

STATE OF WISCONSIN

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JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: March 29, 2019

Re: DNR/DOA Report to JFC

Attached is a report on the Wisconsin Environmental Improvement Fund from the Department of Natural Resources and the Department of Administration, pursuant to s. 281.59(3)(bm)2, Stats.

This report is being provided for your information only. No action by the Committee is required. Please feel free to contact us if you have any questions.

Attachments

AD:JN;jm



Joel Brennan, Secretary

Preston D. Cole, Secretary-designee

March 28, 2019

The Honorable Alberta Darling
Co-Chair Joint Committee on Finance
Room 317 East
State Capitol

MAR 29 2019
St. Finance

SUBJECT: Wisconsin Environmental Improvement Fund
Biennial Finance Plan for 2019-2021 Version Two
(based on materials approved by the Governor for inclusion in the budget)

Dear Senator Darling:

Wisconsin Statutes (s. 281.59(3)(bm)2, Wis. Stats.) requires the Department of Natural Resources and the Department of Administration to jointly submit to the Legislature and to the State Building Commission the updated version of the EIF Biennial Finance Plan to reflect material approved in the Governor's biennial budget. The purpose of the Plan is to provide information on loan, loan subsidy, and bonding levels for program operations during the 2019-2021 biennium.

The first version of the Biennial Finance Plan for 2019-2021 was submitted on September 20, 2018. A third, and final, version of the Biennial Finance Plan will be distributed after the biennial budget is enacted.

If you have any questions regarding the Biennial Finance Plan, please contact Mary Rose Teves at 267-7683 or David Erdman at 267-0374.

Sincerely,

Mary Rose Teves, Director
Bureau of Community Financial Assistance
Department of Natural Resources

David Erdman
Capital Finance Director
Department of Administration

cc: Preston Cole – AD/8
Joel Brennan – DOA

BIENNIAL FINANCE PLAN
ENVIRONMENTAL IMPROVEMENT FUND
SECOND VERSION
MARCH 28, 2019

Prepared by:

Department of Natural Resources
Bureau of Community Financial Assistance
<http://dnr.wi.gov/Aid/LoanNews.html>

Department of Administration
Capital Finance Office
<http://doa.wi.gov/capitalfinance>

ENVIRONMENTAL IMPROVEMENT FUND
 BIENNIAL FINANCE PLAN
 SECOND VERSION, MARCH 28, 2019

EXECUTIVE SUMMARY

**PROPOSED FUNDING LEVELS
 FOR
 ENVIRONMENTAL IMPROVEMENT FUND (EIF)
 2019-2021 Biennium**

BONDING AUTHORITY
 (in \$ millions)

	CHANGE IN AMOUNT	CUMULATIVE
ENVIRONMENTAL IMPROVEMENT FUND		
Revenue Bonding	\$0.0	\$2,526.7
A. CLEAN WATER FUND PROGRAM		
General Obligation Bonding	\$13.5	\$659.8
B. SAFE DRINKING WATER LOAN PROGRAM		
General Obligation Bonding	\$43.5	\$122.0

Notes:

- The proposed funding levels are based on estimates of future funding needs. These estimates, and the associated funding levels, may change as more data becomes available.
- 2019-21 Executive Budget includes authority to issue Environmental Improvement Fund Revenue Bonds for the Safe Drinking Water Loan Program.
- 2019-21 Executive Budget includes \$40.0 million of General Obligation bonding authority under the Safe Drinking Water Loan Program for the replacement of lead service lines.

ENVIRONMENTAL IMPROVEMENT FUND
BIENNIAL FINANCE PLAN
SECOND VERSION, MARCH 28, 2019

I. Introduction

Section 281.59(3), Wis. Stats., requires that the Department of Natural Resources (DNR) and the Department of Administration (DOA) jointly submit a *Biennial Finance Plan* for the Environmental Improvement Fund (EIF) to the Building Commission, the Joint Committee on Finance, and to the Chief Clerk of each house of the legislature. This second version of the Biennial Finance Plan is required to be provided within 30 days after the Executive Budget has been introduced and reflects items included in the Executive Budget. The law requires DNR and DOA to provide information on the following topics:

1. An estimate of the needs for wastewater, storm water, safe drinking water treatment, and land recycling project needs, and the total amount of financial assistance planned to be provided or committed for projects during the four fiscal years of the next two biennia.
2. The extent to which the EIF will be maintained in perpetuity.
3. Financial statements, charts, and other financial information regarding the EIF.
4. The amount and description of service fees to be charged.
5. The Biennial Finance Plan impact on the guideline stated in s. 281.59(3)(b), Wis. Stats.

