

**8895.0600 TYPES OF ASSISTANCE PROJECTS; ELIGIBILITY; FUNDING.**

Subpart 1. **Schedule for filing applications.** The commissioner shall establish annually a deadline for filing applications for assistance under the program. This schedule will be published in the State Register. Upon request to the commissioner, schedules will be sent by mail to interested parties.

Subp. 2. **Types of assistance; eligibility.** The commissioner shall determine under items A and B the type of assistance for which a project will be eligible.

A. To be eligible to qualify for a loan, a project must satisfy one or both of the following conditions:

(1) the project expedites, retains, or generally improves the movement of commodities or passengers on the commercial navigation system; or

(2) the project enhances the commercial vessel construction and repair industry in Minnesota.

B. To qualify for a grant or a combination of both a grant and loan, the project must satisfy at least one of the conditions in item A, does not produce an increase in revenue that could be used to finance the project, and either:

(1) promotes identifiable economic development in and around ports and harbors in the state; or

(2) produces a regional or community benefit independent of an individual facility.

C. The interest rate and other terms, including security and repayments of loans, must be negotiated by the parties and must be included in the assistance agreement.

Subp. 3. **Commitment of funds.** Program funds may be committed to an eligible applicant only after a project assistance agreement is negotiated and signed by the commissioner and the applicant.

Subp. 4. **Final funding restrictions.** The commissioner shall not make final decisions on funding a proposed project in whole or in part until:

A. all legally required permits are obtained;

B. non-state-matching funds are formally committed; and

C. the project applicant is in compliance with the program agreement.

Subp. 5. **Rescinding project funding.** The commissioner shall rescind funding if the eligible applicant withdraws its application or is unable to enter into a project assistance agreement that in the commissioner's determination satisfies parts 8895.0100 to 8895.1100 and protects the state's investment.

Subp. 6. **Assigning rescinded funds.** When a project's funding is rescinded, in whole or in part, the commissioner may fund the next highest ranked, nonfunded project on the current project priority list.

Subp. 7. **Repaying loans.** A loan recipient shall repay the funds loaned by the commissioner according to the negotiated project assistance agreement. Payments must be made on a set schedule. The maximum repayment schedule must not exceed 15 years.

**Statutory Authority:** *MS s 457A.05*

**History:** *17 SR 570*

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