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# Alaska State Legislature

## Senate

Committee on State Affairs

Chairman Vic Fischer

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business  
February 20, 1980

### SENATE STATE AFFAIRS COMMITTEE REPORT

ON

SB 13 "An Act making special appropriations for capital improvements for which general obligation bonds were approved by the voters at the 1980 general election; and providing for an effective date."

SB 21 "An Act making a special appropriation to the Alaska Permanent Fund; and providing for an effective date." (\$1,500,000,000)

SB 68 "An Act making a special appropriation to the Alaska Permanent Fund; and providing for an effective date." (\$1,800,000,000)

#### BILL SUMMARY

SB 13 This bill would use a general fund appropriation to pay for these capital improvements rather than issue General Obligation (G.O.) Bonds. The opportunity cost assumes the State would either invest its own money, if bonds would have been sold, or if spent on other projects, etc., that project has an implicit rate of return equal to what the State could have gotten by investment.

Assumptions: (1) A 12% earnings rate on invested funds or project.  
(2) An 8% interest rate on cost of debt.  
(3) If debt were issued it would be as follows (in millions)  
FY'82-\$100, FY'83-\$150, FY'84-\$39, 712;  
Total issued \$289,712.50.  
(4) Projects start/debt occurred at beginning of each period.  
(5) Not discounted for present value.

SB 21 This bill would make an appropriation from the general fund to the Alaska Permanent Fund in the amount \$1,500,000,000.

SB 68 This bill would make an appropriation from the general fund to the Alaska Permanent Fund in the amount \$1,800,000,000.

#### BACKGROUND

SB 13 The classical argument of economics can be made in the case of SB 13. When a government, any government needs to make capital outlays for needed projects and cash is not readily available, then that government issues bonds to pay for the capital. This is the normal way of building roads, schools, etc. What happens when there is a surplus of cash on hand? Do you still issue bonds or do you use the cash you have? A sound case for the concept behind SB 13 can be made. The State of Alaska, because of Prudhoe Bay, has a ready supply of cash. The choice then becomes whether or not the state

## State Affairs

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through the Dept. of Revenue should issue general obligation bonds or use available cash. What is not obvious about paying cash for the November 1980 authorized but unissued G.O. bonds, is that there are over \$100 million Pre-1978 authorized but unissued bonds that need to be included in this general fund appropriation. (See statistics at end of summary.)

Another concept of classical economics is one of defeasance. Through a special defeasing [escrow] account, the state could create a monetary approach that would pay off the entire state debt. This account managed by a special bond counselor would invest in the taxable bond market [12% interest] while paying off the incurred debt in the tax-exempt bond market [8% interest]. The potential is there at the moment to erase Alaska's [ \$720 million] with a cash account of [ \$570 million]. One may ask why make the investments directly out of the general fund and not set up a special account. It has become clear that the Alaska Legislature has the ability to spend all the money before it no matter the amount. This special [escrow] account would set this money aside for a specific purpose: to pay the state debt.

With continuing pressure from our Washington delegation assuring us that the mood in the "lower 48" is becoming increasingly jealous of our resource wealth, this would be one way of "putting our house in order." We would be showing our responsiveness to the nation's financial community by giving a clear signal that we were doing "first things first." We pay off our debts before we borrow money for other purposes.

If we were to create this "defeasing escrow account," it would preclude us from going to the bond market for a period (minimum) of 18 months due to IRS regulations. That is why this concept goes hand in hand with substituting cash for all authorized but unissued general obligation bonds. The next time we would be eligible to go to the bond market would be (roughly) after the 1982 general election.

The Hammond Administration approves of the defeasing concept if, there are several if's, but the principal one being that it does not affect the \$1,500,000,000 contribution to the Alaska Permanent Fund (SB 68). If the money is just going to be spent to continue growth in state government then he would certainly favor defeasing.

Defeasance \$720 million of outstanding G.O. bonds	\$570 million
Cash out all authorized but unissued bonds	463 million
Delete FY'82 debt service	(128 million)
	<u>\$905 million</u>

SB 21 & 68 These bills have almost identical wording, the only difference being the actual dollar amount. Sen. Rodey's bill would transfer \$1,500,000,000 to the Alaska Permanent Fund; the Governor's bill would transfer \$1,800,000,000.

Governor Hammond believes that it is appropriate that Alaska set aside this amount this year of its oil wealth so that its earning can provide an increased income stream for the benefit of all Alaskans. The Legislature determined that dividends should be worth a minimal \$50 each. This contribution will provide sufficient earnings to meet that commitment without having to borrow from the general fund. Should the state not take such provisions, our legal case may

State Affairs

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be weakened.

The Permanent Fund Board of Trustees have not taken a stand on this and other issues concerning the "Fund's" plan for the future. Instead, they are planning a series of seminars to examine all alternatives and to establish long range as well as short-term planning for the Alaska Permanent Fund.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

### MEMORANDUM

DATE: January 22, 1981

TO: Honorable Al Adams  
House of Representatives  
Alaska State Legislature

FROM: Milt Barker, Fiscal Analyst  
Legislative Finance Division

#### Defease State G.O. Bonded Debt

The Department of Revenue estimates the total cost to defease all state G.O. bonds in FY 82 at \$905 million. This is made up of three items:

Defease \$720 million of outstanding G.O. bonds	\$570 million
Cash out all authorized but unissued bonds	463 million
Delete FY 82 debt service	<u>(128 million)</u>
	\$905 million

The \$570 million would be paid over to bond trustees to purchase securities whose term and value at maturity matched the \$720 million in bond maturities to be paid by the state. The AG does not believe authorizing legislation for this is necessary. However, there is no mention of such action in AS 37.15, the state bonding act, so it might be a good idea to have authorizing legislation.

The \$463 million in cash would be to fund the capital projects that would have been funded with bond proceeds. The state's bond counsel says there would be trouble with the IRS if we defeased outstanding bonds and then subsequently issued new bonds within a few years time.

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

### MEMORANDUM

DATE: June 23, 1980

TO: Honorable Russ Meekins, Chairman  
House Finance Committee

FROM: Milt Barker, Fiscal Analyst  
Legislative Finance Division

SUBJ: Refunding G.O. Debt

In the attached letter of April 7, 1980 from Bache Halsey, it is claimed that refunding the outstanding general obligation indebtedness of the state will result in savings in debt service on a present value basis. This does not appear to be the case.

If the refunding debt is issued at 8.5% as in the Bache projection, then the average rate of earnings on general or permanent fund investments should be around 11.5%.<sup>1</sup>

If the debt service schedules for outstanding debt<sup>2</sup> and refunding debt are discounted at 11.5%, which more properly represents the alternative earnings rate on funds that would be used for debt service, i.e. their opportunity cost, the existing schedule of debt service has the lowest present value, i.e. least cost to the state.

- 
1. See attached Table 1 and yield chart which indicate that the average interest differential over the past five years between municipal and corporate Aa bonds has been 3.05%.
  2. Bache's total for existing debt service of \$831 million appears to be total debt service for fiscal years 1981 through 2000 exclusive of the debt service on the 1979 Bond Series B. See attached schedule from the "official statement" for the 1979 sale.

Only if the discount rate is reduced to 10%, representing arbitrage earnings of only 1.5% between state G.O. debt and other market instruments, does the present value cost of the refunding debt service roughly equal the present value cost of existing debt service.

	<u>Present value of Debt Service (\$ millions)</u>	
	<u>@ 10%</u>	<u>@ 11.5%</u>
Existing	444.3	412.2
Refunding		
5 year maturity	443.9	427.4
8 year maturity	449.7	426.2

The point here is that as long as the state can earn arbitrage because of the lower tax-exempt rates on its bonds, the state profits by having more debt outstanding over a longer period of time. Shortening the state's debt structure is not of financial benefit.

If an improvement in the state's bond rating is desired by committing funds to pay off the bonds, the Nuveen approach described in the attached Memo of February 6, 1980 is a better alternative in that there is no shortening of the state's debt structure and thus no reduction in the arbitrage earnings that will accrue to the state.

attachments

MB:bf

Bache

Bache Halsey Stuart Shields Incorporated  
Bache Plaza, 100 Gold Street  
New York, N.Y. 10038 (212-791-3688)

Samuel L. Plaza  
First Vice President

April 7, 1980

Mr. Peter A. Bushre  
Deputy Commissioner of Revenue  
State of Alaska  
Department of Revenue  
State Office Building  
Juneau, Alaska

Re: Alaska Debt Reorganization

Dear Mr. Bushre:

Preparatory to making a detailed presentation to the State Bonding Commission relative to the above subject, we thought we should give you a summary of the two variations on the refunding program and some selected data on each.

For calculation purposes, we have chosen an 8 1/2% rate and one bond issue dated June 1, 1980, with principal retirements beginning June 1, 1981, and a final maturity of June 1, 1988. The other issue will be dated the same but have its final maturity on June 1, 1985.

Total debt service on the outstanding bonds is \$863,523,203 and accrued debt service at June 1, 1980, will be \$32,338,362 (will have been paid) leaving a net of \$831,184,841 to be provided for by the escrowed proceeds of the refunding bonds plus the earnings of the escrowed funds.

The two refunding issues will comprise the following debt service schedules:

Mr. Peter A. Bushre  
 Page 2  
 April 7, 1980

Issue "A" - 8 1/2%

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Debt Service</u>
6.1981	\$ 43,910,000	\$ 40,424,300	\$ 84,334,300
6.1982	47,645,000	36,691,950	84,336,950
6.1983	51,690,000	32,642,125	84,332,125
6.1984	56,085,000	28,248,475	84,333,475
6.1985	60,855,000	23,481,250	84,336,250
6.1986	66,025,000	18,308,575	84,333,575
6.1987	71,640,000	12,696,450	84,336,450
6.1988	<u>77,730,000</u>	<u>6,607,050</u>	<u>84,337,050</u>
Totals	\$475,580,000	\$199,100,175	\$674,680,175

Gross Savings

Net Outstanding Debt Service	\$831,184,841
Refunding Bonds Debt Service	<u>674,680,175</u>
Gross Savings	\$156,504,666

Present Value Savings

Net Outstanding Debt Service Present Value @ 8.5%	\$488,608,900
Refunding Debt Service Present Value @ 8.5%	<u>-475,580,000</u>
Present Value of Difference	\$ 13,028,900

Mr. Peter A. Bushre  
Page 3  
April 7, 1980

Issue "B" - 8 1/2%

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Debt Service</u>
6.1981	\$ 77,895,000	\$ 39,233,875	\$117,128,875
6.1982	84,520,000	32,612,800	117,132,800
6.1983	91,705,000	25,428,600	117,133,600
6.1984	99,500,000	17,633,675	117,133,675
6.1985	<u>107,955,000</u>	<u>9,176,175</u>	<u>117, 31,175</u>
Totals	\$461,575,000	\$124,085,125	\$585,660,125

Gross Savings

Net Outstanding Debt Service	\$831,184,841
Refunding Bonds Debt Service	<u>585,660,125</u>
Gross Savings	\$245,524,716

Present Value Savings

Net Outstanding Debt Service Present Value @ 8.5%	\$488,608,900
Refunding Debt Service Present Value @ 8.5%	<u>-461,575,000</u>
Present Value of Difference	\$ 27,033,900

The "A" issue plan drains an extra \$167,394,416 over an eight-year period from the general funds of the State; this being over and above the existing debt service. In other words an additional average of \$21,000,000 per year is committed to debt service.

The "B" issue plan drains an extra \$266,017,994 over a five-year period from the State's general funds compared to outstanding debt service, or an average of in excess of \$53,000,000 annually. Obviously, this latter plan is more "dramatic" and also produces an extra \$14,000,000 in present value savings.

Mr. Peter A. Bushre

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April 7, 1980

The merits of both plans can be discussed in detail at a formal presentation. At that presentation to the State Bond Committee, in a form as suggested by Anselm Staack, the escrow investment income will be demonstrated to provide the necessary funds to fully extinguish the State's outstanding debt.

We look forward to hearing from you as to when we might return to Juneau for a formal presentation. At that time, we will be accompanied by representatives of Haynes & Miller, special counsel on the debt reorganization.

Sincerely,



SLP:lh

cc: Mr. Anselm Staack, Department of Revenue  
Rep. Hugh Malone, House of Representatives  
Mr. Jim Rhode, Rep. Malone's Aide  
Rep. Russ Meekins, House of Representatives  
Mr. Mike Doogan, Rep. Meekins' Aide

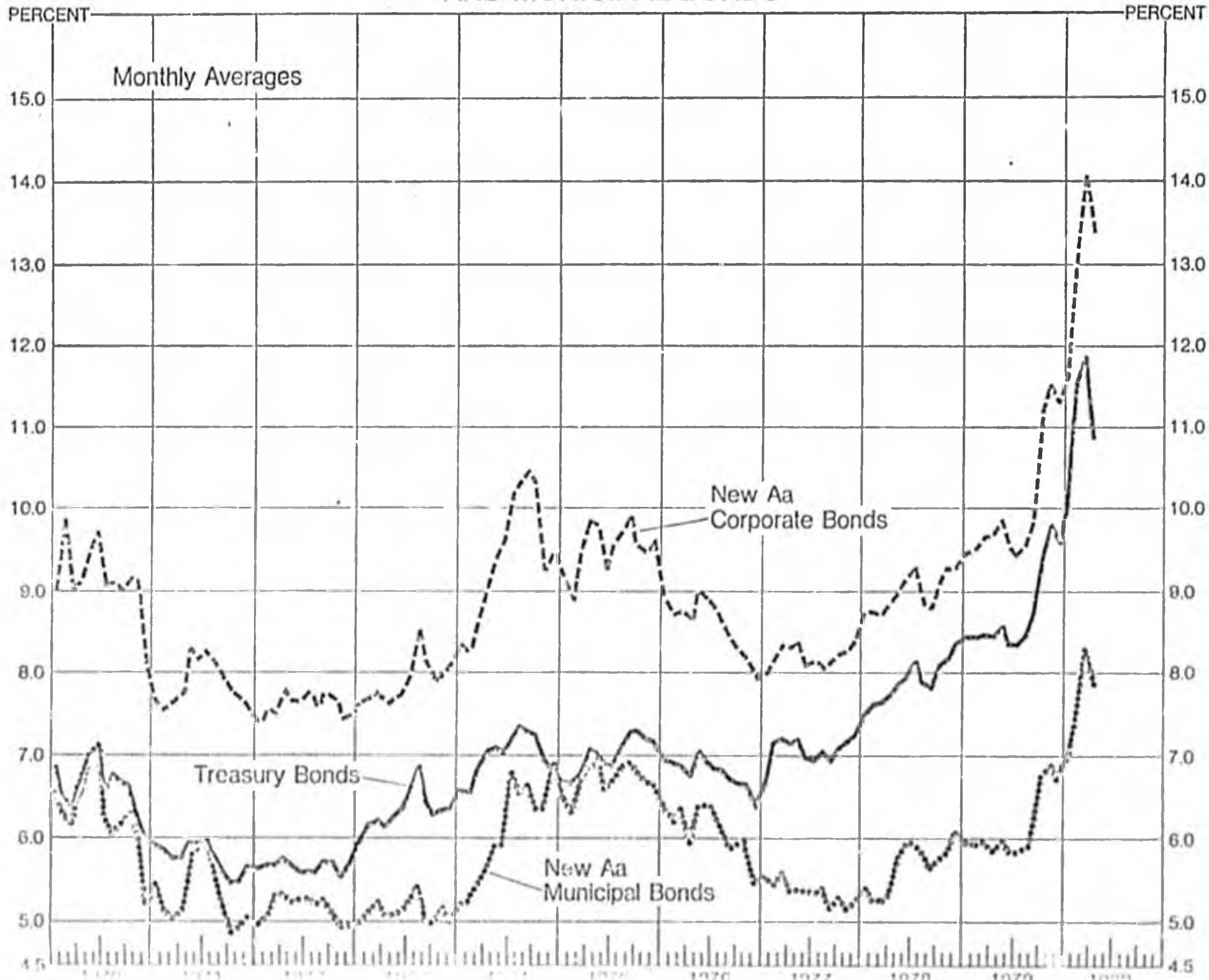
TABLE 1

INTEREST RATES ON BONDS  
OF TWENTY YEAR OR GREATER MATURITIES

<u>YEAR</u>	<u>Aa CORPORATE</u>	<u>Aa MUNICIPALS</u>	<u>DIFFERENCE</u>
1979	9.77	6.00	3.77
1978	8.98	5.65	3.33
1977	8.20	5.34	2.86
1976	8.59	6.09	2.50
1975	9.51	6.70	2.81
		Five-year Average	3.05

Source: November 1979 Treasury Bulletin

# AVERAGE YIELDS OF LONG-TERM TREASURY, CORPORATE, AND MUNICIPAL BONDS



## DEBT SERVICE REQUIREMENTS

The annual debt service requirements on all outstanding State of Alaska general obligation bonds are shown below, together with the estimated annual debt service requirements on the State of Alaska 1979 Bonds, Series B, assuming interest at 6%.

