Last Action: **House Floor** May 22, 2013

# Bond Repayment and Supplemental Appropriations Bill House File 648

**Executive Summary Only** 

An Act relating to state and local finances by making transfers and appropriations and including effective date and applicability provisions.

> Fiscal Services Division Legislative Services Agency

## NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <u>http://www.legis.iowa.gov/LSAReports/noba.aspx</u> LSA Contact: Marcia Tannian (515-281-7942)

#### **FUNDING SUMMARY**

#### State Bond Repayment Fund:

Transfers \$116.1 million to a new State Bond Repayment Fund from the excess monies after the Economic Emergency Fund reaches its maximum balance for FY 2014 and the first \$60.0 million transfers to the Taxpayers Trust Fund.

Appropriates \$116.1 million from the State Bond Repayment Fund to the Treasurer of State for FY 2014 for purposes of defeasance of outstanding revenue bonds, including the School Infrastructure bonds, I-JOBS 2010 Taxable Series bonds, 2002 Prison Infrastructure bonds, and Honey Creek Premier Destination Park bonds.

#### Appropriations Highlights:

- Appropriates \$216.9 million in supplemental FY 2013 appropriations from the General Fund for various purposes. Of the total, \$110.2 million is appropriated for retirement systems and \$106.7 million for miscellaneous agency appropriations.
- Appropriates \$250,000 from the Rebuild Iowa Infrastructure Fund (RIIF) for FY 2014.

Adjustments Highlights:

- Deappropriates \$250,000 from a previously enacted FY 2014 RIIF appropriation for the State Fair Cultural Center renovation. Funding is maintained as an FY 2013 supplemental appropriation from the General Fund.
- Reduces the FY 2014 RIIF appropriation for major maintenance that was appropriated in HF 638 (FY 2014 Infrastructure Appropriations Bill) by \$200,000. Funding is maintained in an FY 2013 supplemental appropriation from the General Fund.
- Eliminates the \$5.0 million standing appropriation from the General Fund that was slated to begin in FY 2014 for the Public Safety Peace Officers' Retirement System.

#### **DIVISION I – BOND DEFEASANCE**

In order to pay off the bonds (i.e. take them off the books) before the redeemable date, the State must set up a defeasance escrow account to pay the scheduled debt service, principal and interest, plus any outstanding principal as of the call date. In the case of the bonds without call provisions, the full amount of principal and interest due until maturity is needed. Funds are deposited in an irrevocable escrow account that an escrow agent verifies has enough money set aside to pay the debt service. The Treasurer of State, working with the Honey Creek Authority and the Iowa Finance Authority, will defease the bonds in FY 2014, setting up escrow accounts to pay the debt service as necessary. Two of the bond issuances slated for defeasance are callable, the I-JOBS 2010 Taxable and the Honey Creek bonds, while the 2002 prison infrastructure bonds and the school infrastructure bonds are not.

