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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3967

04/25/2016 Authored by McNamara

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to solid waste; requiring Pollution Control Agency to certify certain
1.3 information regarding bonding proposals for solid waste facilities; requiring
1.4 additional analysis in applications for state assistance for solid waste management
1.5 projects; amending Minnesota Statutes 2014, sections 16A.86, subdivision 3a;
1.6 115A.51.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 16A.86, subdivision 3a, is amended to read:

1.9 Subd. 3a. **Information provided.** All requests for state assistance under this section
1.10 must include the following information:

1.11 (1) the name of the political subdivision that will own the capital project for which
1.12 state assistance is being requested;

1.13 (2) the public purpose of the project;

1.14 (3) the extent to which the political subdivision has or expects to provide local,
1.15 private, user financing, or other nonstate funding for the project;

1.16 (4) a list of the bondable activities that the project encompasses; examples of
1.17 bondable activities are public improvements of a capital nature for land acquisition,
1.18 predesign, design, construction, and furnishing and equipping for occupancy;

1.19 (5) whether the project will require new or additional state operating subsidies;

1.20 (6) whether the governing body of the political subdivision requesting the project
1.21 has passed a resolution in support of the project and has established priorities for all
1.22 projects within its jurisdiction for which bonding appropriations are requested when
1.23 submitting multiple requests;

1.24 (7) if the project requires a predesign under section 16B.335, whether the predesign
1.25 has been completed at the time the capital project request is submitted, and whether

2.1 the political subdivision has submitted the project predesign to the commissioner of
 2.2 administration for review and approval; and

2.3 (8) if applicable, the information required under section 174.93, subdivision 1a; and

2.4 (9) for an applicant that is a public entity, as defined in section 115A.471, paragraph
 2.5 (b), that is requesting assistance for a solid waste management facility, certification by the
 2.6 commissioner of the Pollution Control Agency that the applicant has filed a report with
 2.7 the agency analyzing the issues addressing private ownership of solid waste management
 2.8 facilities identified in section 115A.51, paragraph (a), clauses (4) and (5), and that
 2.9 the commissioner has determined that public ownership of the proposed solid waste
 2.10 management facility is the best alternative. Within five days of filing the report with the
 2.11 agency, the applicant must submit a copy of the report to each privately owned solid waste
 2.12 management facility mentioned in the report.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.14 Sec. 2. Minnesota Statutes 2014, section 115A.51, is amended to read:

2.15 **115A.51 APPLICATION REQUIREMENTS.**

2.16 (a) Applications for assistance under the program ~~shall~~ must demonstrate:

2.17 ~~(a)~~ (1) that the project is conceptually and technically feasible;

2.18 ~~(b)~~ (2) that affected political subdivisions are committed to implement the project,
 2.19 to provide necessary local financing, and to accept and exercise the government powers
 2.20 necessary to the project;

2.21 ~~(c)~~ (3) that operating revenues from the project, considering the availability and
 2.22 security of sources of solid waste and of markets for recovered resources, together with
 2.23 any proposed federal, state, or local financial assistance, will be sufficient to pay all costs
 2.24 over the projected life of the project;

2.25 ~~(d)~~ (4) that the applicant has evaluated the feasible and prudent alternatives to
 2.26 disposal, including the use of existing privately owned solid waste management facilities
 2.27 with available capacity sufficient to accomplish, in whole or in part, the goals of the
 2.28 proposed project, and has compared and evaluated the costs of the alternatives, including
 2.29 capital and operating costs, and the effects of the alternatives on the cost to generators; and

2.30 (5) that the applicant has identified waste management objectives in applicable
 2.31 county and regional waste solid management plans that can be achieved only through
 2.32 public ownership of the proposed solid waste management facility and has adequately
 2.33 balanced achievement of the objectives against the requirement of the plans to encourage
 2.34 and protect private ownership of solid waste management facilities.

3.1 **(b)** The commissioner may require completion of a comprehensive solid waste
3.2 management plan conforming to the requirements of section 115A.46, before accepting
3.3 an application. Within five days of filing an application with the agency, the applicant
3.4 must submit a copy of the application to each privately owned solid waste management
3.5 facility mentioned in the portion of the application addressing the requirements of
3.6 paragraph (a), clause (5).

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.