

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 24-62—SB 264

*Government Administration and Elections Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING THE BONDING AUTHORITY OF THE CONNECTICUT MUNICIPAL REDEVELOPMENT AUTHORITY, THE REPORTING OF MATERIAL FINANCIAL OBLIGATIONS BY STATE AGENCIES, TAX-EXEMPT PROCEEDS FUND REFERENCES AND THE NOTIFICATION OF THE SALE OR LEASE OF PROJECTS FINANCED WITH BOND PROCEEDS

SUMMARY: This act limits the Municipal Redevelopment Authority's (MRDA) bonding authority, generally aligning it with other quasi-public agencies. Among other things, the act does the following:

1. removes a requirement for the state to assume liability of and make payment for MRDA debt if the authority cannot pay for its bonds, notes, or other obligations (§§ 1 & 3);
2. authorizes the authority to establish one or more special capital reserve funds (SCRF) to secure the principal and interest payments on its bonds (§ 3); and
3. caps at \$50 million the total amount of MRDA bonds that may be secured by its SCRFs (§ 3).

The act also makes the following unrelated changes:

1. eliminates redundant indemnification provisions that apply specifically to MRDA's directors, officers, and employees and people executing its bonds, notes, and other obligations (§§ 2 & 3) (a separate law already indemnifies them along with those at other quasi-public agencies (see CGS § 1-125));
2. requires state employees, officers, agencies, departments, boards, commissions (including the UConn Health Care Finance Corporation), and their agents to notify the state treasurer before incurring certain financial obligations that must be reported under federal securities law (§ 4);
3. explicitly requires that certain property sales, leases, and other dispositions involving state bond financed projects receive the state treasurer's prior approval (§ 5);
4. eliminates the requirement that the state treasurer, or his designee, serve as a member of any study committee formed on regional school district withdrawals or dissolutions (§ 13); and
5. eliminates obsolete statutory references to the Tax-Exempt Proceeds Fund, which no longer exists (§§ 6-12 & 14-18).

EFFECTIVE DATE: Upon passage, except that the provisions on the Tax-Exempt Proceeds Fund and the treasurer's approval for certain property sales, leases, and dispositions are effective July 1, 2024.

§ 3 — MRDA SCRF-BACKED BONDS

SCRF Authorization

The act allows MRDA to establish one or more SCRFs in connection with its bonds. It allows MRDA to pay into the SCRFs (1) any state appropriations for the SCRF; (2) proceeds from the sale of MRDA bonds, if the MRDA resolution authorizing the bonds allows it; and (3) any other funds the authority receives for a SCRF. The maximum amount of SCRF-backed bonds that MRDA may issue is \$50 million.

Allowable Use of SCRFs

The act requires the SCRF to be used only for (1) paying principal and interest on SCRF-backed bonds, (2) buying SCRF-backed MRDA bonds before maturity, and (3) paying any premiums required to pay off the bonds before maturity. It allows MRDA to limit SCRF withdrawals so that a fund's balance does not fall below the (1) maximum principal and interest amount due at maturity or a required sinking fund installment due on MRDA bonds outstanding in the current or any future calendar year or (2) SCRF amount required to preserve the bonds' federal tax exemption (i.e., "required minimum capital reserve"). However, this withdrawal prohibition cannot apply to paying the principal and interest and redemption premium on SCRF-backed bonds if other authority funding is not available.

The act allows MRDA to decide not to issue new SCRF-backed bonds if the required minimum capital reserve on its outstanding bonds and the bonds to be issued will exceed the funds in the SCRF, unless it deposits enough funds into the SCRF to keep its balance at or above the reserve amount.

Maintaining the Required Minimum Capital Reserve

For any SCRF with a balance below the required minimum capital reserve, the act requires MRDA to deposit enough funds to meet the reserve amount for the SCRF from any available resources not otherwise pledged or dedicated by November 31 each year. By December 1 annually, but after MRDA has made these deposits, the act automatically appropriates from the General Fund any funds needed to meet the reserve amount in the SCRF, as certified by MRDA's chairperson or vice-chairperson to the Office of Policy and Management (OPM) secretary; state treasurer; and Planning and Development and Finance, Revenue and Bonding committees. In evaluating the SCRF balance, the act requires investments to be valued at amortized cost.

Subject to its agreements with bondholders, MRDA must repay the state from whatever funds are not needed for its other corporate purposes within one year after meeting all its obligations from its bonds and notes, including interest, and all costs and expenses incurred in connection with any action or proceeding by or on behalf of the bondholders.

Limitation on Issuing SCRF-Backed Bonds

Under the act, MRDA cannot issue bonds secured by a SCRF unless the following conditions are met:

1. it informs the OPM secretary and state treasurer (with supporting documentation), or their deputies, that project revenues are sufficient to (a) pay the bonds' principal and interest; (b) establish, increase, and maintain any reserves it deems advisable to secure principal and interest payments; (c) pay the project's maintenance and insurance costs; and (d) pay other required project costs and
2. the OPM secretary and treasurer, or their deputies, approve the issuance.

Under the act, OPM's approval may waive or change any of the SCRF-backed bond requirements described above if the secretary deems it necessary or appropriate for the issuance, subject to any applicable state or MRDA tax covenants.

Other Debt Service Reserve Funds

The act specifies that these provisions do not preclude MRDA from establishing other debt service reserve funds that are not SCRFs.

§ 4 — PRIOR NOTICE TO TREASURER OF REPORTABLE FINANCIAL OBLIGATIONS

The act requires state employees, officers, agencies, departments, boards, commissions (including the UConn Health Care Finance Corporation), and their agents to notify the state treasurer before (1) incurring certain financial obligations of the state or (2) entering into an agreement to covenants, events of default, remedies, priority rights, or other similar terms related to these state financial obligations. Along with the notice, they must also submit any documents under which the financial obligation or agreement is to be incurred or entered into.

These requirements apply to any "financial obligation" exceeding \$1 million or encumbering state property or rights that are material to state operations. Under the act, "financial obligation" has the same meaning as under federal securities law, which is generally a (1) debt obligation; (2) derivative instrument entered into in connection with, or pledged as security or payment for, an existing or planned debt obligation; or (3) guarantee for either of these obligations.

After receiving this notice and documentation, the act requires the treasurer to determine whether the information provided is adequate for him to timely meet federal securities law disclosure requirements. The treasurer may request more information that he finds necessary to make this determination. If he is satisfied that the information is adequate to meet these disclosure requirements, the treasurer, or his designee, must give written acknowledgement to the person or entity seeking to incur the financial obligation or enter into the agreement. The act prohibits them from incurring the financial obligation or entering into the agreement until they have received this written acknowledgement.

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The act allows the treasurer to establish and revise exemptions from these filing requirements as he determines are consistent with the state's disclosure obligations under federal securities law.

§ 5 — TREASURER APPROVAL FOR CERTAIN TRANSACTIONS INVOLVING STATE BOND FINANCED PROJECTS

The act explicitly requires that certain property sales, leases, and other dispositions receive the state treasurer's prior approval. This requirement applies to sales, leases, and other dispositions to, or uses by, a nongovernmental entity of all or a portion of a project financed by tax-exempt state bonds if the transactions would cause the bonds to be treated as private activity bonds. (Private activity bonds are federally tax-exempt bonds issued by the state, municipalities, and quasi-public agencies to finance private projects that serve a public purpose. Federal law limits the volume of tax-exempt private activity bonds that can be issued each year.) As under existing law, the treasurer may transfer all or a portion of the transaction's proceeds for specified purposes to maintain the bonds' tax-exempt status.