#### BACKGROUND:

- Honey Creek Bonds: The bonds were issued by the Honey Creek Authority in 2007. Final maturity date is FY 2036. The bonds are callable on June 1, 2016. The bonds were secured with park revenues, but due to insufficient park revenues, the Department of Natural Resources (DNR) has been paying debt service with funds from the Resource Enhancement and Protection (REAP) Fund and operating monies. For FY 2013, the debt service is approximately \$2.0 million, but debt service ranges up to \$2.3 million in later years. As of June 30, 2012, total principal and interest remaining is \$54.6 million through FY 2036. It is anticipated that \$33.7 million from the State Bond Repayment Fund will be used to defease these bonds. According to a December 17, 2012, analysis by Public Financial Management, Inc., defeasance will result in a present value (PV) savings of approximately \$4.2 million.
- I-JOBS 2010 Taxable Bonds: A small portion of the 2010 I-JOBS bonds issuance was taxable. The taxable bonds were issued in 2010 and have a final maturity date of FY 2026. (The tax-exempt portion of the 2010 issuance has a final maturity date of FY 2038.) The debt service on these bonds is included in the wagering tax allocation of \$55.0 million that pays debt service on all of the I-JOBS bonds, in accordance with Iowa Code section 8.57. Debt service for the taxable portion is an estimated \$2.3 million annually. As of June 30, 2012, total principal and interest remaining is \$31.8 million through FY 2026. The Treasurer of State's Office advises that the taxable bonds are redeemable on any date, but the bonds have a "make whole" provision. So once the call date is chosen, the bonds will be redeemed, at a price equal to 100.0% of the principal plus accrued interest to the date of redemption, plus the make-whole call premium. A "make-whole premium" is a lump sum payment derived from a formula based on the net present value (NPV) of future coupon payments that will not be paid because of the redemption. Effectively, for these bonds, the make whole provision means that the State will pay the same amount as paying the debt service on the bonds through maturity.
- School Infrastructure Bonds: The school infrastructure bonds were refunded in April 2012 and are not callable, so they must be paid through maturity. Final maturity date is FY 2021. As of June 30, 2012, total principal and interest remaining is \$24.5 million. Debt service is paid by a \$5.0 million wagering tax allocation, in accordance with Iowa Code section 8.57. Debt service is approximately \$2.7 million annually. Unneeded debt service funds are transferred back to the Rebuild Iowa Infrastructure Fund (RIIF), so approximately \$2.3 million currently transfers back at the end of the fiscal year.
- 2002 Prison Infrastructure Bonds: The 2002 prison infrastructure bond issuance was a refunding that paid off the 1994, 1995, and 1996 revenue bonds that were issued for prisons and Community-Based Corrections (CBC) facilities. The 1994, 1995, and 1996 bonds were issued for the Clarinda, Newton, and Fort Dodge prisons, and for the CBCs in Cedar Rapids and Marshalltown. The 2002 prison bonds are not callable and must be paid through maturity in FY 2016. As of June 30, 2012, total principal and interest remaining is \$26.1 million. The debt service on the 2002 prison infrastructure bonds is paid by judicial revenue deposited in the Prison Infrastructure Fund, before the judicial revenue deposits in the General Fund. The remaining debt service amounts for the bonds include \$8.4 million in FY 2013 and FY 2014, \$6.2 million in FY 2015, and \$3.1 million in FY 2016. When the 2010 prison bonds were issued for the Fort Madison prison project, the debt service was structured so that total payments for both 2002 and 2010 prison bonds were approximately \$14.9 million from judicial revenue annually. As the 2002 prison bonds are paid down, the debt service amount for the 2010 prison bonds increases. After the 2002 prison bonds reach maturity in FY 2016, the 2010 prison bonds will maintain the \$14.9 million in debt service through their maturity date in FY 2027.

NOTE: The anticipated amounts needed for defeasance are estimates based on the amount of principal and interest to pay debt service through either the call date or the maturity date, as needed. The estimates were made using the debt service amounts remaining as of June 30, 2012, and do not reflect additional payments on debt service made during FY 2013, nor the release of the debt service reserve funds. Actual costs cannot be determined until the defeasance takes place, as the amount needed for escrow will vary depending on market rates. In addition, the final transactions for defeasance will include various fees and other costs. Once the bonds are defeased, the Legislative Services Agency (LSA) will provide an update to the General Assembly on final costs for the transactions.

Section 1.2 provides that if the Treasurer of State determines the \$116.1 million is not sufficient to defease the bonds, the Treasurer of State may submit a written request to the Department of Management certifying the amount of the insufficiency. Once confirmed, additional monies needed are authorized to be transferred from excess monies after the Economic Emergency Fund reaches its maximum.

FISCAL IMPACT:

- Honey Creek Bonds: As mentioned above, the DNR has been paying the debt service with REAP and operating monies, until the Honey Creek Resort Park revenues are sufficient to pay the debt service. Defeasance of the Honey Creek Bonds will eliminate the cost of an estimated \$2.2 million for FY 2015\* to the REAP and the DNR operating budget.
- I-JOBS 2010 Taxable Bonds: Under the wagering tax allocation, anything unneeded from the \$55.0 million for debt service on all the I-JOBS bonds issuances, transfers back to the RIIF before the end of the fiscal year. With the defeasance of the 2010 taxable portion of the I-JOBS bonds, an additional \$2.3 million will transfer to the RIIF annually beginning in FY 2015,\* rather than after the FY 2026 maturity date.
- School Infrastructure Bonds: Unneeded debt service funds from the \$5.0 million allocation for the school infrastructure bonds are transferred back to the RIIF. As mentioned above, that amount is currently \$2.3 million. With the defeasance of the school infrastructure bonds, the additional \$2.7 million will transfer back to the RIIF beginning in FY 2015.\*
- 2002 Prison Infrastructure Bonds: With the defeasance of the 2002 prison bonds, the judicial revenue needed for debt service on prisons bonds will be reduced and the amount deposited in the General Fund will be increased by \$8.4 million in FY 2014, \$6.2 million in FY 2015, and \$3.1 million in FY 2016. Beginning in FY 2017, the amount of judicial revenue needed for the 2010 prison bonds will return to the current level of \$14.9 million.