Fiscal Year Ending June 30	Debt Service on Outstanding Bonds			1979 Bonds Series B			Estimated Debt Service Total
	Principal	Interest	Total	Principal	Interest	Total	
1979 .....	\$ 25,710,000	\$ 33,177,202	\$ 58,887,202	\$ —	\$ —	\$ —	\$ 58,887,202
1980 .....	38,780,000	33,825,273	72,605,273	6,000,000	3,600,000	9,600,000	82,205,273
1981 .....	37,045,000	31,604,607	68,649,607	6,000,000	3,240,000	9,240,000	77,889,607
1982 .....	40,265,000	29,432,781	69,697,781	6,000,000	2,880,000	8,880,000	78,577,781
1983 .....	40,500,000	27,147,922	67,647,922	6,000,000	2,520,000	8,520,000	76,167,922
1984 .....	40,945,000	24,894,165	65,839,165	6,000,000	2,160,000	8,160,000	73,999,165
1985 .....	40,830,000	22,624,860	63,454,860	6,000,000	1,800,000	7,800,000	71,254,860
1986 .....	42,235,000	20,340,763	62,575,763	6,000,000	1,440,000	7,440,000	70,015,763
1987 .....	41,350,000	18,071,221	59,421,221	6,000,000	1,080,000	7,080,000	66,501,221
1988 .....	41,665,000	15,815,505	57,480,505	6,000,000	720,000	6,720,000	64,200,505
1989 .....	36,717,000	13,509,721	50,226,721	6,000,000	360,000	6,360,000	56,586,721
1990 .....	28,550,000	11,581,590	40,131,590	-0-	-0-	-0-	40,131,590
1991 .....	28,989,000	9,958,430	38,947,430	-0-	-0-	-0-	38,947,430
1992 .....	28,849,000	8,303,425	38,152,425	-0-	-0-	-0-	38,152,425
1993 .....	25,663,000	6,656,967	31,719,967	-0-	-0-	-0-	31,719,967
1994 .....	20,599,000	5,219,975	25,817,975	-0-	-0-	-0-	25,817,975
1995 .....	19,096,000	3,937,625	23,033,625	-0-	-0-	-0-	23,033,625
1996 .....	18,610,000	2,964,412	21,474,412	-0-	-0-	-0-	21,474,412
1997 .....	14,665,000	1,800,419	16,465,419	-0-	-0-	-0-	16,465,419
1998 .....	13,380,000	1,038,194	14,418,194	-0-	-0-	-0-	14,418,194
1999 .....	8,640,000	368,931	9,008,931	-0-	-0-	-0-	9,008,931
2000 .....	2,531,000	69,081	2,600,081	-0-	-0-	-0-	2,600,081
Total .....	<u>\$636,213,000</u>	<u>\$377,263,089</u>	<u>\$1,013,476,089</u>	<u>\$20,000,000</u>	<u>\$19,800,000</u>	<u>\$39,800,000</u>	<u>\$1,053,276,089</u>

# STATE OF ALASKA

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BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

### MEMORANDUM

TO: Hon. Leo Schaeffer  
House Finance Committee

DATE: February 6, 1980

FROM: Milt Larker <sup>MB</sup>  
Fiscal Analyst

SUBJ: Paying off State Bonds

Outstanding state general obligation bonds of \$670,503,000 could be paid off with an appropriation of \$546 million according to item 2 of the attached letter from John Nuveen & Co., the state's financial advisor.

The prefunding approach suggested by Nuveen would not cost the state any lost interest as would paying off the bonds immediately. In other words, the state hangs on to its cash, invests it at taxable rates, say 10%, while continuing to pay off bonds at only 6% or so, thus earning a net of 4% interest which it would not earn if the bonds were simply paid off.

Yet, the prefunding approach does assure bondholders of being paid off. This has two effects. One, existing bonds would immediately get improved ratings; the state would not benefit on this account but the bondholders would as there would be an immediate increase in the value of their bonds should they wish to sell them. Sterling Gallagher of Nuveen & Co. has suggested the state try to capture some of the increase in bond prices that would occur by making the prefunding contingent on bondholders turning in their existing bonds in exchange for new bonds with a lesser coupon or interest rate. We could split the difference of the price increase with them.

The second effect of prefunding would be to improve the ratings for any future bonds the state issues. Here, the state would get the full benefit of the effect. However, as the attached tables indicate the maximum reduction in the interest rates would normally be no more than thirty basis points or .3%. This is based on the state going from its present A1 or A+ rating to Aaa. On \$100 million of bonds with an average 5 year maturity, this would thus save the state at most \$1,950,000 in interest costs over the life of the bonds.

Sterling Gallagher has also suggested that prefunding only the later maturities of the bonds could have the same effect on the interest cost to the state of future bond issues. In other words, the state's revenues on Prudhoe Bay production in the near-term would provide maximum security for bonds while prefunding

Hon. Leo Schaeffer  
February 6, 1980  
Page Two

would serve the same function after Prudhoe begins to decline. Mr. Gallagher estimates only \$100 million in prefunding would be required to prefund the tail end of outstanding state GOB's.

If you wish to seriously consider an appropriation for prefunding, we should request a legal opinion from state bond counsel as to whether such prefunding would cause any IRS arbitrage problems. In other words, the guarantee fund established by prefunding could result in the IRS finding that the prefunded bonds are arbitrage bonds and taking away the federal income tax exemption allowed on interest received by the bondholders. This would have no direct cost to the state, but the bondholders would undoubtedly prefer that prefunding not be done in that case.

In the attached letter from Orrick, Herrington, the state's bond counsel, a preliminary judgment is made that "establishment of the fund (prefunding account) probably could not affect the tax status of interest on bonds issued before the fund is established".

MB:kw

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February 6, 1980

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MB:kw

January 21, 1980

Milt Barker  
Fiscal Analyst  
Alaska State Legislature  
Budget and Audit Committee  
Finance Division  
Pouch WF - State Capitol  
Juneau, Alaska 99811

Dear Milt:

This letter responds to the questions posed in your letter of January 2 regarding policies affecting management of the State's debt.

1. Should the State bond or pay cash for future capital improvements?

In today's tax-exempt market, Alaska can borrow funds at interest rates ranging from 6.20% to 7.1% depending on maturities. Currently, the State can invest surplus revenues in a variety of high quality money market instruments at yields of 10 to 13% or more. So long as Alaska continues to pursue a policy of prudent growth in its outstanding indebtedness, it can and should continue to benefit from the favorable interest rate differential that exists between the rate at which it borrows and the rate at which it can invest. The credit standing of the State is not so much affected by the means chosen to finance capital improvements as it would be by the magnitude of capital improvement programs in relation to the State's long-term sources of revenue.

2. Could retirement of all or part of Alaska's outstanding indebtedness improve its credit rating?

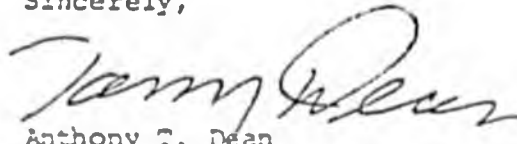
Alaska's outstanding general obligation debt of approximately \$670-million could be prefunded by the creation of a special investment account, the principal and interest of which would be used exclusively to meet interest and principal payments on the debt. A deposit of \$546-million to be invested in appropriate U.S. Government Securities at today's market yields would generate sufficient cash to meet principal and interest on the \$670-million outstanding general obligation debt. This deposit is \$124-million less than the cost of simply paying off the debt. Whether the State prefunds the debt or

Milt Barker  
January 21, 1980  
Page Three

those to be derived from a prefunding of the State's general obligation debt. In addition, the credit standing and debt capacity of local governments in Alaska would be substantially improved. During my visit to Juneau this week, we will assemble the data necessary to provide a preliminary estimate of the cost and potential financial advantage to be derived from a prefunding of the outstanding school debt.

I look forward to an opportunity to meet with you later this week.

Sincerely,



Anthony T. Dean  
Assistant Vice President

ATD:lw

DIFFERENCES BETWEEN ANNUAL AVERAGES OF YIELDS ON 20-YEAR,  
GENERAL OBLIGATION BONDS, BY RATING  
(Basis Points)

Year	Differential Between Grades		
	Aa minus Aaa	A minus Aaa	Baa minus Aaa
1945	25	58	79
1950	19	54	75
1955	14	47	96
1956	21	50	99
1957	22	65	105
1958	22	59	92
1959	14	50	81
1960	16	51	82
1961	14	34	61
1962	11	25	52
1963	8	20	43
1964	7	19	42
1965	7	19	40
1966	9	25	49
1967	10	26	55
1968	10	31	63
1969	13	37	62
1970	26	47	63
1971	28	53	67
1972	15	34	52

Source: Moody's Series; Annual average of monthly differences.

TABLE 4

INTEREST COST DIFFERENTIALS AMONG RATING CLASSES  
(Basis Points)

Differential Between Grades	Study (Period)		
	Phelps <sup>1</sup> (1947-48)	Kessel <sup>2</sup> (1956-67)	Petersen <sup>3</sup> (1964-1971)
Aaa-Aa	21	15	13
Aa-A	33	21	19
A-Baa	33	25	30
Baa-Ba	—	—	35
Item			
Aaa-Baa	67	61	62

<sup>1</sup>Charlotte DeMotte Phelps, "The Impact of Tightening Credit on Municipal Capital Expenditures in the United States," *Yale Economic Essays*, vol. 1 (Fall 1961), p. 300. In Phelps's equation, interest cost differentials between rating classes vary in proportion to the Federal Government's long-term bond rate. The figures above were calculated upon the assumption that the long-term bond rate was 3 percent.

<sup>2</sup>Reuben A. Kessel, "A Study of the Effect of Competition in the Tax-Exempt Bond Market," *Journal of Political Economy* (Sept. 1971). Instead of using the net interest cost of the issue as the dependent variable in his equation, Kessel used the difference between the twenty-year floating yield and White's Yield of 100. Standard & Poor's ratings were used instead of Moody's. Kessel's data sample included more than 600 bond issues that appeared between 1956 and 1967, with virtually complete coverage of competitively offered issues that were larger than \$1,000,000.

<sup>3</sup>John E. Petersen, "A Note on the Determinants of Municipal Bond Net Interest Costs" (unpublished), 1972. See summary of study at end of this chapter.

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October 30, 1979

Mr. J. H. Hogan  
Director  
Legislative Finance Division  
State of Alaska  
Pouch WF, State Capitol  
Juneau, Alaska 99811

Dear Mr. Hogan:

In response to the questions in your letter of October 15:

1. This question will need considerably more elaboration before I can answer it with any reasonable assurance. I am not sure whether the suggested fund is to be used to guaranty debt service on general obligation bonds of the State or debt service on general obligation bonds of local governments in the State. I do not know the source of the moneys to be put into the fund, but I assume that those moneys will not come from any proceeds of bonds. On that basis, I do not think that a proper interpretation of the Internal Revenue Code would result in any arbitrage yield restrictions on the fund, because the applicable Code provision relates to the use of the proceeds of bonds.

However, the Internal Revenue Service has stretched and distorted the term "proceeds" in the Treasury Regulations and rulings thereunder. The result appears to be that, if the State deposits moneys from any source into a fund to be used to pay the debt service on general obligation bonds of the State or on general obligation bonds of local governments, or which fund is pledged as security for any such debt service, the Internal Revenue Service would consider the fund to be "proceeds" subject to arbitrage yield restrictions. This is indicated by Rev. Rul. 78-302 and Rev. Rul. 78-348, a copy of which is enclosed.

Even on this basis, the establishment of the fund probably could not affect the tax status of interest on bonds issued before the fund is established or before it was expected

Mr. J. H. Hogan  
State of Alaska  
October 30, 1979  
Page Two

to be established. Moreover, if the amount in the fund considered allocable to bonds hereafter issued, together with any other amounts chargeable under arbitrage rules to the "minor portion" of the proceeds of those bonds which is not subject to arbitrage limitations, do not aggregate more than 15% of the face amount of those bonds, the investment of the fund should not be subject to arbitrage yield restrictions.

The foregoing is all subject to further qualifications and complexities, but I think there is no point in pursuing them here. If you can give me a complete description of the workings of the proposed fund, I will try to give you a more definitive answer as to the federal income tax results. If there is any special need or desire for such a fund, I might suggest requesting a ruling from the Internal Revenue Service as to their treatment of the specific facts, and possibly an appeal from that ruling to the Tax Court in the quite possible event that we consider the ruling to be contrary to the law.

In any event, I am somewhat mystified as to the purpose of or need for the proposed fund, particularly if it is to relate to general obligation bonds of the State.

2. The issuance of bonds by the State in the presence of a "massive general fund surplus" should not result in taxability of the interest on the bonds, and it surely would not. This conclusion appears to be supported by Rev. Rul. 78-302 (enclosed). However, your phrasing of the question in terms of "a possible arbitrage problem with the IRS" prompts me to note that the IRS has gone so far in its pursuit of "arbitrage" that I would not be entirely surprised at anything that organization might contend.

---

In connection with all of the foregoing, I urge you and others in the State government to support the bill sponsored by the Municipal Finance Officers Association and about to be introduced in Congress to cure problems like these and to prevent further excesses.

Sincerely yours,

*C. Richard Walker*

Enclosure

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

### M E M O R A N D U M

DATE: January 18, 1980

TO: Honorable Terry Gardiner, Speaker  
Alaska State House of Representatives

FROM: Milt Barker, <sup>MB</sup> Fiscal Analyst  
Legislative Finance Division

SUBJ: Bonding Policy

This Memo is in response to a number of questions you posed regarding bonding and capital projects, some of which were addressed by Jay Hogan in his November 14, 1979 Memo to you (attached). The remaining questions and my comments follow.

1. WHAT ARE THE PRO'S AND CON'S OF PAYING CASH OR BONDING FOR CAPITAL IMPROVEMENTS?

#### Pragmatism and Equity

Most state and municipal governments most of the time do not have the luxury of this choice; borrowing is often the only pragmatic and equitable way of funding capital improvements.

Most governments which would attempt to fund major capital spending for the first time by cash would be compelled to raise taxes, always a decidedly unpopular move, or perhaps reduce operating expenditures. Certainly the question presumes that if Alaska were to pay cash it would do so from the large surpluses it is enjoying, rather than a tax increase or budget reductions. So, unless a decision is made to pay over the entire surplus to all Alaskans, the option of cash for capital projects would be viable.

Conceivably, a government could pay cash by taking a rather small additional tax bite each year and accumulating it until sufficient funds were available. However, this means postponing the project until the cash is in hand, whereas borrowing permits immediate enjoyment of the project's benefits.

Taxing  
for  
Cash

Accumu-  
lating  
Cash  
Project  
Delay

This attraction of borrowing is not merely a desire for early realization of project benefits but may involve pragmatic considerations as well; certain types of projects such as schools may be needed now but not necessarily twenty years from now. Fortunately for Alaska, paying cash need not mean delay.

It is not unknown for governments to accumulate cash for projects. Where project cost is relatively small paying cash will not result in a large tax bite or undue delay as, for example, when Juneau financed its swimming pool and ski area from sales tax surcharges. Or cash can be an option if politically acceptable ways of generating relatively large cash flows can be found, as Texas has in using royalty proceeds for university construction.

Of course, Texas' method involves a non-tax source of funds. It could be argued that even without its large surplus, Alaska is obligated to pay cash for a sizable amount of projects because of a situation similar to Texas'. That is, AS 37.05.-157 creates a "reserve for capital outlay" account in the general fund while AS 37.05.158 creates a "reserve for energy facilities development" account which are to receive respective allocations of 25% and 5% of mineral bonuses, rentals and royalties. This would be respectively \$268.4 million and \$53.6 million for FY 81 at a minimum based on current oil prices, and could arguably be increased since no funding of capital projects has been designated as coming from these two accounts since their inception on October 15, 1978.

Equity considerations normally favor bonding, the more so that bond payments are scheduled over the life of the project so that those who enjoy its benefits are the ones to pay for the project. If a government were to pay cash for a capital improvement program that varied significantly in amount from year to year, those arriving just after major improvements were made would be getting a free ride, while those leaving just after would be paying for something for nothing.

As well as for transiency, there is an intergenerational equity problem, since older persons may pay for but not live to enjoy the benefits of a cash-funded capital improvement, while many younger persons not yet paying taxes will nevertheless be around to enjoy the benefits.

To the extent capital budgets were constant in real terms, there would be no equity problems. Also, the equity considerations for transients would tend to be ameliorated if other governments were funding capital improvement programs with cash.

tatutory  
mandate

equity

Arbitrage

Turning to financial considerations though, bonding is to be preferred to paying cash because of interest arbitrage. That is, instead of paying cash, the state could invest its surplus at taxable market rates of interest and use these invested funds and earnings to pay off bonds issued at lower rates of tax-exempt interest, and pocket the difference in interest rates.

Table 1 shows that the average spread in interest rates between Aa rated long-term corporate and municipal bonds averaged 2.5% to 3.77% during the last five years, with a recent differential of 4.46% for October 1979. Chart 1 traces these rates back to 1969.

As Table 2 shows, rates for ten year maturities which typify Alaskan issues are about .5% lower than the twenty year maturities.<sup>1</sup>

Also, Alaskan bonds are rated A1 by Moody's and A+ by Standard and Poor's, thus selling at about .1% higher than the Aa bonds. All told, this means a spread in rates between 3% and 5% between Alaskan bonds and the market. The attached December 31, 1979 letter from John Nuveen & Co., the state's financial advisor, corroborates this information.