Attachment A summarizes program authority levels and financial assumptions. Attachment B charts projected sources and uses of funds for the 2019-21 biennium. Attachment C shows the estimated fund capital available for commitments in each of the next four fiscal years based on projected repayment of financial assistance and other fund balance projections.

II. Needs and Financial Assistance Planned To Be Provided

A. Clean Water Fund Program (CWFP)

Table 1 shows the projections of the total amount of all wastewater and storm water funding needs for the next four fiscal years. There are sufficient funds and bonding authority to meet these projected needs. These projections represent the best estimates as of March 13, 2019.

The SFY 2020 funding needs are projected by using the average of the last seven years of the CWFP Intent to Apply (ITA) submittals. We then estimate that 35% of the ITA submittals will result in actual funding applications. We also note that there is a linear increase of approximately 9% in the total amount of funding applied for over the past five years. Therefore, the projections for SFY 21, SFY 22 and SFY 23 are based on a 9% projected increase above SFY 2020 estimate. For the purposes of calculating assistance planned to be provided, we assume that the state will receive \$43,392,000 in federal capitalization grants in each year.

The 2017-19 biennial budget decreased the base interest rate charged on CWFP loans from 70% of market interest rate to 55% of market interest rate. Non-disadvantaged municipalities that have a population of 10,000 or more and or a median household income (MHI) greater than 80% of the State MHI are eligible to receive loans that are 55% of the market rate. Disadvantaged municipalities that have a population of less than 10,000 and a MHI that is 80% or less of the State MHI are eligible to receive loans that are 33% of the market interest rate. The 2017-19 biennial budget also eliminated hardship grant funding and replaced the hardship grants with a 0% interest rate tier. Extremely disadvantaged municipalities that have a population less than 1,000 and a MHI that is 65% or less of the State MHI are eligible to receive 0% interest rate loans.

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% of Market Interest Rate	FY20	FY21	FY22	FY23
55%	\$261.4	\$284.9	\$310.5	\$338.5
33%	57.2	62.3	67.9	74.1
0%	7.5	8.2	8.9	9.7
Market Rate (100%)	16.8	18.3	19.9	21.6
Pilot Projects* at 0% of Market Rate	10.0	10.0	10.0	10.0
TOTAL	\$352.9	\$383.7	\$417.3	\$453.9

*DNR is authorized to fund non-traditional Clean Water Fund projects to address water quality issues that are consistent with the federal Clean Water Act. These non-traditional projects are anticipated to be awarded 0% interest rate loans to further encourage pilot projects and build a repertoire of projects for future consideration. DNR anticipates setting aside \$10 million/year for pilot projects in anticipation of changes in technology and implementation options.

No changes are proposed to the CWFP interest rates in the 2019-21 Executive Budget. The \$13.5 million of general obligation bonding authority in the 2019-21 Executive Budget for the CWFP addresses a miscalculation with the reduction of bonding authority in the 2017-2019 biennial budget.

B. Safe Drinking Water Loan Program (SDWLP)

Data from the past five years of application activity indicate that drinking water needs are experiencing a linear increase of approximately 5% in the total amount of funding applied for each year. The increase in funding applied for is further supported by annual increases shown in the Preliminary Needs surveys. At this rate, the need will exceed the amount of capitalization grants available in the next two biennia. Therefore, we show values for financial assistance planned to be provided based on the actual funds projected to be available, rather than projected needs. For the purposes of calculating assistance planned to be provided, we assume that the State will receive \$18,931,000 in federal capitalization grants in each year.

Table 2 shows the amount of SDWLP funds expected to be available during the next two biennia. The amounts include state match contributions (20% of capitalization grants), unused funds from previous years, repayments, and investment earnings.