\*Section 1.3 transfers to the General Fund the amount equal to what would have been needed for debt service on the school infrastructure, I-JOBS 2010 taxable, and Honey Creek bonds for FY 2014, if the bonds had not been defeased. The estimated amount that will be transferred to the General Fund is \$6.8 million. With this transfer and the additional judicial revenue transferred to the General Fund because of the prison infrastructure bonds being defeased, an estimated \$15.2 million will be transferred to the General Fund for FY 2014. Then, beginning in FY 2015, the savings to the REAP and additional transfers to the RIIF, as described above, will occur.

CODE CHANGE: Establishes a new State Bond Repayment Fund in Iowa Code section 8.57F. Monies in the Fund must only be used for defeasance or redemption of outstanding obligations of State-issued revenue bonds that have a debt service paid by a dedicated revenue source.

#### **DIVISION II – RETIREMENT SYSTEMS SUPPLEMENTAL APPROPRIATIONS**

#### **Judicial Retirement Fund:**

Appropriates \$18.9 million from the General Fund for FY 2013 to the Judicial Retirement Fund. The last time the Judicial Retirement Fund received an appropriation was \$3.5 million from the General Fund in FY 2009. With the supplemental funding, it is anticipated the funded ratio will be 80.0%. The calendar year 2012 funded ratio was 68.9%.

#### Public Safety Peace Officers' Retirement System (PORS):

Appropriates \$91.3 million from the General Fund for FY 2013 for the PORS. With the supplemental funding, it is anticipated the funded ratio will be 80.0%. The calendar year 2012 funded ratio was 61.0%. During the 2010 Legislative Session, HF 2518 (Public Pension Retirement Act) established a standing appropriation of \$5.0 million annually for the PORS beginning in FY 2013 and continuing until the funded ratio reaches 85.0%.

During the 2012 Legislative Session, HF 2465 (FY 2013 Standings Appropriations Act) delayed the start of the standing appropriation until FY 2014. Under current law, the PORS is slated to begin receiving \$5.0 million from the General Fund in FY 2014, in accordance with Iowa Code section 97A.11A. Section 7 eliminates the standing appropriation in Iowa Code section 97A.11A.

#### DIVISION III - MISCELLANEOUS APPROPRIATIONS (shown as they are ordered in the Bill)

Sections 9 and 10 make FY 2013 General Fund supplemental appropriations as follows:

- Department of Administrative Services
  - o Major Maintenance/Fire Life Safety: \$2.7 million.
  - Capitol Lightning Protection System: \$330,000.
- Department of Agriculture and Land Stewardship
  - Agricultural Drainage Wells: \$1.6 million.
- Department of Commerce Division of Banking
  - Financial Literacy Education: \$100,000.
- Department of Corrections
  - o Mitchellville Prison Construction: \$11.2 million.
- Iowa Economic Development Authority
  - o Cedar Valley TechWorks Advanced Manufacturing: \$3.5 million.
  - o Institute of Manufacturing Innovation Regional Hub: \$500,000.
  - Camp Sunnyside Facility Renovations: \$250,000.
  - o AAU Junior Summer Olympics: \$250,000.
  - Employee Stock Ownership Plans Technical Assistance: \$500,000.
- Department of Education
  - Reading Research Center: \$669,000.