A 3% minimum spread or 4% average spread would mean the state could earn respectively \$19.2 million or \$26.4 million in interest arbitrage over the life of \$100 million in bonds issued with a five year average maturity. Presumably, active portfolio management can improve arbitrage earnings beyond the average spread.

The amount of arbitrage could also be increased by issuing bonds with longer maturities. A longer payback means we hang onto our cash longer and pocket the difference in earnings longer; it means greater outstanding bonded indebtedness in total.

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<sup>1</sup>This lesser rate for shorter maturities is partially a reduction in risk premium, since a lender's funds are not exposed as long, as well as a reduction in the liquidity premium that is largely due to the greater presence of banks in the short-term municipals market. Banks have to balance short-term liabilities (checking and passbook savings) with short-term assets.

As mentioned previously, there is normally an interest penalty of .5% for twenty year maturities in comparison with ten year maturities. In Alaska's case, the penalty would be even greater because our credit is really based on the somewhat shorter period of prolific Prudhoe production. Assuming that the amount of indebtedness projected to be outstanding in the post-Prudhoe period is not so large as to make a bond unmarketable, the potential arbitrage on a \$100 million issue with an average life of ten years would be \$28.8 million or \$43.2 million respectively for spreads of only 2% minimum or 3% on average. Certainly, there has to be room for some lengthening of Alaska maturities, either in new issues or in refinancing of old ones, based on the doubling of world oil prices in the last six months and the decontrol of Prudhoe oil which began January 1980 -- if there is also restraint in spending decisions in relation to the revenues that will be available, sufficiently so to impress the bond market.

#### Effects on Spending

In fact, the postulated arbitrage gains may be completely hypothetical depending on the effects bonding has on spending and investment decisions of the state.

It may be argued that the bonding method assures greater political consensus, if not restraint, on the projects to be undertaken since referendums are required. Some feel that capital spending is greater under the bonding process than through appropriations because of the need to regionally balance bond proposals to assure voter approval. In the last three general elections, four out of thirty bond propositions have failed, counting the new capital bond issue.

A possible greater inducement to increased spending through the bonding process is the amount of cash that is freed up. Instead of being invested and earning arbitrage it may be appropriated as well, for operating budgets if not capital -- if not in the current session, then the next. On the other hand, cash for capital projects has as one of its main attractions the attribute of being a brake on the operating budget, if not the capital budget. In the case of capital, cash for projects would preserve unused debt capacity that could be "banked" for use in future sessions. Also, an enunciated policy of cash for projects may seem to be an implied endorsement of spending all the cash on capital projects.

The choice of the method of financing may not be the most critical factor affecting the level of expenditures. Financing choices cannot substitute for policy determinations as to what the expenditure level should be nor for a good capital and

operating budgeting process to inform such policy decisions. Certainly some particular expenditures will have benefits outweighing any arbitrage earnings.

#### Other Opportunity Costs of Cash for Projects

ayments  
o  
ndividuals  
To the extent cash left on the table from bonding for capital projects is used for cash payments to individuals or investment in other than the money and bond markets, the arbitrage argument may still be valid.

Certainly, if an individual receives a cash payment, he can invest it at the higher taxable market rates and thus earn the arbitrage on his own account. Of course, he may spend it instead; though presumably he is judging his present consumption to have greater utility than possible future consumption augmented even at market rates of interest.

Where this alternative really falls short in relation to state arbitrage with payment of the earnings to individuals is the federal tax bite that would be taken out of principal if it is given to individuals. Instead, the money could be loaned to individuals at the tax-exempt cost to the state and in that way retain the arbitrage argument's validity; this, of course, removes the possibility of expenditure of the principal by individuals.

development  
projects  
The arbitrage argument can certainly be enhanced if the state or individuals with state loans can make investments which yield even greater returns than the money and bond markets. If these are development projects in Alaska, there may be other benefits besides a higher rate of return. The state's fiscal position may be benefited, its bond ratings possibly improved, etc., from the expanded tax base if immigration is not pronounced or state budgets do not swell as a result. Incomes and employment will increase, hopefully for the long-run if the project is economically viable. Of course, there is always a danger that the state will be providing consumption disguised as investment.

#### Bonding During Periods of High Interest Rates

One final consideration as to whether to bond or pay cash would be the possibility of avoiding bonding during periods of high interest rates. Referring to Chart 1 again, one can see that municipal bonds' interest rates have varied from 5% to 7% during the 1970's. Thus, paying cash would save at most 2% based on recent experience, while foregoing the opportunity to earn 3% to 4% in arbitrage. Moreover, careful timing of actual bond sales by the administration may help

keep interest cost down. Lags in the political process would make it difficult to attempt to take advantage of swings in interest rates from the legislative end of things anyway.

### Revenue Bonds

The discussion heretofore of cash vs. bonding as a financing method for capital projects is for the most part applicable to general obligation and revenue bonds. However, paying cash or using general obligation bonds where a revenue bond can be used results in a shifting of the costs of benefits for a particular group from that group to the general populace and is usually judged to be unacceptable.

If the equity considerations are not overriding, general obligation bonds are certainly cheaper than revenue bonds; recent sales have had a .7% to 1.3% advantage over revenue bonds. Of course, significant increases in indebtedness on account of this would eventually have adverse effects on interest costs on all new GOB's. Regardless of equity considerations, revenue bonds would still offer arbitrage opportunities whether the cash alternative has state funds or user income as its source. Any shift away from revenue bonding might necessitate review of the policy for user charges and accrued surpluses.

## 2. WHAT ARE THE PRO'S AND CON'S OF PAYING OFF OUR PRESENT DEBT SERVICE?

Equity	Given the short maturity structure of our present debt, the equity situation would not be much changed by paying it off since either way it appears that it will be oil revenues, not individual taxpayer dollars, that will be used to pay it off.
Arbitrage	By not paying it off, the state can in theory continue to earn arbitrage. However, this depends on to what alternative use the potential bond redemption funds are put as discussed under question 1; if they are spent on budget items there is no arbitrage.
Effect on Bond Ratings	As discussed in the John Nuveen & Co. letter and also the attached April 3, 1978 White Weld letter, Alaska compares unfavorably against the traditional yardsticks used to rate bonds, i.e. debt per capita, debt as a percent of personal income, etc. Paying off our debt would dramatically improve our statistics, including the one deemed most relevant in our case, debt service as a percent of general fund revenues.

However, this action would do nothing to overcome the lack of diversification in the economy and the almost complete dependence of state revenues on a single source, Prudhoe Bay. Besides, there is no assurance that in following years bond authorizations might not be sought which would put indebtedness back at traditional levels. Thus, paying off existing indebtedness might lessen interest costs on future issues and possibly improve the state's bond ratings if the redemption is seen as part of a long-range policy of fiscal restraint and convincingly documented in long-range capital budget plans.

Potential  
Savings  
vs.  
Arbitrage

However, as indicated in Tables 3 and 4, the maximum reduction in interest costs should the state be upgraded to the highest rating (Aaa) would normally be no more than thirty basis points or .3%. This would be one-tenth the amount that could be earned, 3%, in arbitrage if the funds were invested instead of used to pay off the bonds. Thus, paying off \$680 million in outstanding debt would require the issuance of \$6.8 billion in new debt for interest savings to make up the lost arbitrage. Undoubtedly, our interest differential would be erased long before that level of indebtedness was reached. Although some improvement could also be expected in rates and ratings for other Alaska municipals which track somewhat with the state, this method of paying off indebtedness would still not be an attractive investment, but would be a method of budgetary restraint.

Alternative

An alternative that would possibly be a good investment though not absorb as much funds is to pay off the tail end of the state's debt service, i.e. the longer maturity bonds. Sterling Gallagher of Nuveen & Co. estimates that possibly \$100 million so spent would have almost the same impact as paying off all indebtedness.

### 3. WHAT ARE THE PRO'S AND CON'S OF PAYING OFF PRESENT MUNICIPAL DEBT?

Arbitrage

Considering the state as a whole, the arguments here are the same as for question 2. The potential arbitrage from retaining indebtedness is almost as great since the Municipal Bond Bank Authority carries an A rating, only slightly below the state's. Of course, looking at it solely from the municipalities point of view, payoff is desirable since the cash comes from the state, not the municipality. This would be an expenditure from the state's point of view, whereas paying off its own liabilities does not change its net worth.

Interest  
Costs

The improvement in interest costs should be about the same magnitude as that for the state, thus putting the amount of new debt required to realize savings in interests costs equivalent to the foregone arbitrage at odds with the idea of reduced levels of indebtedness to secure better interest rates. Again though, paying off the tail end maturities might be a good investment.

Equity

Any such program to payoff municipal debt would not benefit individuals in unorganized areas or municipalities with no debt. If the proposal is a blanket payoff of 100% of outstanding debt, some municipalities will benefit more than others, even on a per capita basis. "Alaska Taxable 1979" indicates that municipal debt per capita varies from \$120 to \$26,751. Payoff of equal amounts on a per capital basis would be more equitable than payoff of all or a percentage of total indebtedness.

Municipal  
Spending

There would be no assurance that municipalities would pass on the savings in debt service to taxpayers rather than increasing other budget expenditures. Direct payments or credits to taxpayers might be superior in this regard. If a municipal debt redemption program is to be considered, it might also be appropriate to consider ceilings on municipal indebtedness.

#### 4. AT WHAT LEVEL SHOULD WE BOND FOR CAPITAL IMPROVEMENTS? BY WHAT LOGIC?

Recommended  
Levels

The John Nuveen & Co. letter suggests \$175 to \$225 million per year, which would be \$350 to \$450 million in authorizations this session. The Governor reputedly will insist on no more than \$300 million in authorizations this session because of concerns that the rising level of debt service will leave little room for increases in other operating items within his long-range budget growth ceilings. The possibility of stretching out maturities based on improved revenue projections might permit the Governor to increase debt and debt service and still meet his budget growth objectives. Authorizations in the 1978 session totaled \$275 million exclusive of the \$966 million new capital bond issue.

Standards

According to the White Weld memo, debt service could be as high as 16% of general fund revenue before the state would experience significant interest penalties. In the judgment of John E. Petersen, Director of the Government Finance Research Center of the Municipal Finance Officers Association (MFOA), as quoted in his book, The Rating Game, "a ratio of ten percent is felt to be the separation between letter and lesser creditworthiness, fifteen percent warrants concern, and it should never exceed twenty to twenty-five percent."

Potential Levels Ten percent of the \$3,052.2 million estimated as FY 80 unrestricted revenue in the Department of Revenue's "Revenue Sources" would be \$300 million in debt service. \$300 million a year in debt service over a ten year period would amortize \$2,252.3 million at 6% interest. Thus, the state could theoretically increase its current total indebtedness of \$680 million several times over, this session, if future bonding were to be cut back considerably.

Market Limits In reality, the market limits are more likely determined "by intangible, psychological, perhaps even irrational factors and attitudes" according to the Nuveen letter, which further states that "no one can accurately predict what level of debt will trigger a reaction leading to a negative shift in market sentiment". (Should it be desired Legislative Finance can readily run long-range computer projections of debt service in relation to revenues based on a given pattern of bond authorizations.)

It appears there are no ready-made rules for the level of debt; by the above standard the state has tremendous unused capacity -- by other standards such as debt per capita there is no excess capacity. The state can always find the limits by testing the water. Needless to say, budgetary restraint and sound management of the state's portfolio will increase its debt capacity in relation to a given level of revenues.

#### UPDATE

##### 5. WHAT IS OUR PRESENT MUNICIPAL DEBT?

As of July 1, 1979 the general obligation bond debt of municipalities was \$768,508,903.

#### ADDENDUM

You may note that in our letter to Nuveen we wondered if a guarantee fund for general obligation bonds would improve interest costs or ratings. Nuveen felt it would raise more questions than it would be worth.

## STATE OF ALASKA

GENERAL OBLIGATION BONDS  
Debt Service by Fiscal Years  
June 30, 1979

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Debt Service To Maturity</u>	<u>Redemption Reserve</u>	<u>Net Cash Required By Fiscal Year</u>
1959	\$	\$ 65,635.00	\$ 65,635.00	\$	\$ 65,635.00
1960	30,000.00	99,212.69	129,212.69		129,212.69
1961	93,000.00	90,650.75	183,650.75		183,650.75
1962	311,000.00	737,998.50	1,048,998.50		1,048,998.50
1963	566,000.00	856,632.00	1,422,632.00		1,422,632.00
1964	587,000.00	1,299,202.50	1,886,202.50		1,886,202.50
1965	877,000.00	1,353,038.00	2,230,038.00		2,230,038.00
1966	1,202,000.00	1,307,483.50	2,509,483.50		2,509,483.50
1967	1,248,000.00	1,477,588.50	2,725,588.50		2,725,588.50
1968	1,778,000.00	2,877,017.05	4,655,017.05		4,655,017.05
1969	3,761,000.00	4,058,305.75	7,819,305.75	9,000.00	7,810,305.75
1970	3,770,000.00	5,515,721.95	9,305,721.95	85.00	9,305,636.95
1971	7,971,000.00	7,330,703.05	15,301,703.05		15,301,703.05
1972	9,705,000.00	9,793,394.20	19,498,394.20		19,498,394.20
1973	11,365,000.00	12,146,937.95	23,511,937.95		23,511,937.95
1974	12,352,000.00	14,029,974.80	26,381,974.80		26,381,974.80
1975	13,018,000.00	17,126,040.40	30,144,040.40		30,144,040.40
1976	12,500,000.00	22,615,109.85	35,115,109.85	10,924.13	35,104,185.72
1977	12,915,000.00	28,968,934.75	41,883,934.75	24,689.87	41,859,244.88
1978	18,795,000.00	31,233,034.75	50,028,034.75	92,852.08	49,935,182.67
1979	25,710,000.00	34,314,202.90	60,024,202.90	228,019.75	59,796,183.15
1980	38,780,000.00	36,292,273.50	75,072,273.50	1,276,687.99	73,795,585.51
1981	43,045,000.00	34,743,607.70	77,788,607.70		77,788,607.70
1982	46,265,000.00	32,187,781.50	78,452,781.50		78,452,781.50
1983	46,500,000.00	29,531,922.80	76,031,922.80		76,031,922.80
1984	46,945,000.00	26,922,165.35	73,867,165.35		73,867,165.35
1985	46,830,000.00	24,322,860.40	71,152,860.40		71,152,860.40
1986	48,235,000.00	21,714,763.60	69,949,763.60		69,949,763.60
1987	47,350,000.00	19,118,221.25	66,468,221.25	3,050.00	66,465,171.25
1988	47,665,000.00	16,532,505.00	64,197,505.00	66,950.00	64,130,555.00

