 84.59 for transportation administrative facilities under s. 84.01 (28) and, for  
5 projects that are not purchased by the state upon their completion, for the  
6 maintenance and operation of such projects. A project under this subsection may be  
7 constructed on state-owned land. An agreement under this subsection may not be  
8 entered into unless the department determines that the agreement advances the  
9 public interest, and the private entity has prior experience in design, construction,  
10 site development and environmental impact analysis and, for a project that is not  
11 expected to be purchased by the state upon its completion, has the capability of  
12 maintaining and operating the facility upon completion of the project. The following  
13 provisions shall be contained in any build-operate-lease or transfer agreement  
14 under this subsection:

15           (a) A provision specifying that title is held by the private entity until title is  
16 transferred to the department pursuant to a lease with option to purchase at fair  
17 market value or purchase at fair market value of the constructed project upon its  
18 completion.

19           (b) If the agreement contains a lease that provides for payments to be made by  
20 the state from moneys that have not been appropriated at the time that the  
21 agreement is entered into, a provision containing the statement required under s.  
22 16.75 (3).

23           (c) A provision specifying that the project shall be constructed in accordance  
24 with requirements and specifications approved by the department of administration

1 or, if the project is not a transportation administrative facility, approved by the  
2 department of transportation.

3 (d) A provision permitting inspection by agents of the department of  
4 transportation until title transfers as provided under par. (a) or by agents of the  
5 department of administration during construction.

6 (e) If applicable, a provision specifying that any operation and maintenance  
7 under the agreement by the private entity shall be conducted in accordance with  
8 requirements and specifications approved by the department.

9 (f) A provision establishing a mechanism for the resolution of disputes.”.

10 **6.** Page 82, line 14: after that line insert:

11 “(3gx) BUILD-OPERATE-LEASE OR TRANSFER AGREEMENTS STUDY. The department  
12 of transportation shall conduct a study of the feasibility and desirability of  
13 build-operate-lease or transfer agreements under section 84.01 (31) of the statutes,  
14 as created by this act, including any cost savings to be realized by the department  
15 as a result of the use of build-operate-lease or transfer agreements. The  
16 department shall submit a report containing its findings, conclusions and  
17 recommendations, including any recommended statutory changes, no later than  
18 July 1, 1996, to the governor, and to the chief clerk of each house of the legislature  
19 for distribution to the appropriate standing committees in the manner provided  
20 under section 13.172 (3) of the statutes.”.

21 (END)