

SESSION OF 2021

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2405**

As Agreed to April 8, 2021

Brief*

HB 2405 would authorize the Kansas Development Finance Authority (KDFA) to issue bonds, in one or more series, in an amount not to exceed \$500.0 million, plus all amounts required to pay the costs of issuance. Proceeds from those bonds must be applied to the unfunded actuarial pension liability (UAL) of the Kansas Public Employees Retirement System (KPERS). The interest rate of those bonds would not exceed 4.3 percent. No bonds could be issued without the approval of the State Finance Council, which could give approval while the Legislature is in session. The bonds issued and interest owed would be an obligation of KDFA and not KPERS. The bonds issued would not be considered a debt or obligation of the State for purposes of the *Kansas Constitution*. The Department of Administration and the KDFA would be permitted to enter into contracts to implement the payment arrangements after the bonds are issued.

The bill would be in effect upon publication in the *Kansas Register*.

Conference Committee Action

The Conference Committee agreed to the Senate amendments to the bill, with the following adjustments:

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Authorize the issuance of up to \$500.0 million in bonds if the interest rate does not exceed 4.3 percent; and
- Change the effective date to upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Appropriations at the request of Representative Steven Johnson and referred to the House Committee on Insurance and Pensions. As introduced, the bill would authorize the issuance of up to \$1.0 billion in bonds for the KPERS UAL.

House Committee on Insurance and Pensions

In the House Committee hearing on February 22, 2021, a representative of KPERS testified as a **proponent**, stating the addition of \$1.0 billion to the KPERS Trust Fund would have both immediate and long-term impacts on the system. The representative stated the funded ratio for the KPERS State/School Group would increase by about 4.8 percent, to 76.7 percent, while the estimated UAL for calendar year (CY) 2021 would decrease from \$6.05 billion to \$5.01 billion.

A representative of the Kansas Association of Retired School Personnel and the Kansas Coalition of Public Retirees also provided **proponent** testimony, stating the 2004 and 2015 KPERS Pension Obligation Bond issues are performing well. The representative further stated enactment of the bill and an additional benefit increase would result in a positive economic boost to the State of Kansas.

A representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association also testified as a **proponent**, stating the

bill is evidence of the State attempting to make KPERS a reliable retirement system.

Lastly, Representative Miller spoke as a **proponent** of the bill, stating investing borrowed money is an effective means of generating revenue for the KPERS Trust Fund. Representative Miller further stated the 2004 KPERS Pension Obligation Bond issue delivered almost \$332.0 million in net proceeds while the 2015 bond issue added almost \$141.0 million in net proceeds.

The House Committee amended the bill to authorize KDFSA to issue up to \$500.0 million in bonds if the interest rate on those bonds exceeds 3.5 percent but not 3.75 percent. The House Committee also amended the bill to correct the technical language of the bill.

House Committee of the Whole

On March 4, 2021, the House Committee of the Whole made a technical amendment to update a reference to an act referenced in the bill. [*Note*: The Conference Committee retained this amendment.]

Senate Committee on Ways and Means

In the Senate Committee hearing on March 22, 2021, a representative of KPERS testified as a **proponent**, stating the addition of \$1.0 billion to the system would have immediate and long-term impacts, including a \$1.04 billion decrease to the UAL for CY 2021. The representative stated the annual debt service cost on a 30-year, \$1.0 billion bond issue at a 2.75 percent interest rate would be approximately \$48.5 million. The representative also stated the addition of \$500.0 million to the KPERS Trust Fund would have about half as much of an impact as the addition of \$1.0 billion. For the KPERS State/School Group (assuming the issuance of \$500.0 million in bonds), the funded ratio would increase by

2.4 percent, to 74.3 percent, while employer contribution rates to that group would decrease by 0.83 percent, or about \$43.8 million for FY 2024.

[*Note:* A representative from the KDFA appeared at the hearing and indicated the State of Kansas currently has about \$1.9 billion in tax-supported debt. The representative also stated the transactions for the new pension obligation bond would be a fixed-rate issuance for the full negotiated term. Estimates from KPERS and KDFA assume a 30-year term.]

A representative of the Kansas Association of Retired School Personnel and the Kansas Coalition of Public Retirees also provided **proponent** testimony, stating the 2004 and 2015 KPERS Pension Obligation Bond issues are performing well. The representative further stated enactment of the bill and an additional benefit increase would result in a positive economic boost to the State of Kansas.

Representative Steven Johnson also spoke as a **proponent** of the bill, stating the issuance of a pension obligation bond and the addition of supplementary revenue into the KPERS Trust Fund would have a positive impact to the system. The Representative also cautioned of a worst case scenario in which an underfunded system would likely require annual appropriations from the Legislature.

A representative of the Kansas Policy Institute submitted written-only **opponent** testimony, stating the issuance of additional pension obligation bonds is a continuance of policy decisions to underfund the system. Another representative of the Kansas Policy Institute provided written-only **opponent** testimony, stating the bill would extend debt payments on top of an increasingly risky asset allocation.

On March 25, 2021, the Senate Committee amended the bill to limit the bond issuance to \$500.0 million with an interest rate not to exceed 3.75 percent. [*Note:* The Conference Committee modified this amendment to authorize

up to \$500.0 million in bonds only if the interest rate does not exceed 4.3 percent.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, enactment of the bill and the issuance of a \$1.0 billion 30-year bond would result in approximately \$49.8 million to \$55.9 million annually in debt service payments. The KPERS consulting actuary notes that bond proceeds would first be reflected in the December 31, 2020, valuation and would set the employer contribution rates for FY 2024. Under the current schedule of KPERS State/School Group employer contributions, a total of \$13.56 billion is estimated to be received by the system for the 30-year duration. The actuary further estimates the addition of \$1.0 billion toward the UAL would reduce employer contributions over the same time period to \$12.11 billion, for net savings of approximately \$1.5 billion.

Bonds; KDFA; KPERS

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