GENERAL OBLIGATION BONDS  
Debt Service by Fiscal Years  
June 30, 1979

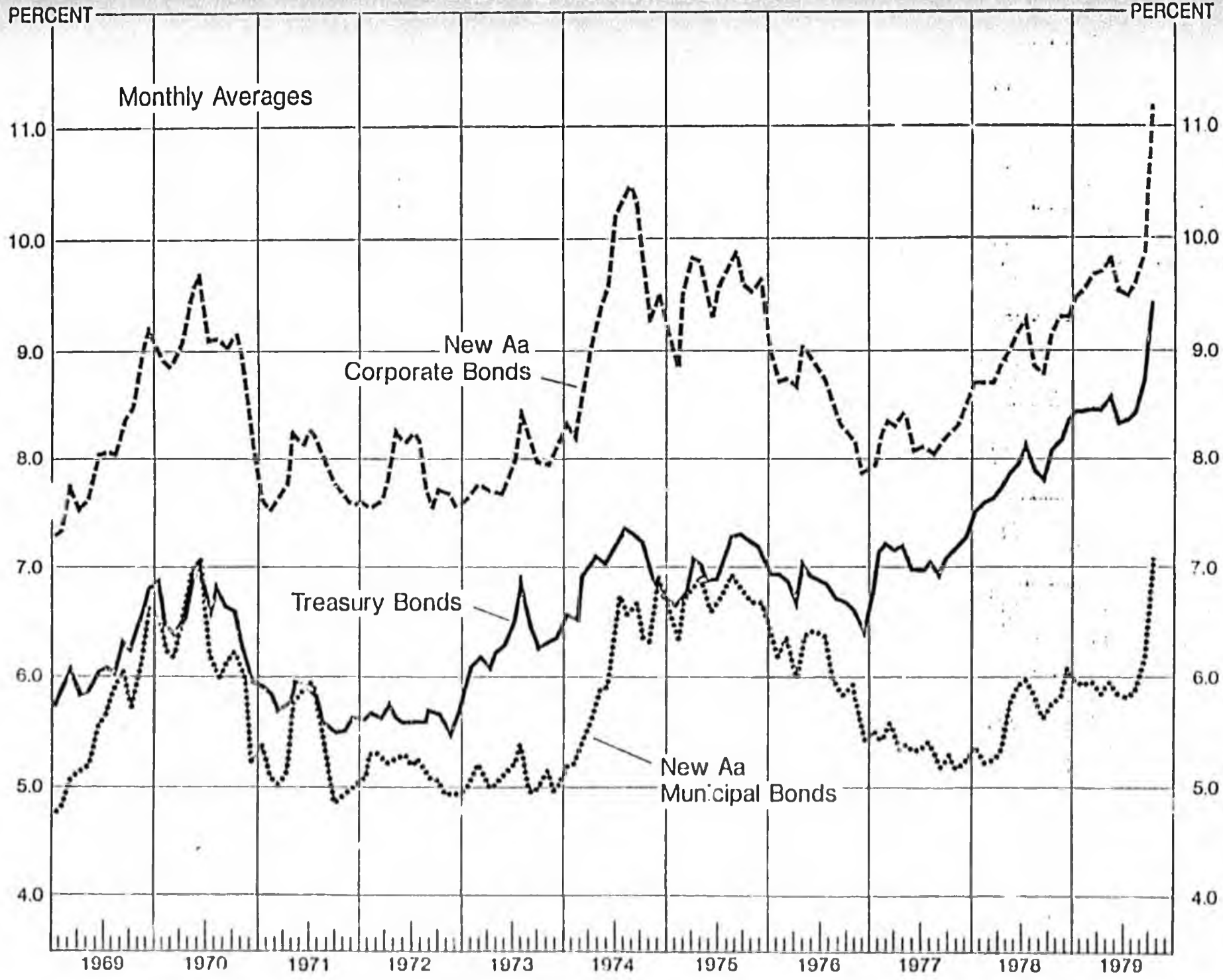
Fiscal Year	<u>Principal</u>	<u>Interest</u>	<u>Total Debt Service To Maturity</u>	<u>Redemption Reserve</u>	<u>Net Cash Required By Fiscal Year</u>
1989	42,717,000.00	13,894,721.25	56,611,721.25		56,611,721.25
1990	34,550,000.00	11,746,590.00	46,296,590.00		46,296,590.00
1991	28,989,000.00	9,958,430.00	38,947,430.00		38,947,430.00
1992	29,849,000.00	8,303,425.00	38,152,425.00		38,152,425.00
1993	25,063,000.00	6,656,987.50	31,719,987.50		31,719,987.50
1994	20,598,000.00	5,219,975.00	25,817,975.00		25,817,975.00
1995	19,096,000.00	3,987,625.00	23,083,625.00		23,083,625.00
1996	18,610,000.00	2,864,412.50	21,474,412.50		21,474,412.50
1997	14,865,000.00	1,800,419.75	16,665,419.75		16,665,419.75
1998	13,380,000.00	1,008,194.75	14,388,194.75		14,388,194.75
1999	\$ 8,640,000.00	\$ 368,931.25	\$ 9,008,931.25	\$	\$ 9,008,931.25
2000	2,531,000.00	69,081.25	2,600,081.25		2,600,081.25
Totals	\$809,057,000.00	\$504,561,713.19	\$1,313,618,713.19	\$1,712,258.82	\$1,311,906,454.37
Paid as of 6/30/79	<u>138,554,000.00</u>	<u>197,316,818.84</u>	<u>335,870,818.84</u>	<u>365,485.83</u>	<u>335,505,333.01</u>
Remaining Liability as of 6/30/79 (St. #67)	<u>\$670,503,000.00</u>	<u>\$307,244,894.35</u>	<u>\$ 977,747,894.35</u>	<u>\$1,346,772.99</u>	<u>\$ 976,401,121.36</u>

TABLE 1

INTEREST RATES ON BONDS  
OF TWENTY YEAR OR GREATER MATURITIES

<u>YEAR</u>	<u>Aa CORPORATE</u>	<u>Aa MUNICIPALS</u>	<u>DIFFERENCE</u>
1979	9.77	6.00	3.77
1978	8.98	5.65	3.33
1977	8.20	5.34	2.86
1976	8.59	6.09	2.50
1975	9.51	6.70	<u>2.81</u>
		Five-year Average	3.05

Source: November 1979 Treasury Bulletin



AVERAGE YIELDS OF LONG-TERM BONDS

Treasury Bulletin

CHART 1

TABLE 2

REPRESENTATIVE TAX-EXEMPT YIELDS  
(Based on major new issue offerings  
for week ending December 14, 1979)

<u>Maturity</u>	<u>Aaa</u>	<u>Aa</u>	<u>A</u>
1980	6.00	6.10	6.20
1981	6.00	6.10	6.20
1982	6.00	6.10	6.20
1983	6.00	6.10	6.25
1984	6.00	6.10	6.25
1985	6.00	6.10	6.30
1986	6.00	6.10	6.30
1987	6.00	6.10	6.35
1988	6.05	6.10	6.35
1989	6.10	6.15	6.35
1994	6.35	6.45	6.60
1999	6.60	6.75	6.85
<u>Municipal Bond Averages</u>			
<u>Week</u> <u>Ending</u>	<u>Nuveen</u> <u>Index</u>	<u>Bond</u> <u>Buyer</u>	<u>Dow-</u> <u>Jones</u>
November 23	7.99	7.38	7.76
November 30	7.92	7.26	7.63
December 7	7.78	7.17	7.53
December 14	7.86	7.26	7.62

JOHN NUVEEN & CO INCORPORATED

TABLE 3

DIFFERENCES BETWEEN ANNUAL AVERAGES OF YIELDS ON 20-YEAR,  
GENERAL OBLIGATION BONDS, BY RATING  
(Basis Points)

Year	Differential Between Grades		
	Aa minus Aaa	A minus Aaa	Baa minus Aaa
1945	25	58	79
1950	19	54	75
1955	14	47	96
1956	21	50	99
1957	22	65	105
1958	22	59	92
1959	14	50	81
1960	16	51	82
1961	14	34	61
1962	11	25	52
1963	8	20	43
1964	7	19	42
1965	7	19	40
1966	9	25	49
1967	10	26	55
1968	10	31	63
1969	13	37	62
1970	26	47	63
1971	28	53	67
1972	15	34	52

Source: Moody's Series: Annual average of monthly differences.

TABLE 4

INTEREST COST DIFFERENTIALS AMONG RATING CLASSES  
(Basis Points)

Differential Between Grades	Study (Period)		
	Phelps <sup>1</sup> (1957-58)	Kessel <sup>2</sup> (1959-67)	Petersen <sup>3</sup> (1964-1971)
Aaa-Aa	21	15	17
Aa-A	33	21	19
A-Baa	33	25	30
Baa-Ba	—	—	33
Item:			
Aaa-Baa	87	61	62

<sup>1</sup>Charlotte DeMonte Phelps, "The Impact of Tightening Credit on Municipal Capital Expenditures in the United States," *Yale Economic Essays*, Vol. 1 (Fall 1961), p. 166. In Phelps's equation, interest cost differentials between rating classes vary in proportion to the Federal Government's long-term bond rate. The figures above were calculated upon the assumption that the long-term bond rate was 3 percent.

<sup>2</sup>Richard A. Kessel, "A Study of the Effects of Competition in the Tax-Exempt Bond Market," *Journal of Political Economy* (Sept. 1971). Instead of using the net interest cost of the issue as the dependent variable in his equation, Kessel used the difference between the twenty-year recollaring yield and White's Yield of 100. StarCard & Prow's ratings were used instead of Moody's. Kessel's data sample included more than 9000 bond issues that appeared between 1959 and 1967, with virtually complete coverage of competitively offered issues that were larger than \$1,000,000.

<sup>3</sup>John E. Petersen, "A Note on the Determinants of Municipal Bond Net Interest Costs" (unpublished), 1972. See summary of study at end of this chapter.

SOURCE: The Rating Game, John E. Petersen, Kraus Reprint, New York, 1974

M E M O R A N D U M

DATE: November 14, 1979

TO: The Honorable Terry Gardiner  
Speaker of the House

FROM: J. E. Hogan, Director  
Legislative Finance Division

SUBJ: Financial Questions

This Memo is a preliminary response to your questions given to me several weeks ago. Some of the answers are based on information from documents that will be updated. As I mentioned earlier, I will provide you with current information as it becomes available.

1. What is our present state debt? The outstanding Alaska general obligation bond debt as of April 10, 1979 (the date of the last general obligation bond sale) is \$1,038,276,089.
2. What is our present municipal debt? As of January 1979 the general obligation bond debt of municipalities was \$545,227,664. ("Alaska Taxable" will be republished in January 1980, and new figures will be available then.)
3. What is our present annual debt service? The current year's general obligation bond debt service is \$82.2 million and the amount for FY 81 is estimated at \$77.9 million.
4. What are the pro's and con's of paying cash or bonding for capital improvements?
5. What are the pro's and con's of paying off our present debt service?
6. What are the pro's and con's of paying off present municipal debt?

Milt Barker is preparing an analysis of these questions. We have also written the state's bond counsel and the state's financial advisor regarding certain questions on this subject. Milt will incorporate these responses in his Memo.

7. At what level should we bond for capital improvements?

By what logic? Since Alaska currently has a level of general obligation bond indebtedness that exceeds the normal measures or standards applied to other states, we cannot use "traditional yard-sticks" to answer this question. The question of whether or not to bond is an economic and political question. The economic portion will be discussed in Milt's Memo.

If the Legislature were looking for a rule of thumb for bonding, perhaps the best one that comes to mind would be limiting the use of general obligation bonds to fund new program starts; for example, new schools, new armories, new fish hatcheries and new state buildings could continue to be funded by the general obligation bond route. In this way you would have "public approval" for new capital program starts. Repairs and maintenance could be funded from cash appropriation sources; for example, highway repairs, ferry system repairs, airport repairs and building repairs could be funded from general appropriations under the assumption that once the public has approved a new capital project, the Legislature can presume they want their investment maintained and repaired so that the facility can continue to provide adequate public use or service.

8. How much capital improvement funds could we actually spend in a single year with our present level of state government?

The answer to this question is difficult because it is hard to separate administrative/organizational problems from policy decisions not to spend. The enclosed letter from the Chairman of the Budget and Audit Committee to the Governor sets out the Committee's concern with the apparent lack of effort to complete bond projects already approved by the Legislature. Other research by our office indicates that of the 408 capital projects approved by the Legislature last Session in the General Appropriations Act, 302 have had no expenditure from the accounts as of October 1. (The capital projects portion of the budget took effect on June 2, 1979.) Looking at it another way, of the \$192 million appropriated in the capital budget, only \$11 million had actually been spent by October 1. This next Session the Legislature might wish to hold hearings in an effort to determine whether policy decisions not to spend are responsible for this, or organizational overload of various state agencies.

9. What federal funds are projected to be available in the next two years? What are the matching requirements of state funds?

The enclosed copy of "Dateline Washington", a National Conference of State Legislatures publication, contains one of several recent

articles which indicate that the President and the Federal Government intend to reduce Federal expenditures on State grant programs in future budgets. In addition to this general pattern of reduced spending on state programs, we can expect that wherever possible Federal agencies will chip away at Alaska's entitlements due to Alaska's very strong financial position. For arguments sake, let's assume continued Federal funding at the current year budget level, approximately \$254 million. The matching requirements vary from program to program. For new grants that are received in mid-budget year, they can be 100% of the funding requirements. Current programs range down from there to 90%/10%, 75%/25%, 50%/50%, to an eventual phase out where the program becomes entirely State funding.

enclosures

JHH:bf

October 15, 1979

John Nuveen & Co. Incorporated  
209 South La Salle Street  
Chicago, Illinois 60604

In preparation for the upcoming session, legislative leaders have requested that we gather certain information for their review prior to the session. As the State's financial advisor, I would appreciate your response to the following questions:

1. What is the average spread in interest rates between tax-exempt municipal bonds of Alaska's rating and the typical investments of Alaska's general fund, i.e., corporate and U.S. Treasury securities, bank CD's, bankers' acceptances, etc.?
2. What level of G.O. bonding can Alaska achieve without altering its ratings or adversely affecting its interest rates?
3. What greater level could be achieved without wiping out the spread between our tax-exempt rate and taxable rates?
4. What rules of thumb can be used in judging the amount of bonds that can be issued without adverse consequences? The 8% or 16% debt service in relation to general fund revenues mentioned in the White, Weld & Co. memo? (copy attached)
5. How much could our tax-exempt rate be reduced by depositing up to 15% or whatever the IRS arbitrage limit is in a G.O. Debt Guarantee Fund?

Sincerely,

J. H. Hogan, Director  
Legislative Finance Division

JHE:pw  
Enclosure

January 2, 1980

Tony Dean  
John Nuveen & Co.  
209 South LaSalle Street  
Chicago, Illinois 60604

Dear Tony:

As we discussed on the phone, our office would appreciate your comments on the following questions:

1. Should the state bond or pay cash for future capital improvements?
2. Could retirement of all or part of Alaska's outstanding indebtedness improve its credit rating?
3. Is there a more efficient way to improve our credit rating than paying off existing debt such as municipal bond insurance, the G.O. debt guarantee fund mentioned in our letter of October 15, or some other means?

Yours truly,

*Milt Barker*  
Milt Barker  
Fiscal Analyst

MB:bf

December 31, 1979

J. H. Hogan  
Director  
Legislative Finance Division  
The Alaska Legislature  
Pouch "WF"  
State Capitol  
Juneau, Alaska 99311

Dear Mr. Hogan:

This letter responds to your request dated October 15th that in our capacity as financial advisor to the State we respond to a series of questions regarding Alaska's capacity to issue general obligation debt. To simplify the presentation, I have restated the original questions, occasionally combining questions, and then provided our response.

1. What is the average spread in interest rates between tax-exempt municipal bonds of Alaska's rating and the typical investment of Alaska's General Fund, i.e. Corporate and U.S. Treasury Securities, Bank C.D.'s, Bankers' Acceptances, etc.?

The approximate \$680 million of outstanding Alaska general obligation bonds have an estimated average yield of 5.30% and General Fund balances are currently invested in a variety of short term money market instruments to return a yield of approximately 10.2%. When the most recent series of bonds were issued on April 10, 1979, \$60 million in par value were sold for a net interest cost of 5.5920%. The bonds had an average life of 5 years, 9 months and yields on comparable maturities of U.S. Government Securities at that time were approximately 9.25%. The net spread at the time of the April sale of 3.66% is typical of the 3 to 5 percentage points which usually separates yields on comparable maturities of Alaska's G.O. Bonds and Federal Securities.

2. What level of G.O. bonding can Alaska achieve without altering its ratings or adversely affecting its interest rates?

What rules of thumb can be used in judging the amount of bonds that can be issued without adverse consequences; the 8% or 16% debt service in relation to General Fund revenues mentioned in the White Weld & Company memo?

J. H. Hogan, -Director  
December 31, 1979  
Page Two

In the last decade Alaska's standing as a borrower in the tax-exempt markets has steadily improved. Recognition of this fact has been reflected in the improvement in ratings which occurred in 1974 and 1975. For investors this has been an enviable situation since their investments have experienced steady appreciation with the growing credit quality of the State.

Dramatic increases in natural resource production, most notably petroleum and natural gas, have been key features of this steady growth in market acceptance. Other factors have included population growth and economic diversification. On the negative side, the rating agencies perceive Alaska to have a heavy debt load on a per capita basis and as a per cent of personal income. In addition, the State is expected to have a continuing and substantial need to borrow over the immediate future. Operating expenses for state government have risen dramatically in the last decade. While there has been a move to diversify Alaska's economy, the State still is heavily dependent on petroleum revenues which are subject to short term interruption and long term uncertainty.

The general obligation debt of the State is currently rated "A1" by Moody's and A+ by Standard and Poors. An upgrade to AA by either agency would enhance the marketability of the State's debt and lower the average interest cost. In addition, other state agencies and major local issuers would be likely to receive improved ratings following assignment of a "AA" to the State. In fact, several months after the last upgrade for the State, ratings for 12 Alaska municipalities were also revised upward. Achieving the "AA" will almost surely require the State to moderate growth in General Fund expenditure and to enact legislation providing financially sound management of the Permanent Fund.

By the standard criteria for financial analysis, Alaska ranks below the other states and to a significant extent, it is relying on a single major source of revenue. Consequently, the market perception of Alaska is colored by intangible, psychological, perhaps even irrational factors and attitudes. In the recent past the market has been positive in its judgments regarding Alaska, but no one can accurately predict what level of debt will trigger a reaction leading to a negative shift in market sentiment.

In the last ten years, the annual general obligation borrowing of the State has grown from \$24.4 million in 1970 to \$100 million in the most recent 12 months. Maturities have been keyed to the expected life of Prudhoe Bay petroleum revenues. Each bond sale has been characterized by healthy bidding interest by at least 4 different syndicates. In view of the continuing improvements in state revenue, the momentum of a steadily improving credit it would be possible to consider annual issuance of \$175 to \$225 million over the next few years. Each bond sale will provide additional insights regarding the continuing growth of the State's debt capacity.

3. What greater level of G.O. borrowing could be achieved without wiping out the spread between the State's tax-exempt rate and taxable rates?

While in theory it would appear possible to trade much higher yields for increased borrowing, in practice there are institutional and psychological constraints which limit the growth of the State's indebtedness. The reaction of rating agencies, investors, underwriters and the financial press will begin to narrow the market for the State's general obligation debt, eventually leading to a situation similar to that of New York City, in which the market is closed to Alaska, regardless of the yield it is prepared to pay.

J. H. Hogan, Director  
December 31, 1979  
Page Four

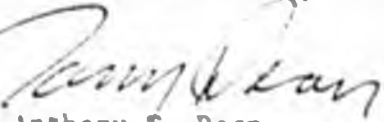
4. How much could our tax-exempt rate be reduced by depositing up to 15% or whatever the IRS arbitrage limit is in a G.O. debt Guarantee Fund?