- o Statewide Core Curriculum: \$1.0 million.
- Community Colleges Fire Safety/Deferred Maintenance: \$1.0 million.
- Department of Human Rights
  - Individual Development Accounts: \$100,000.
- Department of Human Services
  - o Four Oaks Psychiatric Medical Institute for Children Facility Renovation: \$1.0 million.
  - The Homestead Autism Clinics Facility Improvements: \$800,000.
  - Food Bank Assistance: \$1.0 million.
- Judicial Branch
  - Electronic Document Management System: \$3.0 million.
- Department of Public Safety
  - Equipment: \$1.0 million.
  - Public Safety Training and Facilities Task Force: \$50,000.
  - o Regional Emergency Response Training Centers: \$150,000.
- Board of Regents
  - o Fire Safety/Deferred Maintenance: \$2.0 million.
  - University of Iowa (UI) State Hygienic Laboratory Multipurpose Training Facility: \$1.0 million.
  - o University of Northern Iowa (UNI) Resident Student Funding Issues: \$10.0 million.
  - o Iowa State University (ISU) Bioeconomy Initiative: \$7.5 million.
  - o ISU Veterinary Surgery Off-Site Facility Improvements: \$1.0 million.
  - o ISU Research Park Core Facility: \$12.0 million.
  - UI Pharmacy Building Renovation Planning and Design: \$3.0 million.
  - ISU Biosciences Building Construction Planning and Design: \$2.5 million.
  - UNI Schindler Education Center Renovation Planning and Design: \$1.5 million.
- Department of Transportation
  - Air Traffic Control Tower Operations Dubuque: \$150,000.
- Department of Veterans Affairs
  - o Relocation/Renovation of Office Space: \$137,940.
  - o Iowa Veterans Cemetery American Legion Community Center: \$600,000.
- Iowa Workforce Development
  - Energy Worker Training and Education: \$300,000.
- State Fair Authority
  - Plaza Construction: \$1.0 million.
  - o Cultural Center Renovation: \$250,000.

#### • Risk Pool – Mental Health

• Risk Pool Funding Mental Health Stabilization - \$13.0 million.

#### Other Appropriations and Adjustments:

- Section 12 appropriates \$250,000 from the RIIF for FY 2014 to the Department of Veterans Affairs for an equipment building expansion at the Iowa Veterans Cemetery.
- Section 14 deappropriates the previously enacted FY 2014 RIIF appropriation of \$250,000 for the Cultural Center renovation at the State Fair. Funding is maintained as an FY 2013 supplemental appropriation from the General Fund in Section 9.
- Section 15 reduces the FY 2014 RIIF appropriation to the Department of Administrative Services (DAS) major maintenance appropriated in HF 638 (FY 2014 Infrastructure Appropriations Bill) by \$200,000. Funding is maintained in an FY 2013 supplemental appropriation from the General Fund in Section 9.

REPORTING: Requires agencies receiving appropriations in Division III to report to the Department of Management and the LSA regarding the status of the projects, completed or in progress. In addition, any recipient of funds must report to the agency that provided the pass-through, in order for the agency to incorporate the information in the agency status report. These reports are the same as those due for infrastructure appropriations that are made from the RIIF and the Technology Reinvestment Fund, in accordance with Iowa Code section 8.57(5)(h) and (i) and 8.57C(4), respectively.

In addition, the following specific reports are required per Division III:

- Division of Banking Financial Literacy Education Beginning October 1, 2013 and continuing until October 1, 2016, the Division must report annually regarding use of the funds to the General Assembly.
- Employee Stock Option Plan Assistance The IEDA must report regarding the use of funds for technical assistance and an evaluation of the success of the assistance to the General Assembly and the Governor by January 1, 2016.
- Human Rights Individual Development Accounts Beginning October 1, 2013 and continuing until October 1, 2016, the Department must report annually use of the funds to the General Assembly.

REVERSIONS: All of the appropriations in Division III have a five-year reversion and will remain available for expenditure through FY 2017, except for the following:

- Reversion through FY 2016:
  - Agricultural Draining Wells
  - Commerce Banking Division Financial Literacy
  - o Human Rights Individual Development Accounts
- Reversion through FY 2015:
  - o TechWorks Advanced Manufacturing
  - o Manufacturing Innovation Regional Hub

- Employee Stock Option Plans Technical Assistance
- Food Bank Assistance
- o Regional Fire Training Centers
- o UNI Resident Student Funding
- o ISU Bioeconomy Initiative
- o Energy Worker Education and Training
- Reversion through FY 2014:
  - o AAU Junior Summer Olympics
  - o Research Reading Center
  - o Statewide Core Curriculum
  - o Department of Public Safety Equipment
  - Risk Pool Transfer Mental Health