No changes were made to the SDWLP interest rates in the 2017-19 biennial budget and no changes are proposed to the SDWLP interest rates in the 2019-21 Executive Budget. Non-disadvantaged municipalities with population of 10,000 or more and median household income (MHI) greater than 80% of State MHI are eligible to receive loans that are 55% of market interest rate. Disadvantaged municipalities that have a population of less than 10,000 and a MHI that is 80% or less of the State MHI are eligible to receive loans that are 33% of market interest rate.

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The 2019-21 Executive Budget includes authority to issue Environmental Improvement Fund Revenue Bonds for the SDWLP. The issuance of revenue bonds for the SDWLP will provide funding to address needs that are expected to exceed the amount of capitalization grants available in future biennia. The current amount of authorized authority for Environmental Improvement Fund Revenue Bonds will provide for issuance of such revenue bonds for the CWFP and as proposed for the SDWLP.

The proposed issuance of revenue bonds for the SDWLP will also provide the required state match contributions on federal capitalization grants, thereby eliminating the issuance of tax-supported general obligation bonds for that purpose. The 2019-21 Executive Budget includes \$3.5 million of general obligation authority for state match contribution in the 2019-20 fiscal year, in the event that enactment and implementation of revenue issuance for the SDWLP is delayed.

The 2019-21 Executive Budget includes \$40.0 million of general obligation authority under the SDWLP for the replacement of private lead service lines in the State. The total costs of lead service line replacements in the State are not included in the above project needs discussion.

TABLE 2 PROJECTED DRINKING WATER FINANCIAL ASSISTANCE PLANNED TO BE PROVIDED (in \$ millions)				
% of Market Interest Rate	FY20	FY21	FY22	23
55%	\$62.0	\$42.8	\$44.9	\$47.3
33%	15.5	10.7	11.2	11.8
Principal Forgiveness	3.8	3.8	3.8	3.8
TOTAL*	\$81.3	\$57.3	\$59.9	\$62.9

*May not add due to rounding. Reflects actual funds projected to be available under current law, and not adjusted to reflect results of proposed issuance of revenue bonds for the SDWLP.

C. Land Recycling Loan Program (LRLP)

No projects have requested funding from this program since SFY 2008. The remaining unallocated LRLP balance totals \$299,657. While Wis. Stats. continue to authorize use of these funds for financial assistance under the program, no future funding for this program is anticipated and no financial assistance has been calculated.

III. Fund Maintained in Perpetuity

The CWFP consists of three loan portfolios:

1. The **Leveraged Portfolio** used proceeds from State of Wisconsin Clean Water Revenue Bonds (CWRB) to make loans. The leveraged portfolio was designed so that loan repayments plus state subsidies were used to retire previously issued CWRBs. Starting in FY16, no CWFP loans were made within this portfolio. On February 15, 2017, the Building Commission approved an Amended and Restated Program Resolution for State of Wisconsin Environmental Improvement Fund Revenue Obligations. The amended and restated program resolution allows the State to move the loans from the leveraged portfolio into the direct portfolio as investment loans, to close out the leveraged portfolio, and surrender the

ENVIRONMENTAL IMPROVEMENT FUND
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state general obligations that were previously needed to pay annual debt services on the CWRBs. On June 6, 2017, the State issued State of Wisconsin Environmental Improvement Fund Revenue Bonds (EIFRB) and all outstanding CWRBs were either legally or economically defeased.

2. The **Direct Portfolio** uses capitalization grants from the US Environmental Protection Agency (EPA), state matching funds that originate from EIFRBs, and proceeds from EIFRBs to make loans. Leveraging of the capitalization grants and state matching funds commenced in FY16, and all new CWFP loans made since FY16 have been made within this portfolio. As mentioned above, steps have been taken to close out the leveraged portfolio and move all loans made under the leveraged portfolio into the direct portfolio as investment loans.

The EPA-funded programs for the CWFP, the SDWLP, and the LRLP are self-perpetuating portfolios that will continue to grow as principal and interest payments are recycled into new loans. EPA regulations require that the EPA-funded programs be maintained in a way that guarantees that they will continue in perpetuity. The only way that the EPA-funded programs would diminish in size is if a substantial number of loan defaults occurred. The leveraged direct portfolio is designed so that loan repayments plus interest on EPA-funded loans are used to retire revenue bonds that were issued.