A reserve fund as contemplated in the question would have a negligible impact on the State's cost of borrowing. A reserve fund is usually associated with revenue bond issues and incorporating it in a G.O. issue would probably raise more questions about what weakness it was meant to correct as opposed to what strength it was supposed to contribute. For a \$100 million issue, arbitrage earnings in excess of the cost of borrowing the reserve would be less than 3% of annual debt service.

If you have additional questions or need further information, don't hesitate to call me. I and several of my colleagues will be with Sterling Gallagher in our Juneau office during the week of January 7 through 11. At that time I would be available to meet with you and your staff.

Sincerely,

JOHN NUVEEN & CO., INCORPORATED



Anthony F. Dean  
Assistant Vice President

ATD:Lmc

cc: Thomas K. Williams  
Commissioner of Revenue

# WHITE, WELD & Co.

INCORPORATED

ONE LIBERTY PLAZA

91 LIBERTY STREET, NEW YORK, N. Y. 10006

THEODORE P. SWICK

FIRST VICE PRESIDENT

212 / 288-2153

CABLE ADDRESS - "WHITEWELD"

April 3, 1978

Report To  
Alaska House and Senate Finance  
Committees on Relocation of the  
State Capital

In accordance with our contract with the State of Alaska Legislative Budget and Audit Committee on behalf of the House and Senate Finance Committees, we herein submit our report on financial questions arising from the plan for relocation of the Alaska State Capital. The report comments (I) specifically on the "Impact on State Bonding Capacity and Annual State Budget" (Impact Report), prepared for the Alaska Capital Site Planning Commission and (II) in a more general way on large capital raising programs and the demands of investors in considering lending funds to such programs in the form of purchasing bonds.

I. The Impact Report addresses itself to: "(1) the impact upon the State's capacity to issue bonds for purposes other than the new capital; (2) the ability of the State to fund the cash requirements of the Financing Plan from General Fund revenues and (3) the impact upon the marketability of all tax-exempt debt issued by Alaskan issuers".

In making our comments we have not attempted to evaluate the assumptions clearly enumerated in the Impact Report. We accept these assumptions as reasonable, particularly, the inflation rate of 8% used throughout and the "Base Case" economic development report by the University of Alaska regarding the growth rates for General Fund revenues, both petroleum related and non-petroleum related, population, income, economic development, etc.

## (1) Bonding Capacity

The bonding capacity of any issuer is measured by its ability to sell bonds at reasonable rates and its ability to have access to the market when the need to borrow exists. The Impact Report states

that after examination of traditional indices of credit worthiness and bonding capacity any judgement is highly subjective. We are in full agreement with this observation and also point out that when these traditional indices are applied to Alaska and its divisions of local government the picture for Alaska is bleak. However, the rating agencies, the bond underwriting community and, to a lesser degree, the investors in tax-exempt bonds have rightly recognized that Alaska must be evaluated on its own because of its special characteristics which makes it distinct from its forty-nine sister states.

There is no doubt that credit ratings placed on issues by the rating agencies have a tremendous impact on the costs of raising capital funds. The rating agencies in a general sense, and rightfully so, depend to a large degree on comparisons, medians, relationships, etc., in comparing one issuer to another. In applying this criteria of creditworthiness to Alaska and its municipalities, Alaska comes out badly in practically every category. Nevertheless, there are many examples where analysis and independent investigation by investment bankers and investors have led to investment decisions which have caused bond issues to be sold at less cost than similarly rated credits because of the strengths peculiar to the issuer.

Security analysts in evaluating Alaska, after recognizing the special problems such as its brief history as a State, its widely scattered and small population, its high costs of practically everything and its limited economic development, perceive its strengths, as represented by such things as its vast natural resources, oil, gas, coal, minerals, timber and fish, the private capital represented by the Native Corporations, State Fiscal Affairs, such as the creation of the Permanent Fund and the prospect of an expanding broad based economy with due regard for the quality of life, as insuring a bright future for the State. Nothing intrigues an investor more than lending to a government which is improving its credit position and so have his investment grow in relative value as time goes by.

The Impact Report places its principal measurement of bonding capacity on the ratio of annual debt service for all projected State needs, both related to the capital move and other needs, and projected General Fund revenues. We agree that this is a valuable and useful index, but do not agree with setting an 8% limit on the ratio of debt service to General Fund revenues. We can see this ratio as high as 16% without having an appreciable effect on the cost of raising funds in the capital market at reasonable rates when it is needed.

(2) Ability to meet cash requirements

The "business" of government at the state level is easily simplified to embrace three general areas of activity. They are education, transportation and what can be summarized as "social services" which would include such activities as health care, protection, justice and development of natural resources. As the Impact Report illustrates, even if the cost of the capital move as measured as a percentage of general fund revenues substantially exceeds 8%, said costs are minor compared to the three principal activities of state government.

(3) Marketability

As stated in the Impact Report, there is a volume restraint on investors based on an issuer's location in a state or region. However, in the past five to ten years there are numerous examples where seemingly unmanageable amounts of bonds have been marketed without cost penalty by issuers for a single huge project or by issuers located in a limited geographic region. One of the earliest was an issue of \$1.6 billion voted in the early 1960's in California to finance the "Feather River Water Project". At that time the underwriting community scoffed at the huge program and predicted it couldn't be financed except at a large penalty in terms of cost of borrowing. However, the project was financed successfully at no penalty in cost and as the project neared completion was able to raise additional capital by issuing revenue bonds for final completion and some expansions. Another more recent example was the authorization for the Municipal Electric Authority of Georgia to issue \$2 billion bonds, over a period of years, to finance the Authority's ownership share in large electric generating projects, jointly with other owners, to serve 47 towns in Georgia with a combined population approximately the same as the population of Alaska. This authorization is being sold periodically now with great success in terms of borrowing costs. The Washington Water and Power Supply System is in a financing cycle and will eventually have outstanding approximately \$7 billion in debt. Again the program continues successfully. Similar results were accomplished last year when City of Atlanta decided to finance a major airport expansion by issuing all the bonds at one time in the form of a \$300 million issue.

A slightly different circumstance with equally successful results occurred when three major issuers in Nebraska, Nebraska Public Power District, Omaha Public Power District and Lincoln,

Nebraska Electric Authority all announced and sold large issues totalling some \$300 million in a brief four week period. There are many other successes of this kind which are being financed at favorable borrowing costs and which are not having any adverse effect on the borrowing costs of other issuers in the same state or region.

The expansion of the amount of tax-exempt bonds being offered each year and the ability of the market place to absorb them at reasonable costs to the borrower has been dramatic in the last five years and well conceived and aggressively marketed "over-sized" issues and projects have been readily absorbed by the market place. It is not our intent to imply that there is no limit to the ability of the market to absorb at reasonable borrowing costs any and all potential bond issues. The discipline of the market will be selective in evaluating the economic need, the proper purpose, the ability and willingness to pay, the state and region basic economics, etc., and projects not meeting the tests will be penalized or ignored. There is a limit which can't be quantified, but we are of the opinion that the financial needs of the capital move combined with the projected need for borrowing by the State and its subdivision of government, based on the circumstances peculiar to Alaska can be met by the bond market at reasonable borrowing costs at the times the funds are needed.

## II. Large capital raising programs

As discussed briefly above, major funding programs involving hundreds of millions and often billions of bonds are being successfully financed today. The key is a well planned, extensive and aggressive marketing program. Prior to the marketing program itself being initiated, project costs should be determined and announced publically in terms of both today's costs and inflated costs to cover an extensive construction time table. When financing by general obligation debt to be authorized by public vote, the entire bonding program should be voted upon by the constituents. They should be completely informed as to total costs as well as bonding requirements. Put the whole plan out in the open and right up front so that the public support is based on facts.

Investors will make judgements to lend funds to a project through the purchase of bonds when they can make an analysis that goes far beyond the mere citing of economic statistics and traditional ratios. Areas for examination include such things as the willingness to pay in addition to the ability to pay, the quality

of leadership and abilities of those entrusted with management of the financial affairs of the issuer, the need for the project, both from an economic and social point of view and the support of the people of the impacted area, (the business and banking community, the academic community and the public interest groups, including environmentalists). The marketing program will demonstrate public support, a determination to initiate and complete the project and the ability and resources to accomplish the task.

Such a marketing program includes a "road-show" of State officials, banking and business leaders, legislative and administration representatives holding high office telling the story of Alaska and the project to be financed at a series of meetings in the chief financial centers of the lower 48.

The principal sources of investment capital to purchase tax-exempt bonds are institutions (casualty insurance companies), banks, (commercial banks for their own investment needs and trust banks for their managed funds), tax-exempt mutual funds and unit trusts and individual investors. Each of these groups can be reached by the marketing program which will be orchestrated to telling the Alaska story from several points of view including Chamber of Commerce type promotional material, economic and financial facts, administration, legislative, business and public support and a clear demonstration that the program will fill a real need and that the issuer has the determination, resources and support to make it work.

In summary, it is our opinion that the State of Alaska, through the issuance of General Obligation bonds and the allocation of General Fund revenues, can finance the proposed Capital Move, as contemplated in the Financing Plan for the New Capital City of Alaska as discussed in the addendum thereto, "Impact on State Bonding Capacity and Annual State Budgets", in a timely manner at reasonable rates. This can be accomplished without increasing the cost of borrowing of the State and other issuers for non-capital move purposes and without causing General Fund revenues for all State needs being overwhelmed by the Capital Move requirements.

Significant unique characteristics of Alaska will be perceived to require analysis as to creditworthiness outside the traditionally used investment criteria. These characteristics will more than over come the low stature Alaska achieves by the traditional evaluation techniques.

Investors can be attracted to lend capital to large projects by complete and factual up-front disclosure of dollar requirements, by the demonstration of public support by obtaining voter approval of not only bonding requirements, but all costs, and by an extensive marketing program structured to demonstrate not only the ability, but the willingness to complete the project and repay the borrowed costs of its creation.

Theodore P. Swick

October 15, 1979

C. Richard Walker  
Orrick, Herrington, Rowley & Sutcliffe  
600 Montgomery Street  
San Francisco, California 94111

In preparation for the upcoming session, legislative leaders have requested that we gather certain information for their review prior to the session. As the State's bond counsel, I would appreciate your responses to the following questions:

1. How much could be placed in a General Obligation Debt Guarantee Fund subject to IRS arbitrage limits?
2. Will the State have a possible arbitrage problem with the IRS if it continues to issue tax-exempt debt while building up a massive general fund surplus?

Sincerely,

J. E. Hogan, Director  
Legislative Finance Division

JHH:pw

ORRICK, HERRINGTON, ROWLEY & SUTCLIFFE

COUNSELORS AND ATTORNEYS AT LAW

ELEVENTH FLOOR

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JAMES P. BERNET  
C. RICHARD WALKER  
JAMES F. CRAFTS, JR.  
JAMES F. WYNNE  
RICHARD C. SALLADIN  
RICHARD J. LUCAS  
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DONALD A. SLUGHTER  
RAUL A. WEBBER  
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DILLMAN C. BINSSELL, JR.  
WILLIAM L. HOISINGTON  
THOMAS R. SHEARER, JR.  
CAMERON W. WOLFE, JR.  
RALPH C. WALKER

M. PETER LILLEVAND  
WILLIAM J. DOROVAN  
ROBERT J. GLDSTEIN  
W. RECCE BADER  
PAUL J. SAE  
MARTELLEN B. CATTANI  
WILLIAM L. RILEY  
E. THOMAS UNTERMAN  
EDWARD B. BODIN  
JACA E. FERROUSON  
ALVIN W. FARDO III  
JACA B. OWENS  
WILLIAM F. ALDERMAN  
RICHARD E. V. HARRIS  
G. RIF EDWARDS  
RAYMOND G. ELLIS  
STEVEN A. BRICE  
JOHN F. SEEGAL

October 30, 1979

Mr. J. H. Hogan  
Director  
Legislative Finance Division  
State of Alaska  
Pouch WF, State Capitol  
Juneau, Alaska 99811

Dear Mr. Hogan:

In response to the questions in your letter of October 15:

1. This question will need considerably more elaboration before I can answer it with any reasonable assurance. I am not sure whether the suggested fund is to be used to guaranty debt service on general obligation bonds of the State or debt service on general obligation bonds of local governments in the State. I do not know the source of the moneys to be put into the fund, but I assume that those moneys will not come from any proceeds of bonds. On that basis, I do not think that a proper interpretation of the Internal Revenue Code would result in any arbitrage yield restrictions on the fund, because the applicable Code provision relates to the use of the proceeds of bonds.

However, the Internal Revenue Service has stretched and distorted the term "proceeds" in the Treasury Regulations and rulings thereunder. The result appears to be that, if the State deposits moneys from any source into a fund to be used to pay the debt service on general obligation bonds of the State or on general obligation bonds of local governments, or which fund is pledged as security for any such debt service, the Internal Revenue Service would consider the fund to be "proceeds" subject to arbitrage yield restrictions. This is indicated by Rev. Rul. 78-302 and Rev. Rul. 78-348, a copy of which is enclosed.

Even on this basis, the establishment of the fund probably could not affect the tax status of interest on bonds issued before the fund is established or before it was expected

ORRICK, HERRINGTON, ROWLEY & SUTCLIFFE

Mr. J. H. Hogan  
State of Alaska  
October 30, 1979  
Page Two

to be established. Moreover, if the amount in the fund considered allocable to bonds hereafter issued, together with any other amounts chargeable under arbitrage rules to the "minor portion" of the proceeds of those bonds which is not subject to arbitrage limitations, do not aggregate more than 15% of the face amount of those bonds, the investment of the fund should not be subject to arbitrage yield restrictions.

The foregoing is all subject to further qualifications and complexities, but I think there is no point in pursuing them here. If you can give me a complete description of the workings of the proposed fund, I will try to give you a more definitive answer as to the federal income tax results. If there is any special need or desire for such a fund, I might suggest requesting a ruling from the Internal Revenue Service as to their treatment of the specific facts, and possibly an appeal from that ruling to the Tax Court in the quite possible event that we consider the ruling to be contrary to the law.

In any event, I am somewhat mystified as to the purpose of or need for the proposed fund, particularly if it is to relate to general obligation bonds of the State.

2. The issuance of bonds by the State in the presence of a "massive general fund surplus" should not result in taxability of the interest on the bonds, and it surely would not. This conclusion appears to be supported by Rev. Rul. 78-302 (enclosed). However, your phrasing of the question in terms of "a possible arbitrage problem with the IRS" prompts me to note that the IRS has gone so far in its pursuit of "arbitrage" that I would not be entirely surprised at anything that organization might contend.

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In connection with all of the foregoing, I urge you and others in the State government to support the bill sponsored by the Municipal Finance Officers Association and about to be introduced in Congress to cure problems like these and to prevent further excesses.

Sincerely yours,

*C. Richard Walker*

Enclosure

## Section 101

income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under the method of accounting used in computing taxable income, such amount is to be properly accounted for as of a different period.

Section 1.451-2 of the regulations provides, in pertinent part, as follows:

(a) *General rule.* Income although not actually reduced to a taxpayer's possession is constructively received by him in the taxable year during which it is credited to his account, set apart for him, or otherwise made available so that he may draw upon it at any time, or so that he could have drawn upon it during the taxable year if notice of intention to withdraw had been given. However, income is not constructively received if the taxpayer's control of its receipt is subject to substantial limitations or restrictions. • • •

If a life insurance policy provides that proceeds will be paid to the beneficiary of record upon receipt of due proof of death, and the insurance company determines in good faith that such a policy is payable (whether that determination is based on facts and circumstances indicating death or on a presumption of death under applicable state law), then the proceeds will be an amount paid by reason of death of the insured for purposes of section 101(a)(1) of the Code. Compare Rev. Rul. 76-468, 1976-2 C.B. 202, which states that for purposes of sections 2(a)(3), 112, 692, 6013, and 7508, the date of death of a member of the Armed Forces or a civilian employee, reported as missing in action or a prisoner of war and later declared to have been killed in action, is the Secretarial determination date of death, unless a later actual date of death is subsequently established. Rev. Rul. 76-468 refers to the Secretarial determination date of death as the date of death determined under 37 U.S.C. section 555 or 556. Rev. Rul. 76-468 is clarified so that any reference therein to the Secretarial determination date of death instead refers to the date on which the determination of death is made under those sections.

## HOLDING

The payment of life insurance proceeds to *A* in 1977 is fully excludable from *A*'s gross income under the provisions of section 101(a)(1) of the Code. However, if *A* had deferred claiming the death benefit payment until a later year, any portion of the payment attributable to accumulated interest would be includible in *A*'s gross income under the provisions of sections 61(a)(4) and 101(c). Pursuant to section 1.451-2(a) of the regulations, the interest would be includible in the taxable year accumulated to the extent that *A* could have drawn upon it if *A* had submitted a claim for the proceeds.

See section 101(d) of the Code and the regulations thereunder with respect to computing the exclusion for proceeds held by an insurer under an agreement provided for in the life insurance contract, and paid other than as a single sum at a date later than death.

See section 2042 of the Code and the regulations thereunder with respect to the inclusion of the proceeds of life insurance in the value of a decedent's gross estate. For purposes of the federal estate tax, the date of death is the Secretarial determination date of death unless a later actual date of death is established.

## EFFECT ON OTHER REVENUE RULINGS

Rev. Rul. 76-468<sup>1</sup> is clarified.