#### DIVISION IV - SOIL AND WATER CONSERVATION AND WATER QUALITY INITIATIVE

Appropriates \$20.0 million from the General Fund for FY 2013 to the soil and water conservation and water quality initiatives. Specific appropriations are:

- \$7.0 million to the Department of Agriculture and Land Stewardship (IDALS) for the Soil and Water Conservation Cost Share Program.
- \$10.0 million to IDALS for special water quality initiative projects.
- \$3.0 million to the Watershed Improvement Fund administered by the Watershed Improvement Review Board.

REPORTING: Requires the IDALS to submit a preliminary and final report, due January 15, 2014 and January 15, 2015, respectively, regarding efforts to administer water quality initiative projects

REVERSION: Funds appropriated in Division IV will remain available for expenditure through FY 2018.

#### **EFFECTIVE DATE**

All of the divisions in the Bill are effective on enactment.

### Summary Data General Fund

	Supp-House Appr FY 2013 (1)		Supp-House Action FY 2013 (2)	
Agriculture and Natural Resources	\$	1,620,000	\$	21,620,000
Economic Development		8,500,000		12,300,000
Education		10,000,000		11,669,000
Health and Human Services		0		14,000,000
Justice System		1,000,000		1,200,000
Transportation, Infrastructure, and Capitals		15,500,000		45,667,940
Unassigned Standings		110,200,000		110,400,000
Grand Total	\$	146,820,000	\$	216,856,940

## **Agriculture and Natural Resources**

	Supp-House Appr FY 2013		Supp-House Action FY 2013	
		(1)		(2)
Agriculture and Land Stewardship				
Agriculture and Land Stewardship				
Water Quality Initiative-Projects	\$	0	\$	10,000,000
Soil Conservation Cost Share-GF		0		7,000,000
Agricultural Drainage Wells		1,620,000		1,620,000
Total Agriculture and Land Stewardship	\$	1,620,000	\$	18,620,000
Treasurer of State				
Treasurer of State				
Watershed Improvement Fund - GF	\$	0	\$	3,000,000
Total Treasurer of State	\$	0	\$	3,000,000
Total Agriculture and Natural Resources	\$	1,620,000	\$	21,620,000

## **Economic Development**

	Supp-House Appr FY 2013 (1)		Supp-House Action FY 2013 (2)		
				<u> </u>	
Economic Development Authority					
Economic Development Authority Employee Stock Ownership Plan Assist Manufacturing Innovation Regional Hub CV TechWorks Advanced Manufacturing	\$	0 0 0	\$	500,000 500,000 3,500,000	
Total Economic Development Authority	\$	0	\$	4,500,000	
Regents, Board of					
Regents, Board of					
CV TechWorks Adv Manufacturing ISU Bioeconomy Initiative	\$	1,000,000 7,500,000	\$	0 7,500,000	
Total Regents, Board of	\$	8,500,000	\$	7,500,000	
lowa Workforce Development					
Iowa Workforce Development					
State Energy Sector Grants	\$	0	\$	300,000	
Total Iowa Workforce Development	\$	0	\$	300,000	
Total Economic Development	\$	8,500,000	\$	12,300,000	

## Education

	Supp-House Appr FY 2013		Supp-House Action FY 2013	
		(1)		(2)
Education, Dept. of				
Education, Dept. of Core Curriculum Iowa Reading Research Center	\$	0	\$	1,000,000 669,000
Total Education, Dept. of	\$	0	\$	1,669,000
Regents, Board of				
Regents, Board of UNI In-State Funding Supplemental	\$	10,000,000	\$	10,000,000
Total Regents, Board of	\$	10,000,000	\$	10,000,000
Total Education	\$	10,000,000	\$	11,669,000

### **Health and Human Services**

	Supp-House Appr FY 2013 (1)		Supp-House Action FY 2013 (2)	
Human Services, Dept. of				
Assistance Food Bank Assistance Mental Health Redesign Equalization	\$	0 0	\$	1,000,000 13,000,000
Total Human Services, Dept. of	\$	0	\$	14,000,000
Total Health and Human Services	\$	0	\$	14,000,000

