

CHAPTER 446A

PUBLIC FACILITIES AUTHORITY

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446A.02 DEFINITIONS.

[For text of subs 1 to 2, see M.S.2002]

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of employment and economic development.

[For text of subs 4 to 6, see M.S.2002]

History: 1Sp2003 c 4 s 1

446A.03 MINNESOTA PUBLIC FACILITIES AUTHORITY.

Subdivision 1. **Membership.** The Minnesota Public Facilities Authority consists of the commissioner of employment and economic development, the commissioner of finance, the commissioner of the Pollution Control Agency, the commissioner of agriculture, the commissioner of health, and the commissioner of transportation.

Subd. 2. **Chair; other officers.** The commissioner of employment and economic development shall serve as the chair and chief executive officer of the authority. The authority may elect other officers as necessary from its members.

Subd. 3a. **Delegation.** In addition to any powers to delegate that members of the authority have as commissioners, they may delegate to the commissioner of employment and economic development their responsibilities as members of the authority for reviewing and approving financing of eligible projects that have been certified to the authority.

[For text of subs 4 to 7, see M.S.2002]

History: 1Sp2003 c 4 s 1

446A.081 DRINKING WATER REVOLVING FUND.

[For text of subs 1 to 8, see M.S.2002]

Subd. 9. **Other uses of fund.** The drinking water revolving loan fund may be used as provided in the act, including the following uses:

(1) to buy or refinance the debt obligations, at or below market rates, of public water systems for drinking water systems, where such debt was incurred after the date of enactment of the act, for the purposes of construction of the necessary improvements to comply with the national primary drinking water regulations under the federal Safe Drinking Water Act;

(2) to purchase or guarantee insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loans or loan guarantees for similar revolving funds established by a governmental unit or state agency;

(5) to earn interest on fund accounts;

(6) to pay the reasonable costs incurred by the authority, the Department of Employment and Economic Development, and the department for conducting activities as authorized and required under the act up to the limits authorized under the act; and

(7) to develop and administer programs for water system supervision, source water protection, and related programs required under the act.

[For text of subd 10, see M.S.2002]

Subd. 11. **Rules of the authority.** The commissioner of employment and economic development shall adopt rules containing the procedures for the administration of the authority's duties as provided by this section that include: setting of interest rates, which shall take into account the financial need of the applicant; the amount of project financing to be provided; the collateral required for public drinking water systems and for privately owned public water systems; dedicated sources of revenue or income streams to ensure repayment of loans; and the requirements to ensure proper operation, maintenance, and repair of the water systems financed by the authority.

Subd. 12. **Rules of the department.** The department shall adopt rules relating to the procedures for administration of the department's duties under the act and this section. The department and the commissioner of the Department of Employment and Economic Development may adopt a single set of rules for the program.

History: *1Sp2003 c. 4 s 1*

446A.085 TRANSPORTATION REVOLVING LOAN FUND.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Act" means the National Highway System Designation Act of 1995, Public Law 104-59, as amended.

(c) "Borrower" means the state, counties, cities, and other governmental entities eligible under the act and state law to apply for and receive loans from the transportation revolving loan fund.

(d) "Loan" means financial assistance provided for all or part of the cost of a project including money disbursed in anticipation of reimbursement or repayment, loan guarantees, lines of credit, credit enhancements, equipment financing leases, bond insurance, or other forms of financial assistance.

(e) "Transportation Committee" means a committee of the Minnesota Public Facilities Authority, acting on behalf of the Minnesota Public Facilities Authority, consisting of the commissioner of the Department of Employment and Economic Development, the commissioner of finance, and the commissioner of transportation.

[For text of subd 2, see M.S.2002]

Subd. 3. **Establishment of fund.** A transportation revolving loan fund is established to make loans for the purposes described in subdivision 2. A highway account is established in the fund for highway projects eligible under United States Code, title 23. A transit account is established in the fund for transit capital projects eligible under United States Code, title 49. A state funds general loan account is established in the fund for transportation projects eligible under state law. Other accounts may be established in the fund as necessary for its management and administration. The transportation revolving loan fund receives federal money under the act and money from any source. Money received under this section must be paid to the commissioner of finance and credited to the transportation revolving loan fund. Money in the fund is annually appropriated to the authority and does not lapse. The fund must be credited with investment income, and with repayments of principal and interest, except for servicing fees assessed under sections 446A.04, subdivision 5, and 446A.11, subdivision 8.

[For text of subs 4 to 11, see M.S.2002]

Subd. 12. **Rules of Transportation Committee and authority.** The commissioner of the Department of Employment and Economic Development shall adopt administrative rules specifying the procedures that will be used for the administration of the duties of the Transportation Committee and authority. The rules must include criteria, stan-

dards, and procedures that will be used for making loans, determining interest rates to be charged on loans, the amount of project financing to be provided, the collateral that will be required, the requirements for dedicated sources of revenue or income streams to ensure repayment of loans, and the length of repayment terms.

[For text of subd 13, see M.S.2002]

Subd. 14. **Joint rules.** The commissioner of the Department of Employment and Economic Development and the commissioner of transportation may adopt a single set of rules.

History: 2003 c 112 art 2 s 50; 1Sp2003 c 4 s 1

446A.16 MONEY OF THE AUTHORITY.

Subdivision 1. **Functions of commissioner of finance.** Except as otherwise provided in this section, money of the authority must be paid to the commissioner of finance as agent of the authority and the commissioner shall not commingle the money with other money. The money in the accounts of the authority must be paid out only on warrants drawn by the commissioner of finance on requisition of the chair of the authority or of another officer or employee as the authority authorizes. Deposits of the authority's money must, if required by the commissioner or the authority, be secured by obligations of the United States or of the state of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give security for the deposits.

Subd. 2. **Contracts and security.** Notwithstanding the provisions of this section, the authority may, with the approval of the commissioner of finance, contract with the holders of any of its bonds as to the custody, collection, securing, investment, and payment of money of the authority or money held in trust or otherwise for the payment of bonds, and to carry out the contract. Money held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of the money may be secured in the same manner as money of the authority, and all banks and trust companies are authorized to give security for the deposits. All money paid to the commissioner as agent of the authority is appropriated to the authority.

[For text of subd 3, see M.S.2002]

History: 2003 c 112 art 2 s 50