## Section 103.—Interest on Certain Governmental Obligations

Arbitrage bonds; fund established for indirect payment of principal or interest. Examples illustrate whether the arbitrage yield restrictions of section 103(c) of the Code apply to amounts accumulated in funds established in connection with the issuance of local government obligations that

are not used directly for the payment of principal or interest.

Rev. Rul. 78-302<sup>1</sup>

## ISSUE

Will amounts accumulated in certain funds be subject to arbitrage yield restrictions?

## FACTS

### Situation 1.

Authority *A* proposes to issue dormitory revenue refunding bonds. The refunding bonds will mature serially over 20 years. The proceeds of the refunding bonds will be deposited in an escrow fund to secure payment of the prior issue and to defease the lien of the prior issue on revenues of the authority. A portion of *A*'s dormitory revenues will be deposited in a "reserve fund." Amounts in the "reserve fund" will be pledged as security for the bonds.

### Situation 2.

City *B* proposes to issue \$5.5 million of 33-year sewer revenue bonds. Two and a half million dollars of the revenue bonds will mature serially over the first 30 years. In addition, \$1 million of term bonds will mature in each of the last three years.

*B*'s sewer revenue will be used as follows (in order of priority):

- (1) to pay operating expenses,
- (2) to pay all debt service on the revenue bonds, and
- (3) to make deposits in a "renewal fund."

*B* covenants to maintain sewer rates high enough to pay all necessary operating expenses and to make all scheduled payments of debt service and all scheduled deposits in the "renewal fund." However, it would be impracticable for *B* to raise sewer rates high enough to meet the balloon payments due in years 31-33 solely out of revenues.

<sup>1</sup> Also released as News Release IR-2018 dated July 30, 1978.

The "renewal fund" is not pledged as security for the revenue bonds. Moreover, amounts held in the "renewal fund" can in no event be used directly to pay principal or interest on the revenue bonds. However, B's use of the "renewal fund" is restricted by covenants contained in the indenture for the revenue bonds. In particular, B is required to invest the "renewal fund" in Treasury bonds that will mature approximately 30-33 years after the revenue bonds are issued. Further, B will have only one practicable way to meet the balloon payments due in years 31-33. It will have to use the "renewal fund" to pay necessary operating expenses during these years. This will enable B to meet the balloon payments out of current sewer revenues.

Pending use, the amounts in the "renewal fund" will be invested at a yield that is materially higher than the yield on the sewer revenue bonds. Moreover, these amounts will at times exceed 15 percent of the original proceeds of the bonds.

#### Situation 3.

City C proposes to issue \$10 million of general obligation bonds. While the bonds are outstanding, C will deposit a portion of its tax revenues in a separate "investment fund." The investment fund will be established and maintained at C's discretion solely to enhance C's general credit rating. It will not be specially pledged as security for the general obligation bonds, and C's use of the "investment fund" will in no way be restricted by covenants contained in the bond indenture. Further, C does not reasonably expect to use amounts in the "investment fund" (directly or indirectly) to pay principal or interest on the general obligation bonds.

#### LAW AND ANALYSIS

Section 103(a)(1) of the Internal Revenue Code of 1954 provides that gross income generally does not in-

clude interest on obligations of a state or a political subdivision thereof.

Section 103(c)(1) of the Code provides that, with certain minor exceptions, the interest on an arbitrage bond is not excludable from gross income.

Section 103(c)(2) of the Code provides that the term "arbitrage bond" means any obligation all or a major portion (more than 15 percent) of the proceeds of which are reasonably expected to be used directly or indirectly to acquire securities or obligations that may be expected to produce a yield over the term of the government's issue that is materially higher than the yield on such issue; or (B) to replace funds that were used directly or indirectly to acquire securities or obligations described in (A).

Section 1.103-13(g)(2) of the proposed Income Tax Regulations published in the Federal Register on May 8, 1978 (43 FR 19675), provides that amounts accumulated in a sinking fund for an issue are treated as proceeds of the issue. Section 1.103-13(g)(3) provides that the term "sinking fund" includes a debt service fund, or any similar fund, to the extent that the issuer reasonably expects to use the fund to pay principal or interest on the issue. With certain exceptions, subparagraphs (2) and (3) apply to bonds sold after May 2, 1978.

In Situation 1, the "reserve fund" will be pledged as security for the bonds. Therefore, the "reserve fund" will be treated as a sinking fund, and amounts accumulated in the "reserve fund" will be treated as bond proceeds.

In Situation 2, the specific amounts accumulated in the "renewal fund" will be used to pay operating expenses rather than to pay principal or interest on the bonds. However, B will use amounts held in the "renewal fund" to replace sewer revenues, and will use the sewer revenues to pay principal or interest. Therefore,

the amounts accumulated in the "renewal fund" will be used indirectly to pay principal or interest on the bonds. Consequently, the "renewal fund" will be treated as a sinking fund, and the amounts accumulated in the "renewal fund" will be treated as bond proceeds.

However, in Situation 3, C will not use the "investment fund" (directly or indirectly) to pay principal or interest on the general obligation bonds. Accordingly, the "investment fund" will not be treated as a sinking fund, and amounts accumulated in the fund will not be treated as bond proceeds.

#### HOLDING

Amounts accumulated in the "reserve fund" in Situation 1 and in the "renewal fund" in Situation 2 will be subject to arbitrage yield restrictions as provided by section 103(c) of the Code. Because these amounts will be invested at a materially higher yield, the bonds will be arbitrage bonds and interest received by the bondholders will not be excluded from their gross incomes under section 103(a)(1). On the other hand, amounts accumulated in the "investment fund" in Situation 3 will not be subject to arbitrage yield restrictions.

**Arbitrage bonds; third party securities pledged as collateral. Examples illustrate whether the arbitrage yield restrictions of section 103(c) of the Code apply to securities pledged by a third party as collateral for state or local government obligations.**

Rev. Rul. 78-348<sup>1</sup>

#### ISSUE

Will certain securities pledged as collateral for municipal bonds be subject to arbitrage yield restrictions?

<sup>1</sup> Also released as News Release IR-2078, dated August 23, 1978.

## FACTS

## Situation 1.

State *A* proposes to sell \$1 million of general obligation bonds, the proceeds of which will be loaned to Corporation *B*, a nonprofit corporation, that will use the proceeds to construct a hospital. In addition, *B* owns a federally insured mortgage note worth \$1 million that will be pledged as collateral for the bonds. Under the terms of the pledge, the bondholders are reasonably assured that this collateral will be available if needed to pay debt service, even if *A* and *B* encounter financial difficulties. The yield on the mortgage note will be materially higher than the yield on the bonds.

## Situation 2.

County *C*, a political subdivision of State *D*, proposes to sell \$50 million of general obligation bonds. *C* will use the bond proceeds to finance the construction of various county buildings. Taxes and other revenues will be used to retire the bonds serially over 25 years.

*D* has a surplus fund that will be invested in Treasury bonds. Certain Treasury bonds worth \$50 million will be pledged as collateral for *C*'s bonds. Under the terms of the pledge, *D* cannot dispose of any of the Treasury bonds while *C*'s bonds are outstanding (except to pay holders of the bonds in the case of default). Thus, the bondholders are reasonably assured that this collateral will be available if needed to pay debt service, even if *C* or *D* encounter financial difficulties. However, *D* does not reasonably expect to use the Treasury bonds (or interest thereon) directly or indirectly to pay debt service (payment of principal or interest) on *C*'s bonds. The yield on the Treasury bonds will be materially higher than the yield on *C*'s bonds.

## LAW AND ANALYSIS

Section 103(c)(2) of the Internal

Revenue Code of 1954 provides that the term "arbitrage bond" means any obligation all or a major portion (more than 15 percent) of the proceeds of which are reasonably expected to be used directly or indirectly (A) to acquire securities or obligations that may be expected to produce a yield over the term of the governmental issue that is materially higher than the yield on such issue; or (B) to replace funds that were used directly or indirectly to acquire securities or obligations described in (A).

Section 103(c)(2)(B) of the Code applies to an issue of obligations if the proceeds are used to replace funds invested in securities having a yield that is materially higher than the yield on the obligations. This section does not apply in every case in which the higher-yielding securities could have been liquidated as an alternative to issuing the bonds. However, the requisite nexus or sufficiently direct relationship between the bonds and the higher-yielding securities does exist where the securities are pledged as collateral for the bonds. An issuer that borrows to invest in higher-yielding securities and one that borrows against such securities already owned are in virtually the same economic position. Compare section 265(2) relating to interest paid to earn tax-exempt income, and see especially section 303 of Rev. Proc. 72-18, 1972-1 C.B. 740, citing *Wisconsin Cheeseman v. United States*, 338 F.2d 420 (7th Cir. 1968). The same principles apply when the higher-yielding securities pledged are held by any third party who will substantially benefit from the bond issuance.

For purposes of section 103(c)(2)(B) of the Code, a pledge of collateral need not be cast in a particular legal form. Thus, for example, the bondholders need not take actual or constructive possession of the collateral. However, there must be a reasonable assurance that the collateral will be

available if needed to pay debt service, even if the issuer encounters financial difficulties. Thus, for example, an arrangement will not have the effect of a pledge of collateral if the issuer has discretion to defeat the "pledge" merely by liquidating the "collateral" and disposing of the proceeds.

In both Situations 1 and 2, securities (the federally insured mortgage note and the \$50 million of Treasury bonds) are pledged as collateral for municipal bonds. Moreover, the yield on these securities is materially higher than the yield on the municipal bonds. Therefore, all or a major portion of the proceeds of the proposed bonds are reasonably expected to be used directly or indirectly to replace funds that were used to acquire securities at a materially higher yield.

## HOLDING

The securities to be pledged as collateral for the proposed bonds described in Situations 1 and 2 will be subject to the arbitrage yield restrictions as provided by section 103(c) of the Code. Because the securities pledged as collateral will produce a yield materially higher than the yield on the bonds, the bonds (in both Situations 1 and 2) will be arbitrage bonds and the interest received by bondholders will not be excludable from their gross income under section 103(a)(1). Further, in Situation 1, the hospital bonds will be arbitrage bonds even if they are issued to finance the construction of a for-profit hospital.

Arbitrage bonds; funds established in connection with local government obligations. Examples illustrate whether the arbitrage yield restrictions of section 103(c) of the Code apply to amounts accumulated in certain funds established in connection with the issuance of local government obligations; Rev. Rul. 78-302 clarified.

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ALASKA ASSOCIATION OF REALTORS®

1818 W. Northern Lights Blvd., Suite 104 • Anchorage, Alaska 99503  
Telephone 907-272-8016

# 1981

## Alaska Association of Realtors Statement of Legislative Policy

### PREAMBLE

Under all is the land. Upon its wise utilization and widely allocated ownership depend the survival and growth of free institutions and of our civilization. The Alaska Association of REALTORS recognizes that the interest of our State and its citizens requires the highest and best use of the land and the widest distribution of land ownership. They require the creation of adequate housing, the building of functioning cities, the development of productive industries and farms, and the preservation of a healthful environment.

In furtherance of these needs and desires, the Alaska Association of REALTORS, by action of its membership meeting in convention at Juneau, Alaska, in September, 1980, has adopted a Statement of Legislative Policy as a guideline for evaluation of legislation pending before the 1981 session of the Alaska State Legislature. Said Statement of Legislative Policy is as follows.

#### Permanent Fund Legislation

We believe that monies invested in the Permanent Fund should be primarily invested in the State of Alaska for the purpose of improving the economic well being of the State and the standard of living and life styles of its citizens. We specifically oppose the current policy of investing the majority of the fund outside Alaska.

Where possible, existing financial institutions should be utilized to originate and service loans from the Permanent Fund.

We believe that the earnings from such investments should be reinvested in the same manner as the original principal.

#### Stimulation of the Economy

We favor expedited capital expenditures on projects already approved in bond elections by the citizens of the State of Alaska, or approved by the Alaska State Legislature, and the immediate funding of other projects with long-term economic benefits.

We oppose short-term economic stimulation through programs such as increased unemployment compensation which have no long-term economic benefit.

We support use of State funds including money from the Permanent Fund for business loans, and loans for agricultural, fishing, tourism, and natural resource development.

#### Tax Relief

We favor tax relief which will benefit and encourage private property ownership, and economic development.

#### Business Loans

We support expansion of the current business loan program to include loans for purchase of inventory and equipment and/or establishing working capital. Pledges of inventory, equipment, accounts receivable, and other business assets should be accepted as acceptable collateral.

The current business loan program should be

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expanded to include loans for purchase, construction and remodeling of real properties such as: apartments, office buildings, commercial buildings and industrial buildings held for rental purposes. The program should also be expanded to include loans for land development.

#### Mortgage Financing

We support continuation of the long-term program established for the Alaska Housing Finance Corporation by the 1980 Legislature and feel it should be supplemented through the use of Permanent Fund monies and unappropriated surplus monies. We feel that the Legislature should now address refinement and improvement of the current program with specific attention to:

1. The program should be expanded to include owner occupied 3 and 4 unit dwellings similar to the financing programs available through the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.
2. Loans should be allowed for refinancing of existing high interest loans under the same criteria used for new loans.
3. In transactions where existing loans at reasonable interest rates can be assumed, Alaska Housing Finance Corporation should be allowed to make second or junior mortgages for the difference between the assumed mortgage and the program's loan limits. Such second or junior mortgages should also be available for home improvement loans.
4. The program should be expanded beyond the Federal National Mortgage Association limits to allow loans equal to 80% of the value on higher priced homes.
5. The program should be expanded to allow for interim construction loans at times when interest rates through conventional sources become so high as to be a detriment to new construction.

We support establishment of a Veterans Loan Program funded by the General Obligation Bonds similar to the program now in effect in the state of Oregon.

#### Land and Property Use

We oppose all restrictions on the use of real property which are not clearly necessary for the protection of health and safety, to protect the rights of other property, or to protect the environment from serious degradation. The benefits of any regulations on real property use, must be such that they clearly outweigh any negative, economic impact on the property, its owners, or the community in general, and such benefits must clearly outweigh the disadvantage of infringement on private use of such real property.

#### Disposition of State Lands

We support a program for transfer of State lands to private ownership in an orderly manner which will not economically disrupt existing private ownership. All subdivision and development of State lands for disposition to private ownership should be subject to the same laws and regulations applicable to private developers and private sales of such property. Such property should not be disposed of at a cost less than the greater of its development costs or fair market value as determined by independent appraisal.

#### Tenant/Owner Legislation

We oppose any form of rent control.

We support legislation which provides for equity and fairness in the relationship between owners and tenants.

#### Occupancy of Real Property by State Agencies

We support the use of existing space for occupancy by State agencies in communities where there exists an adequate supply of vacant space, as opposed to construction of new structures for such occupancy.

Testimony of Robert B. Flint  
of  
Wohlforth & Flint, State Bond Counsel  
on S. B. 13 Before the  
Senate Committee on State Affairs  
Alaska State Legislature

Mr. Chairman and members of the Committee on State Affairs, I am Robert B. Flint, a partner in the law firm of Wohlforth & Flint, Bond Counsel to the State Bond Committee. I appreciate the invitation extended to our firm to testify on S. B. 13 which would appropriate general fund money for the capital projects approved at the 1980 bond election. Since the State currently enjoys a large cash surplus a number of advocates have urged a cessation of general obligation bonding for capital improvements and the pursuit of a cash only policy. My remarks today are confined to an analysis of this position and of S. B. 13 from a financial point of view. I recognize that there are considerations other than financial that need to be taken into account, but such political or policy questions are beyond our firm's role as Bond Counsel and legal advisor to the State Bond Committee.

ALTERNATE OPPORTUNITY

From a financial perspective a "cash only" policy is unwise. One of the advantages of borrowing money for capital improvements as opposed to paying cash is an expansion in the availability of funds. For most state and local governments this means an ability to build projects that they could not otherwise afford. Alaska is obviously not in this position but it

does have alternative uses for its surplus cash. The State has decided as a matter of policy to set aside a portion of the nonrecurring oil wealth in a permanent fund to ensure its availability after the oil runs out. To the extent the State builds its capital improvements for cash there will be less funds available for this kind of set-aside.

There is an ascertainable cost to such a "cash only" policy since funds set aside will earn more than the cost of borrowed funds cost. The estimated earnings over and above borrowing costs for ten year bonds with level principal payments in the amount of \$150 million is \$33 million. If the current borrowing rate of approximately \$150 million per year is assumed the lost earnings for the 25 year life of Prudhoe Bay is \$825 million without allowance for compounded interest. As capital needs and costs will increase this estimate is very conservative.

Obviously such money is not needed currently but we all know that the oil will be gone within our lifetime. At the time Prudhoe runs out our savings will be needed at least to cushion the shock of transition to normal taxation and budgeting. The idea of special funds is to preserve some of the wealth for future generations. Judicious use of general obligation debt can materially assist this goal.

#### FISCAL OVERSIGHT

Regular entry into the municipal bond market subjects the State to the scrutiny of that market and the rating agencies. Such an exposure is a helpful aid to the self-discipline necessary even in affluent times. Moreover it builds a reputation with the market that is invaluable when

borrowing becomes necessary. Alaska has carefully built its reputation over the last 20 years starting with a Baa rating (medium grade with speculative characteristics) to Aa (high grade) this year. This effort has resulted in excellent interest rates for State borrowing. The table on Exhibit "A" shows the improvements in the state's credit. If entry into the bond market is stopped this effort will be wasted. After the oil is gone the State will simply have to start all over again. Like any private person a State must establish credit. An applicant who has never borrowed is a poorer risk than one who has. The bond market is like all bankers. The devil it knows is preferred to the saint it doesn't. It would be wise to leave a good credit rating to future generations.