## Justice System

	Supp-House Appr FY 2013 (1)		Supp-House Action FY 2013 (2)	
Public Safety, Department of				
Public Safety, Dept. of DPS General Equipment Public Safety Training Task Force Regional Fire Training Centers	\$	1,000,000 0 0	\$	1,000,000 50,000 150,000
Total Public Safety, Department of	\$	1,000,000	\$	1,200,000
Total Justice System	\$	1,000,000	\$	1,200,000

## Transportation, Infrastructure, and Capitals

	Supp-House Appr FY 2013		Supp-House Action FY 2013		
		(1)		(2)	
Administrative Services - Capitals					
Administrative Services - Capitals Major Maintenance/Fire Life Safety Capitol Lightning Protection System	\$	2,500,000 0	\$	2,700,000 330,000	
Total Administrative Services - Capitals	\$	2,500,000	\$	3,030,000	
Corrections Capital					
Corrections Capital Mitchellville Prison Construction	\$	0	\$	11,200,000	
Total Corrections Capital	\$	0	\$	11,200,000	
Economic Development Authority					
Economic Development Authority AAU Summer Junior Olympics Camp Sunnyside Facility Renovations	\$	0 0	\$	250,000 250,000	
Total Economic Development Authority	\$	0	\$	500,000	
Education Capital					
Education Capital Comm Colleges Fire Safety Def Maintenance	\$	0	\$	1,000,000	
Total Education Capital	\$	0	\$	1,000,000	
Human Services Capital					
Human Services - Capital Four Oaks PMIC Facilities Homestead Autism Clinic Facilities	\$	0	\$	1,000,000 800,000	
Total Human Services Capital	\$	0	\$	1,800,000	
Judicial Branch					
Judicial Branch Electronic Document Management System	\$	0	\$	3,000,000	
Total Judicial Branch	\$	0	\$	3,000,000	

## Transportation, Infrastructure, and Capitals

	Supp-House Appr FY 2013 (1)		Supp-House Action FY 2013 (2)	
Regents Capital				
Regents Capital ISU Research Park Core Facility UI Hygienic Lab Multipurpose Facility Fire Safety/Deferred Maintenance UI Pharmacy Building Renovation ISU Biosciences Building UNI Schindler Education Ctr Renovation ISU Vet Surgical Off-Site Modernization	\$	12,000,000 1,000,000 0 0 0 0 0	\$	12,000,000 1,000,000 2,000,000 3,000,000 2,500,000 1,500,000 1,000,000
Total Regents Capital	\$	13,000,000	\$	23,000,000
State Fair Authority Capital State Fair Authority Capital State Fair Plaza Cultural Center Renovation	\$	0 0	\$	1,000,000 250,000
Total State Fair Authority Capital	\$	0	\$	1,250,000
Transportation, Dept. of				
Transportation, Dept. of Airport Traffic Control Grant Total Transportation, Dept. of	\$ \$	0	\$ \$	150,000 150,000
Veterans Affairs Capitals				
Veterans Affairs Capital IDVA - Building Relocation/Renovation Iowa Veterans Cem - Legion Community Ctr	\$	0 0	\$	137,940 600,000
Total Veterans Affairs Capitals	\$	0	\$	737,940
Total Transportation, Infrastructure, and Capitals	\$	15,500,000	\$	45,667,940

## **Unassigned Standings**

	Supp-House Appr FY 2013 (1)		Supp-House Action FY 2013 (2)	
Commerce, Dept. of				
Banking Division Financial Literacy	\$	0	\$	100,000
Total Commerce, Dept. of	\$	0	\$	100,000
<u>Human Rights, Dept. of</u>				
Human Rights, Department of Indiviual Development Accounts	\$	0	\$	100,000
Total Human Rights, Dept. of	\$	0	\$	100,000
Judicial Branch				
Judicial Branch Judicial Retirement Fund	\$	18,900,000	\$	18,900,000
Total Judicial Branch	\$	18,900,000	\$	18,900,000
Public Safety, Department of				
Public Safety, Dept. of POR Unfunded Supplemental	\$	91,300,000	\$	91,300,000
Total Public Safety, Department of	\$	91,300,000	\$	91,300,000
Total Unassigned Standings	\$	110,200,000	\$	110,400,000