

# SENATE BILL REPORT

## SJR 8225

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As Passed Senate, February 16, 2010

**Brief Description:** Resolving to define "interest" in the state Constitution.

**Sponsors:** Senators Fraser, Brandland and Prentice; by request of State Treasurer.

**Brief History:**

**Committee Activity:** Ways & Means: 1/27/10, 1/28/10 [DP, w/oRec].

Passed Senate: 2/16/10, 48-0.

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hobbs, Honeyford, Keiser, Kline, Kohl-Welles, McDermott, Oemig, Pridemore, Regala, Rockefeller and Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Parlette and Pflug.

**Staff:** Brian Sims (786-7431)

**Background:** The state constitution limits the state's general obligation debt. The State Treasurer must not issue bonds subject to the debt limit if the annual payment for principle and interest, along with such payments for existing debt-limit bonds, would exceed 9 percent of the average annual general revenue for the preceding three fiscal years.

The federal government subsidizes eligible state and local government borrowing by exempting the interest payments to bond holders from federal income tax. These are called tax-exempt bonds. To ease credit markets for state and local government, congress enacted a new form of federal subsidy called Build America Bonds (BABs) as part of the American Recovery and Reinvestment Act of 2009. This subsidy is a direct payment to state and local governments equal to 35 percent of the interest payments on taxable bonds issued for projects that would be eligible for tax-exempt purposes. The 35 percent direct subsidy would result in a net interest rate that would equal the tax-exempt interest rate an investor would accept if that investor had a marginal tax rate of 35 percent. However, the pool of investors for taxable bonds is considerably larger than the pool of investors for tax-exempt bonds. The

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larger number of investors increases competition and results in a net interest rate for BABS that is 0.50 percent to 0.75 percent lower than the tax-exempt rate.

BABs provisions are scheduled to expire at the end of 2010. However, proposals to extend the program or make it permanent are under consideration by congress.

The constitutional debt limit definition of interest payments does not account for federal subsidies.

**Summary of Bill:** The definition of interest payments for calculating the state debt limit is changed to subtract direct federal subsidies.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Subject to approval by the voters.

**Staff Summary of Public Testimony:** PRO: The bill will provide another tool to achieve the lowest cost for issuing debt.

**Persons Testifying:** PRO: Jim McIntire, State Treasurer.