#### FINANCIAL IMPACT

The current impact of debt service on the State budget is minimal. Only 2.9% of 1980 general fund revenues were spent on debt service. The ratio of debt to assessed valuation in 1979 was about 3%. These are low figures which will certainly decline further even if borrowing is increased. The table on Exhibit "B" shows the decline in the debt burden. There is plenty of room to continue a sensible borrowing program.

#### CONCLUSION

From the point of view of a technical advisor S. B. 13 is not good public policy. The cost will be substantial to the state if adopted and continued during the period of oil wealth. Continuing the present policy of a conservative use of the capital markets on the other hand has clear

Testimony of Robert B. Flint  
Page 4

benefits without any negative effects. As I stated in my opening remarks the perspective I present today is limited and is intended to provide information for your consideration. As Bond Counsel to the state, I, of course, take no position on the actual passage of S. B. 13.

EXHIBIT "A"

**State G.O. Bonds**

The following tabulation gives details of bonds sold since 1973:

Date of Bonds	Amount of Issue (Millions)	Maturities	Avg. Life in Years	NIC	Bond Buyer Index	Interest Cost Per Borrowed Dollar	Ratings (at the time of issuance) Moody's/S&P
Jan. 15, 1973	\$ 20.0	1976-1998	15.3	5.12%	5.08%	78.2¢	Baa 1/A
June 1, 1973	27.0	1976-1998	14.8	5.10	5.10	75.6	Baa 1/A
Aug. 1, 1973	31.0	1977-1998	16.7	5.80	5.58	96.8	Baa 1/A
Sept. 1, 1974	30.0	1978-1998	15.6	6.85	6.88	107.2	A 1/A
Feb. 1, 1975	40.3	1978-1998	14.6	5.98	6.59	87.3	A 1/A+
May 1, 1975	42.0	1979-1999	15.1	6.52	6.95	98.5	A 1/A+
Oct. 1, 1975	42.9	1978-1997	12.5	6.85	7.49	85.8	A 1/A+
March 1, 1976	40.0	1978-1993	9.5	5.86	6.95	55.7	A 1/A+
July 1, 1976	40.0	1978-1993	9.5	5.80	6.87	57.3	A 1/A+
Feb. 1, 1977	40.0	1979-1988	9.5	5.08	5.90	48.3	A 1/A+
Oct. 1, 1977	40.0	1979-1988	7.0	4.50	5.50	29.3	A 1/A+
April 1, 1978	45.0	1980-1988	7.0	4.86	5.59	29.2	A 1/A+
Jan. 1, 1979	40.0	1979-1989	5.5	5.52	6.29	30.0	A 1/A+
May 1, 1979	60.0	1979-1989	5.5	5.59	6.25	32.1	A 1/A+
July 1, 1980	125.0	1981-1990	5.5	5.76	7.55	35.8	Aa/AA-

Source: John Nuveen & Co. Incorporated

EXHIBIT "B"

The schedule below compares debt service with general unrestricted revenues for the last eight fiscal years:

Fiscal Years Ending June 30	General Unrestricted Revenues (Millions)	Debt Service (Millions)	Percent Required for Debt Service
1973	\$ 214.6	\$23.5	10.95
1974	258.1	26.3	10.22
1975	333.6	30.1	9.03
1976	705.4	35.1	4.98
1977	877.4	41.8	4.77
1978	768.0	50.0	6.51
1979	1,117.4	60.0	5.36
1980 (est.)	2,550.0	75.1	2.95
1981 (est.)	3,808.8	—	—

Source: John Nuveen & Co. Incorporated

SENATE STATE AFFAIRS COMMITTEE HEARING

ON

1. DEPOSITS IN THE PERMANENT FUND: 2. PAYING CASH FOR CAPITAL IMPROVEMENTS

February 21, 1981

Testimony by Harold E. Pomeroy

Our future is bright if we don't spend billions and billions of dollars unproductively trying to create an artificial destiny for Alaska.

Right now we are misreading the signals.

There is popular belief that if we just do the right things we can achieve a prosperous, diversified and renewable resources economy, including renewable resource production and processing-manufacture. This means, of course, producing goods for export.

We are negligible producers of processed-manufactured goods - with few exceptions, relative to our resource production and services economy, due to far higher costs here than elsewhere - costs that cannot be cured by spending money. Where the potential for competitive position in the market is lacking, direct and indirect aid is only creating artificial viability that can last only until the money runs out.

The wrong signal is that somehow, if we just put enough money into artificial viability in the direction of diversification and renewable resource processing we can turn a liability into an asset. The result is the false assumption that taxes generated out of these areas of activity will be able to make up for less oil income in the future.

The hard fact is that there is no basis whatever for believing the aggregate of all tax revenue from all sources, other than oil production will increase the approximate 1/10 of our expenditures such revenues now pay, by an appreciable amount, if at all - unless taxes are raised drastically.

Testimony, 2/21/81

Harold E. Pomeroy

Take the molybdenum mine soon to be established near Ketchikan. Though one of the largest deposits anywhere, molybdenum won't be made there; the concentrate will go Outside for processing for reasons of economy. Would we increase taxes on the plant two or three or more times in the future to make both ends meet due to less oil income?

Our future economic stability rests heavily on the reason the question has to be asked.

There will be a few individual exceptions to the revenue potential overall - plants with profits coming from huge investments and very few workers.

We can be encouraged about the future if we take the right signal from the dramatic increase in the amount of oil income from even two years ago. A Permanent Fund that generates a substantial part of future needed revenue is practical - with room also for such benefits as no personal income tax and some desirable capital improvements that are cost effective.

Our tremendous good fortune in quantity of oil money is that we can make massive early years deposits in the Permanent Fund, accumulate the interest and arrive at a total of as much as \$125 billion to produce \$13 billion or \$14 billion in annual revenue from then on.

We should place the highest priority on action to secure as strong a financial future as possible, rather than to grab more toward a taxless society and what amounts, indirectly, to colossal price support for economic enterprise that simply isn't economically viable in the open market.

PERMANENT FUND

BUDGET GROWTH

Yrs	PERMANENT FUND		BUDGET GROWTH	
	I. \$2 Billion at 11% compounded	II. \$4 Billion	III. \$2 Billion - at 11% rate of increase	IV. \$2 Billion - at 15% rate of increase
5	\$3.37	\$6.74	\$3.37	\$4.02
10	\$5.68	\$11.36	\$5.68	\$8.09
15	\$9.57	\$19.14	\$9.57	\$16.27
20	\$16.12	\$32.29	\$16.12	\$32.73

- I. At the end of 20 years the \$16.12 would produce \$1.67 billion yearly - from then on.
- III. The \$1.67 billion would not go very far toward funding the \$16.12 billion budget.  
The 11% rate of increase may not be enough for inflation and population growth and would allow zero for real growth.
- IV. At 15% growth, \$120 billion in the Permanent Fund would produce about \$13 billion in earnings revenue toward the \$32.73 billion budget

February 21, 1981

Harold E. Pomeroy

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# Alaska State Legislature

## Senate

### Committee on State Affairs

Chairman Vic Fischer

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business  
February 20, 1980

#### SENATE STATE AFFAIRS COMMITTEE REPORT

ON

SB 13 "An Act making special appropriations for capital improvements for which general obligation bonds were approved by the voters at the 1980 general election; and providing for an effective date."

SB 21 "An Act making a special appropriation to the Alaska Permanent Fund; and providing for an effective date." (\$1,500,000,000)

SB 68 "An Act making a special appropriation to the Alaska Permanent Fund; and providing for an effective date." (\$1,800,000,000)

#### BILL SUMMARY

SB 13 This bill would use a general fund appropriation to pay for these capital improvements rather than issue General Obligation (G.O.) Bonds. The opportunity cost assumes the State would either invest its own money, if bonds would have been sold, or if spent on other projects, etc., that project has an implicit rate of return equal to what the State could have gotten by investment.

Assumptions:

- (1) A 12% earnings rate on invested funds or project.
- (2) An 8% interest rate on cost of debt.
- (3) If debt were issued it would be as follows (in millions)  
FY'82-\$100, FY'83-\$150, FY'84-\$39, 712;  
Total issued \$289,712,500.
- (4) Projects start/debt occurred at beginning of each period.
- (5) Not discounted for present value.

SB 21 This bill would make an appropriation from the general fund to the Alaska Permanent Fund in the amount \$1,500,000,000.

SB 68 This bill would make an appropriation from the general fund to the Alaska Permanent Fund in the amount \$1,800,000,000.

#### BACKGROUND

SB 13 The classical argument of economics can be made in the case of SB 13. When a government, any government needs to make capital outlays for needed projects and cash is not readily available, then that government issues bonds to pay for the capital. This is the normal way of building road, schools, etc. What happens when there is a surplus of cash on hand? Do you still issue bonds or do you use the cash you have? A sound case for the concept behind SB 13 can be made. The State of Alaska, because of Prudhoe Bay, has a ready supply of cash. The choice then becomes whether or not the state

## State Affairs

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through the Dept. of Revenue should issue general obligation bonds or use available cash. What is not obvious about paying cash for the November 1980 authorized but unissued G.O. bonds, is that there are over \$100 million Pre-1978 authorized but unissued bonds that need to be included in this general fund appropriation. (See statistics at end of summary.)

Another concept of classical economics is one of defeasance. Through a special defeasing [escrow] account, the state could create a monetary approach that would pay off the entire state debt. This account managed by a special bond counselor would invest in the taxable bond market [12% interest] while paying off the incurred debt in the tax-exempt bond market [8% interest]. The potential is there at the moment to erase Alaska's debt [\$720 million] with a cash account of [\$570 million]. One may ask why not make the investments directly out of the general fund and not set up a special account. It has become clear that the Alaska Legislature has the ability to spend all the money before it no matter the amount. This special [escrow] account would set this money aside for a specific purpose: to pay the state debt.

With continuing pressure from our Washington delegation assuring us that the mood in the "lower 48" is becoming increasingly jealous of our resource wealth, this would be one way of "putting our house in order." We would be showing our responsiveness to the nation's financial community by giving a clear signal that we were doing "first things first." We pay off our debts before we borrow money for other purposes.

If we were to create this "defeasing escrow account," it would preclude us from going to the bond market for a period (minimum) of 18 months due to IRS regulations. That is why this concept goes hand in hand with substituting cash for all authorized but unissued general obligation bonds. The next time we would be eligible to go to the bond market would be (roughly) after the 1982 general election.

The Hammond Administration approves of the defeasing concept if, there are several if's, but the principal one being that it does not affect the \$1,800,000,000 contribution to the Alaska Permanent Fund (SB 68). If the money is just going to be spent to continue growth in state government then he would certainly favor defeasing.

Defeasance \$720 million of outstanding G.O. bonds	\$570 million
Cash out all authorized but unissued bonds	463 million
Delete FY'82 debt service	(128 million)
	<u>\$905 million</u>

SB 21 & 68 These bills have almost identical wording, the only difference being the actual dollar amount. Sen. Rodey's bill would transfer \$1,500,000,000 to the Alaska Permanent Fund; the Governor's bill would transfer \$1,800,000,000.

Governor Hammond believes that it is appropriate that Alaska set aside this amount this year of its oil wealth so that its earning can provide an increased income stream for the benefit of all Alaskans. The Legislature determined that dividends should be worth a minimal \$50 each. This contribution will provide sufficient earnings to meet that commitment without having to borrow from the general fund. Should the state not make such provisions, our legal case may

State Affairs  
Page 3

be weakened.

The Permanent Fund Board of Trustees have not taken a stand on this and other issues concerning the "Fund's" plan for the future. Instead, they are planning a series of seminars to examine all alternatives and to establish long range as well as short-term planning for the Alaska Permanent Fund.



# Alaska State Legislature

## Senate

### Committee on State Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

Feb. 21, 1981

Captain Cook

9:00 am

Anchorage

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MEMBERS PRESENT: SENATOR FISCHER, CHAIR  
SENATOR BRADLEY  
SENATOR COLLETTA

VISITING: SENATOR RODEY  
REP. CLOCKSIN

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AGENDA: SENATE BILL 13 "An Act making special appropriations for capital improvement projects for which general obligation bonds were approved by the voters at the 1980 general election; and providing for an effective date."

SENATE BILL 21 "An Act making a special appropriation to the Alaska permanent fund; and providing for an effective date."

SENATE BILL 68 "An Act making a special appropriation to the Alaska Permanent Fund; and providing for an effective date."

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Chairman Fischer called the meeting to order, introducing the three pieces of legislation on the agenda. He pointed out that what is presently referred to as "surplus funds" in the state of Alaska is in fact not surplus at all, because many needs of the state have not been met. When those statewide needs have been met, then what money is left over will constitute a surplus.

Senator Colletta stressed the importance of continuity in successful money management; the process of politics, he said, often fails to reflect such continuity. He further stated that the idea behind SB 13 does not present an ongoing policy; rather it is a one time event to get those projects approved by the voters in the last general election started quickly.

Senator Bradley commented that "it takes money to make money".

Senator Rodey, while he favors a conservative banking approach characterized, in part, by participation in the bond market, expressed support for utilizing a combination of participation

in the bond market and cash appropriations; in essence, a mix of the policies now being discussed before the committee.

Rep. Clocksin supports the \$1.8 billion appropriation to the permanent fund, and is keeping an open mind toward SB 13.

Anselm Staack, Comptroller, Div. of the Treasury, Dept. of Revenue, presented an overview of SB 13 and the concept of defeasance. He described how the present status of the market would allow defeasing \$720 million worth of G. O. bonds with \$570 million worth of cash outlays placed in a special "escrow" account. Staack stated that the Governor would introduce legislation that would defease the school debt at a cost of \$275 million. He pointed out the problem of interest arbitrage and the time factor that would prohibit the state from returning to the bond market for a period of approximately two years due to IRS regulations. Finally, he made note of the fact that SB 13 (\$289M) did not cover all of the authorized but unissued bonds. Such a figure would total approximately \$466 million.

In response to the question, "Should the state stay in the bond market in the future?" Anselm Staack said that the state should. In response to the question, "Will defeasing affect the state's bond rating?" Staack replied that defeasing would have the potential of raising the state's bond rating, and certainly would not hurt the rating. In response to the question, "Is there a tie between the school debt and the G. O. debt?" he stated there was none.

Senator Rodey asked whether the escrow account would be invested in government securities. Anselm Staack replied that it would. Senator Rodey expressed reservations about the state financing the national debt through this type of investment.

Anselm Staack closed his remarks with the reminder that the more money the state put into the permanent fund, the less there would be to spend on other projects.

Robert Flint, State Bond Counsel, maintained that a cash only policy is not a wise policy. He provided historical background of how the state has improved its bond rating from B-AA to AA rate. Responding to a question posed by Chairman Fischer, Flint said that SB 13 combined with defeasance would not harm the state bond rating, but the state would lose \$300 million in opportunity cost by not going to the bond market. In response to the question, "Would the combination of SB 13 and defeasance improve the state's rating?" Robert Flint answered in the affirmative, stating that the market likes to know it's going to be paid. In explaining the state's bond limit, he stated that the bond market looks more at the type of investments that state makes rather than the amount. It would approve more of sewer, water and road projects rather than domed cities and capital move projects.

Malcolm Roberts, Executive Director of Commonwealth North, opposes putting 1.5 or 1.8 billion dollars into the permanent fund. If we do this we are locking up our revenues in a restricted place. We need, Mr. Roberts maintained, to invest it on a regional basis so we can build the state infrastructure. We have to diversify: there are needs for railroads, ports, energy. This is our challenge for the future. As one faces the future one should put \$1 out of \$7 into investment.

Senator Rodey responded that we must be prudent with our wealth; he maintained that we should make early and sizable appropriations to the permanent fund. He added that according to Senate priorities we will put \$1 in every \$6.7 into investment.

Senator Bradley maintained that we should not put our wealth into savings, but rather put it out on the streets, into the free enterprise system.

John Havelock, testifying as a citizen, emphasized that great care must be exercised in dealing with interest arbitrage lest Alaska be penalized. He stressed the importance of planning for the future in the area of capital projects, suggesting that the voters might not have approved all of the bond issues if they had been more fully informed. Many large projects, he explained, are protected by "motherhood titles" and the people are not always sure what they are voting on. John Havelock suggested establishing a multi-year approach to capital improvements rather than the leap-frogging "wish-lists" currently used. The dimensions of the problems encountered in developing the role of the permanent fund are great: \$1 billion is more than the ANCSA, greater than the original TAPS estimate and larger than the earthquake pay-off of the sixties. John Havelock's final point dealt with the way in which many large, public projects develop a momentum of their own and they outstrip fiscal analysis. It's the little jobs that create jobs for Alaskans, the big jobs that create jobs for outsiders. One cannot buy economic opportunity, one can only subsidize it.

