

# Chapter 2

2019 Regular Session

Subject Capital investment – changes to Laws 2018, chapter 214

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## Overview

Effective March 6, 2019.

Article 1 repeals the 2018 provisions authorizing appropriation bonds payable from the environment and natural resources trust fund. The act appropriates state general obligation bond proceeds for the same projects in the same amounts (with one exception) and authorizes the sale of general obligation bonds for those appropriations.

The special appropriation trust fund bonds were scheduled to be sold last fall. However before the bonds were sold, a lawsuit was brought asserting that the special appropriation trust fund bonds violate the state constitution. The bonds cannot be sold while there is litigation pending related to them and in general, bonds are not sold while the legislature is in session.

*Comparison of appropriation bonds to general obligation bonds.* The legislature may repeal or cancel payment of debt service on appropriation bonds at any time. Because appropriation bonds are less secure for the investor, all other things being equal, they are likely to cost the state more in interest than general obligation bonds, which are backed by the state's full faith and credit. In addition, money appropriated from appropriation bond proceeds is available only after the bonds are sold. In contrast, a project appropriated money from general obligation bond proceeds is not as dependent on the actual sale of bonds but may receive an advance from the state general fund as soon as the law is enacted; the general fund is then repaid from the bond proceeds once the bonds are sold.

Article 2 corrects or modifies some 2018 descriptions of projects funded with general obligation bond proceeds and corrects the bond sale authorization.

## Article 1: Appropriations

Section	Description
1	<p><b>Capital improvement appropriations.</b></p> <p>States the generally applicable provisions for the act. These are standard provisions in omnibus bonding acts and include that the money appropriated in this article:</p>

Section	Description
	<ul style="list-style-type: none"><li>▪ is from state general obligation bond proceeds unless otherwise stated;</li><li>▪ must be spent on purposes allowed by the state constitution;</li><li>▪ may be used for state agency staff costs that are directly attributable to the capital program or project, subject to Minnesota Management and Budget policy;</li><li>▪ is available until the project is completed or abandoned subject to the statute governing cancellation of capital funding;</li><li>▪ for asset preservation should not be used for work that can be done in a reasonable time using existing energy improvement financing programs; and</li><li>▪ for a grant to a political subdivision is available after the commissioner of management and budget determines that an amount sufficient to complete the project as described in this act has been committed to the project.</li></ul>
2	<p><b>Natural Resources.</b></p> <p>Appropriates money for natural resources asset preservation, to dredge Lake Orono in Elk River, for the Lake Redwood reclamation project, and for storm water control structures to improve water quality of Seidl's Lake in South St. Paul.</p>
3	<p><b>Pollution Control Agency.</b></p> <p>For the Waste Disposal Engineering (WDE) site cleanup in Anoka County. Appropriates \$10.3 million (\$4.3 million more than the 2018 amount).</p>
4	<p><b>Board of Water and Soil Resources.</b></p> <p>For Reinvest in Minnesota (RIM) reserve program.</p>
5	<p><b>Metropolitan Council.</b></p> <p>For the regional parks and open space system capital improvements.</p>
6	<p><b>Public Facilities Authority.</b></p> <p>For state match for the clean water revolving fund for wastewater treatment; water infrastructure funding program for wastewater infrastructure; and point source implementation grants.</p>
7	<p><b>Bond sale expenses.</b></p> <p>Appropriates bond proceeds to the commissioner of management and budget to pay bond sale expenses.</p>
8	<p><b>Bond sale authorization.</b></p> <p>Authorizes \$102.4 million in general obligation bonds for the projects in this article.</p>

Section	Description
9	<b>Repealer.</b> Repeals the 2018 statute and appropriations from and authorizations for special appropriation trust fund bonds.
10	<b>Expenditures (environment and natural resources trust fund statute).</b> Strikes the language added in 2018 to allow the trust fund to pay principal and interest on special appropriation trust fund bonds.
11	<b>Effective date.</b> Effective March 6, 2019.

## Article 2: Corrections, Changes to 2018 Act

Section	Description
1	<b>Program authority; funding (Corridors of Commerce).</b> Allows the Minnesota Department of Transportation (MnDOT) to use up to 17 percent of Corridors of Commerce program funding on program delivery. Program delivery includes property acquisition.
2	<b>Local road improvement fund grants.</b> Modifies the project description for the Argenta Trail project in Inver Grove Heights so the lane expansion continues further. Does not change the amount appropriated.
3	<b>Brooklyn Park – Trunk Highway 169.</b> Adds the name of the grantee.
4	<b>Corridors of Commerce.</b> Gives MnDOT flexibility to switch the order in which projects are undertaken using the 2017 and 2018 funding, which allows for projects to be undertaken based on readiness.
5	<b>White Bear Lake trail and route.</b> Strikes duplicate words.
6	<b>St. Paul – Southeast Asian Language Job Training Facilities.</b> Corrects the names of streets.

<b>Section</b>	<b>Description</b>
7	<b>Arden Hills – water main.</b> Corrects the road names.
8	<b>Trunk highway fund.</b> Corrects the bond sale expenses for the trunk highway bonding to clarify the time in which the appropriation may be spent in order to match the schedule for issuing trunk highway bonds.
9	<b>Bond proceeds fund.</b> Corrects the bond sale authorization amount.
10	<b>Appropriation (Anoka County road).</b> Adds the name of the grantee for the local road improvement fund grant, allows the project to be a grade separation (not specifically an underpass), and corrects the name of the railroad.
11	<b>Ely trailhead development.</b> Strikes the bond sale authorization. It is not needed since the authorized amount in article 1 is sufficient to cover this project.
12	<b>Reforestation.</b> Strikes the bond sale authorization. It is not needed since the authorized amount in article 1 is sufficient to cover this project.
13	<b>Application (Duluth Zoo).</b> Corrects the cross reference so it does NOT refer to the Duluth Zoo.
14	<b>Reductions.</b> Corrects the reference to the program so it refers to the local road improvement program. The programs for local roads and bridges are separate programs.
15	<b>Repealer.</b> Repeals the subdivisions that are bond sale authorizations. They are not needed since the authorized amount in article 1 is sufficient to cover the projects.
16	<b>Effective date.</b> Effective March 6, 2019.



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