Harold Pomeroy, testifying as a citizen, spoke of his own experiences in Alaska as a homesteader and the first Kenai Borough Mayor. He told of the attempt to build diversified economy in Southcentral Alaska and his realization that it was "not feasible". He stressed the importance of developing a long-range plan for our economic future; we must pick and choose carefully when building our infrastructure. Harold Pomeroy maintains that the high unemployment rate in Alaska may be unchangeable, that to throw money at development is irresponsible, and that having a broad diversified economy is impossible.

Jim Rhode, special assistant to the Board of Trustees of the Alaska Permanent Fund, opened his testimony with the statement that we need a broad review of oil money and the future of the permanent fund. He announced that the Board was planning a series of seminars on the permanent fund to be held in Juneau, Anchorage, and Fairbanks, and invited everyone present to take part.

James E. Fisher, testifying as a citizen, expressed his principal concern: he would like to see the public take a great interest in the hearings about the permanent fund in order to have the maximum amount of public input.

Lee Gorsuch, of the Institute of Social and Economic Research, the Anchorage School Board, and testifying also as a citizen, questioned the criteria the state was using to judge whether putting \$1.8 billion in the permanent fund was too much or too little. He stated that the 25% of the royalty payments going into the permanent fund would be swamped by the 75% going into the general fund. Lee Gorsuch made a point of emphasis in questioning the actual expenditure policy of the state and how it related to the results Alaska is presently achieving. He posed the question, "What do we want Alaska to look like in twenty years?" and asked committee members to devote some thought to school endowment and higher budgets for education.

Scott Goldsmith, ISER Economist, initially responded to earlier testimony on SP 13, agreeing that the state should plan wisely; he expressed support for making positive interest arbitrage on the defeasance account. He put this in perspective by asking how long we would make payments on our large capital projects, and if we expected to be making payments on these after Prudhoe Bay runs out. What was the prospectus for future generations? Scott Goldsmith then put the Sadlirochit find in perspective by comparing it to other world scale oil discoveries. He placed an \$80 billion (1981 dollars) price tag on Alaska's oil inheritance from Prudhoe Bay, and then said with a 2% real return to the state, the annuity from this inheritance was \$1.6 billion per year. If the state only spent \$1.6 billion, then it could spend that every year and never touch the principal. This year we have \$6.6 billion, a combination of interest, principal, and earnings. If we spend \$6.6 billion, we are eating into the principal. Goldsmith said it would be very hard to identify another source of revenue that might replace Prudhoe. He compared it to coal, and made an interesting observation/comparison: making the assumption that the real return on a ton of coal is \$.25, how much coal would have to be mined to equal \$1.6 billion per year? We would have to mine 8 billion tons of coal. We now mine 1 million tons. The Koreans want to buy 4 million tons. How much is there in the Beluga and Nenana coal fields? 4 billion tons in known reserves. We would have to mine all of these known reserves in six months to equal the annuity of our inheritance from Prudhoe Bay. Goldsmith closed by saying that the size of the "inheritance" should be kept in perspective when planning the state's future.

Ken Gain, of the Alaska Association of Realtors, said that there were a number of questions which needed to be answered before we made these large early year appropriations to the permanent fund. We have to ask ourselves, Mr. Gain stated, what that money is competing against. Anchorage is going to face a quadrupling of its heating (natural gas) costs in five years when the present contract runs out. All the cities of the state are facing housing shortages, according to Mr. Gain, (???) and he maintains that the permanent fund is "having your cake and eating it too". We must, he stated, make good, sound investments in Alaska, for the people in Alaska.

Chairman Fischer responded that the appropriation this year is part of the context for setting permanent fund policy for the next year and the year to come.

The meeting adjourned at 12:05 pm.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

SB 13

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 13

Title Making special appropriations for capital improvements for projects for which general  
Requested by obligation bonds were approved by the voters Date 1/13/81  
at the 1980 general election.

Requested by Senate State Affairs Committee

II. FISCAL DETAIL

Agency Affected State Bond Committee, Dept. of Revenue

Program Category Affected General Fund

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>						

FUNDING (Thousands of Dollars) IN TERMS OF OPPORTUNITY COST

	MILLIONS ←	4.0	10.8	14.4	16.7	19.0
<u>GENERAL FUND</u>						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would use a general fund appropriation to pay for these capital improvements rather than issue General Obligation bonds. The opportunity cost assumes the State would either invest its own money, if bonds would have been sold, or if spent on other projects, etc., that project has an implicit rate of return equal to what the State could have gotten by investment.

Assumptions: (1) A 12% earnings rate on invested funds or project.

(2) An 8% interest rate on cost of debt.

(3) If debt were issued it would be as follows (in millions):

FY 82-\$100, FY 83-\$150, FY 84-\$39.712; Total issued \$289,712,500.

(4) Projects start/debt incurred at beginning of each period.

(5) Not discounted for present value.

*Anselm C. Staack*

IV. DATE February 19, 1981

PREPARED BY Anselm C. Staack, Treasury Comptroller

AGENCY Dept. of Revenue/Treasury Division

PHONE 465-2351

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

SENATE STATE AFFAIRS COMMITTEE HEARING

ON

1. DEPOSITS IN THE PERMANENT FUND: 2. PAYING CASH FOR CAPITAL IMPROVEMENTS

February 21, 1981

Testimony by Harold E. Pomeroy

Our future is bright if we don't spend billions and billions of dollars unproductively trying to create an artificial destiny for Alaska.

Right now we are misreading the signals.

There is popular belief that if we just do the right things we can achieve a prosperous, diversified and renewable resources economy, including renewable resource production and processing-manufacture. This means, of course, producing goods for export.

We are negligible producers of processed-manufactured goods - with few exceptions, relative to our resource production and services economy, due to far higher costs here than elsewhere - costs that cannot be cured by spending money. Where the potential for competitive position in the market is lacking, direct and indirect aid is only creating artificial viability that can last only until the money runs out.

The wrong signal is that somehow, if we just put enough money into artificial viability in the direction of diversification and renewable resource processing we can turn a liability into an asset. The result is the false assumption that taxes generated out of these areas of activity will be able to make up for less oil income in the future.

The hard fact is that there is no basis whatever for believing the aggregate of all tax revenue from all sources, other than oil production will increase the approximate 1/10 of our expenditures such revenues now pay, by an appreciable amount, if at all - unless taxes are raised drastically.

Testimony, 2/21/81

Harold E. Pomeroy

Take the molybdenum mine soon to be established near Ketchikan. Though one of the largest deposits anywhere, molybdenum won't be made there; the concentrate will go Outside for processing for reasons of economy. Would we increase taxes on the plant two or three or more times in the future to make both ends meet due to less oil income?

Our future economic stability rests heavily on the reason the question has to be asked.

There will be a few individual exceptions to the revenue potential overall - plants with profits coming from huge investments and very few workers.

We can be encouraged about the future if we take the right signal from the dramatic increase in the amount of oil income from even two years ago. A Permanent Fund that generates a substantial part of future needed revenue is practical - with room also for such benefits as no personal income tax and some desirable capital improvements that are cost effective.

Our tremendous good fortune in quantity of oil money is that we can make massive early years deposits in the Permanent Fund, accumulate the interest and arrive at a total of as much as \$125 billion to produce \$13 billion or \$14 billion in annual revenue from then on.

We should place the highest priority on action to secure as strong a financial future as possible, rather than to grab more toward a taxless society and what amounts, indirectly, to colossal price support for economic enterprise that simply isn't economically viable in the open market.

PERMANENT FUND

BUDGET GROWTH

Yrs	I. \$2 Billion at 11% compounded	II. \$4 Billion	III. \$2 Billion - at 11% rate of increase	IV. \$2 Billion - at 15% rate of increase
	5	\$3.37	\$6.74	\$3.37
10	\$5.68	\$11.36	\$5.68	\$8.09
15	\$9.57	\$19.14	\$9.57	\$16.27
20	\$16.12	\$32.29	\$16.12	\$32.73

- I. At the end of 20 years the \$16.12 would produce \$1.67 billion yearly - from then on.
- III. The \$1.67 billion would not go very far toward funding the \$16.12 billion budget.  
The 11% rate of increase may not be enough for inflation and population growth and would allow zero for real growth.
- IV. At 15% growth, \$120 billion in the Permanent Fund would produce about \$13 billion in earnings revenue toward the \$32.73 billion budget

February 21, 1981

Harold E. Pomeroy

*Scott Williams*

*Attache is my testimony before the Senate  
State Affairs Committee public hearing on 2/21/81  
associated the opportunity to appear and  
recent testimony*

*Director of the FBI*

DATE: 2/25/81



Testimony Before Senate State Affairs Committee

of

Scott Goldsmith  
Institute of Social and Economic Research

February 21, 1981

Senate Bill 13 - An act to appropriate cash from the general fund to pay for capital improvements approved by G.O. bonds in 1980.

The logic of borrowing to pay for capital projects when the state has the money to pay cash rests upon the idea of "arbitrage." That is the ability to earn money by borrowing at a low rate of return and investing the borrowed funds at a higher rate of return. When arbitrage is possible, income is maximized by borrowing to pay for capital and, in fact, any expenditure. Thus, when the state can effectively invest money at a higher return than it must pay to borrow, paying cash does not maximize state revenues.

There are, however, two considerations which could alter this conclusion in the unique situation which faces the state of Alaska.

1. The arbitrage model assumes rational behavior on the part of government. Although government is composed of rational individuals, their collective decisions on the spending of money are not always rational. In other words, money gets spent on projects which do not yield a positive return, and this is more likely to occur when the state has more money to spend.

Thus, in analyzing whether paying cash for capital projects makes sense, you should try to determine what spending would be eliminated by such a policy. (Or if the capital project were paid for with borrowed funds, what would actually happen to the funds made available for other purchases.) If unproductive investments are curtailed, then the opportunity cost of paying cash would be zero and no income would be lost. If productive investments are curtailed, then the opportunity cost of paying cash is the lost income from arbitrage.

2. At some time, ten-to-twenty years hence, state revenues, because they are so dependent upon Prudhoe Bay oil and gas production, will be considerably smaller than today. It is unlikely that public needs will be less, however. This suggests the public spending opportunities available to the next generation will be limited relative to our own. Further restricting their options with the requirement of retiring a substantial debt may be an unfair burden. In the extreme, state revenues could fall to such a level that they would all be required for debt service, leaving nothing for schools, highway maintenance, etc. Simply put, an ability to pay criterion suggests paying cash for capital projects.

One rationale for debt finance is to pay for the facility over its lifetime, such that those people pay who are actually getting the benefits as the good is consumed. In the Alaskan context, this rationale may break down because of the transient nature of the population associated with the boom-bust character of the economy, combined with the nature of the project "benefits." For example, a benefit advanced for many capital projects is the employment generated in the construction phase. This directly benefits the present population but not the population which may be here in ten-to-twenty years. The people benefiting today may leave Alaska when the boom construction jobs are all gone because state revenues cannot support them. Should they leave behind an unpaid bill in the form of annual debt service payments for those who remain in the state after the bust?

Senate Bills 21 and 68 - An act to appropriate general fund money to the permanent fund.

State revenues from Prudhoe B., should be viewed as a one-time inheritance. From this perspective, rules about the proportion of revenues which should be saved in the permanent fund emerge.

The unique good fortune of Alaska in its ownership of Prudhoe Bay reserves is evident from the attached Table A which compares the initial reserves in the Prudhoe Bay Field with the largest oil fields in North America and the world. At 10 billion barrels, Prudhoe Bay contains the largest reserves in North America, and only two other fields in the United States had over 2 billion barrels. A field of 100 million barrels, which would be one-hundredth as large as Prudhoe, is considered a giant and hailed as a major discovery in the United States. Consequently, the probability of the discovery of additional reserves, on state land, to compensate the state treasury for the eventual decline in Prudhoe Bay oil production is virtually nil.

Thus, Prudhoe Bay state resources are an inheritance, primarily in the form of oil in the ground but partly in the form of money into which some of the oil is annually transformed. This is commonly called revenues but is more properly viewed as a portion of the principal of the inheritance in monetary, rather than physical (oil in place), form.

Using current (FY 1982) estimates of the per barrel revenues from Prudhoe Bay oil as well as current estimates of recoverable oil, the present value (in 1981 dollars) of the state's inheritance is very roughly \$80 billion (royalties and various taxes associated with oil production and transportation).

We can easily calculate that if that \$80 billion were all invested to earn a 2 percent real rate of return, the state could withdraw \$1.6 billion annually from the invested fund without reducing its value. This \$1.6 billion (in 1981 dollars) would be the annual annuity which could be withdrawn every year to finance government. Such an annuity could completely finance the 1980 state budget.

This suggests that saving \$1.5-to-\$1.8 billion out of total revenues of \$6.6 billion and spending \$4.7-to-\$5 billion is cutting into principal to the tune of over \$2 billion. Thus, if one objective of financial planning is a sound long-term, revenue-generating base, a policy of saving \$1.5-to-\$1.8 billion this fiscal year in the permanent fund is inadequate.

It will, of course, be argued that the best way to ensure a stable long-term tax base is through investment in state resources. The truth is that the revenue-generating capacity of other resources does not have any possibility of providing revenues equal to the \$1.6 billion annuity available through a savings and investment program of the permanent fund.

For example, consider coal. Demonstrated resources in Alaska are about 4.8 billion tons, primarily centered at the Kenona and Sustina Coal Fields (McGee and O'Connell, Mineral Resources of Alaska and the Impact of Federal Land Policies on their Availability: Coal, Open File Report #51, DNR, 6665, 1975, p. 2).

If the state could get a 30 cent royalty on each ton of coal mined, how many tons would need to be mined annually to generate \$1.6 billion from royalties? (The minimum royalty rate on state land is 5¢/ton with recent leases carrying a 20¢-35¢ royalty rate.) The answer is 5.3 billion tons. So each year, more coal would need to be mined than is currently available as reserves in order to match the \$1.6 billion annuity. (The mining license tax and corporate income tax would generate some additional revenue but would not substantially alter the conclusion.) It is interesting to note that actual production of coal is presently about one million tons, or about 1/6th the amount necessary for a tax base dependent upon coal.

TABLE A

I. LARGEST OIL FIELDS IN NORTH AMERICA

		<u>Billion Barrels</u>
1. Prudhoe Bay	USA	10.014
2. Chiapas	Mexico	6.513
3. East Texas	USA	5.999
4. Wilmington	USA	2.418
5. Poza Rica	Mexico	2.028
6. Pembina	Canada	1.742
7. Midway Sunset	USA	1.683
8. Yates	USA	1.600
9. Wesson	USA	1.508
10. Kern River	USA	1.453
11. Panhandle	USA	1.415
12. Swan Hills	Canada	1.315
13. Ebanco-Pannuco	Mexico	1.304
14. Sho-Vel-Tum	USA	1.300
15. Elk Hills	USA	1.296
16. Naranjos Cerro Azul	Mexico	1.177
17. Huntington Beach	USA	1.076
18. Santa Ynez	USA	1.000

II. LARGEST OIL FIELDS IN THE WORLD

1. Burgan	Kuwait	68.930
2. Ghawar	Saudi Arabia	60.270
3. Safania	Saudi Arabia	17.851
4. Kirkuk	Iraq	16.320
5. Samotlorskoye	USSR	14.600
6. Romashkino	USSR	14.040
7. Rumaila	Iraq	13.735
8. Gachsaran	Iran	11.435
9. Harun	Iran	10.687
10. Lagunillas	Venezuela	10.732
11. Agha Jari	Iran	10.034
12. Prudhoe Bay	USA	10.014

# Alaska MUNICIPAL League

TELEPHONES  
(907) 586-1325  
586-6526

204 N FRANKLIN ST.  
JUNEAU, ALASKA 99801

The Alaska Conference of Mayors met in Juneau on February 5 & 6, 1981 and adopted the following provisions:

FY 81 Supplemental (SB 125). The Alaska Conference of Mayors pledged to use any supplemental funding for tax relief.

Mobile Home Financing. The Conference of Mayors urges supplemental appropriation to the Alaska Housing Finance Corporation for mobile home loans in order to ease the serious statewide housing shortage.

High Unemployment Rate. The Conference of Mayors supports state funding for capital projects in order to alleviate the serious unemployment problem in the state by providing both construction jobs and operation and maintenance jobs when the projects are completed; urges the Legislature and Governor to approve funding early enough to get projects "on the street" this construction season.

In Lieu Of Bonds. The Conference of Mayors urges speedy passage of SB 15, making direct appropriations for projects approved by voters in lieu of selling bonds; additionally supports state interim financing for municipal bonds that have been authorized by the voters but cannot be sold because of the bond market.

Permanent Fund. The Conference of Mayors urges the Legislature to create special endowments for fundamental services, such as those provided by local governments instead of increasing the Permanent Fund, in order to lessen the risk of the federal government devising methods of taking away the state's money.

School Support. The Conference of Mayors endorses the concept of 100% state funding for schools, both operating and construction.

Communities represented at those meetings include the Municipality of Anchorage, the City of Angoon, the City of Fairbanks, Fairbanks North Star Borough, the City of Haines, Haines Borough, the City of Homer, the City of Hoonah, the City and Borough of Juneau, the City of Kenai, Kenai Peninsula Borough, Kodiak Island Borough, the City of Nenana, the City of Nome, North Slope Borough, the City of Petersburg, the City of Sand Point, the City of Seldovia and the City of Wrangell.

Bill Overstreet, President  
Leo Rasmussen, Vice President  
George Sullivan, Secretary/Treasurer