3. The **Proprietary Portfolio** is for loans that do not fit under the leveraged or direct programs. Some loans can only be funded in the proprietary portfolio because of questionable credit quality, non-conformity with EPA regulations, or federal tax requirements. The number and amount of loans maintained in the proprietary portfolio is kept to a minimum.

IV. Financial Reports

Section 281.59(3)(a)5, Wis. Stats., requires the presentation of audited financial statements for the CWFP, the SDWLP, and the LRLP. Financial statements covering those programs, including the balance sheet and statement of revenues and expenses, are part of the overall program financial statements prepared by the DOA and audited by Baker Tilly Virchow Krause, LLP. These statements must be considered in their entirety and may not be presented without accompanying statements and notes. The most recent copies of the audited financial statements, together with the report of the accountants, are available from the DOA Capital Finance Office (608-266-2305) or the DNR Bureau of Community Financial Assistance (608-266-3915) or on the web at <http://doa.wi.us/capitalfinance>

V. Loan Servicing

Section 281.58(9)(d), Wis. Stats., specifies that the DNR and the DOA may jointly charge and collect service fees on CWFP applications as established by rule for reviewing and acting upon of the application and servicing the financial assistance agreement. Section NR 162.21, Wis. Admin. Code, specifies that if a service fee is imposed, the fee shall be described in the Biennial Finance Plan. The service fee for the 2019-21 biennium will be 0.25% of the outstanding balance on CWFP loans entered into during the biennium. The service fee will be included in the interest rate charged on CWFP loans. Municipalities will not see an increase in the interest rate that they are charged on CWFP loans.

Section 281.60(11m), Wis. Stats., specifies that the DNR and the DOA shall jointly charge and collect an annual service fee for servicing LRLP financial assistance agreements. The statute also specifies the fee for the biennium shall be described in the Biennial Finance Plan. The service fee for the 2019-21 biennium will be 0.5% of the outstanding balance on LRLP loans.

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Section 281.61(5)(b), Wis. Stats., specifies that the DNR and the DOA may jointly charge and collect service fees on SDWLP applications as established by rule for reviewing and acting upon of the application and servicing the financial assistance agreement. The DNR and the DOA have not established a service fee on SDWLP loans, but the DNR has begun the administrative rule process to authorize the collection of loan service fees for the SDWLP.

VI. Impact on Section 281.59(3)(b), Wis. Stats., Guidelines:

Authorizing legislation for the CWFP indicates that, in preparation of the Biennial Finance Plan, the DNR and the DOA shall consider as a guideline that all state water pollution general obligation debt service should not exceed 50% of all general obligation debt service costs of the state. The debt service costs for all state water pollution abatement programs were approximately 4.4% of all state debt service in fiscal 2018 and are expected to total 4.3% of all state debt service in fiscal 2019. When compared to the total General Purpose Revenue debt service, the percent of debt service for state water pollution abatement programs would be 7.3% and 7.3%, respectively. Accordingly, the pollution abatement debt service costs are well under the 50% guideline. The composition of the debt service costs will change over time as the debt service expense of the CWFP replaces debt service for the expenses incurred under the Wisconsin Fund grant program.

The state cost of subsidized loans to municipalities for the construction of pollution control facilities will continue to be significantly less than the costs previously incurred when state grants were offered for similar facilities, and with all new CWFP loans made since FY16 originating from the Direct Portfolio, the state costs of subsidized loans is further drastically reduced.

STATE OF WISCONSIN
ENVIRONMENTAL IMPROVEMENT FUND
SUMMARY OF PROGRAM AUTHORITY AND FINANCIAL ASSUMPTIONS
ATTACHMENT A TO 2019-2021 BIENNIAL FINANCE PLAN VERSION 2

Clean Water Fund Program Authority

GENERAL OBLIGATION BONDS

Hardship Grants	-
Less: Available General Obligation Bond Authority (carried over from '17-'19)	6,018,500
Recommended Reduction of General Obligation Bond Authority	-
Existing General Obligation Bond Authority	646,283,200
Cumulative General Obligation Bond Authority	646,283,200

REVENUE BONDS

Capitalization Grant Match	17,356,800	
Projects to be Funded	147,008,500	
Allowance for Project Cost Increases and Costs of Issuance	14,700,850	
Total:		179,066,150
Less: Available Revenue Bond Authority (carried over from '17-'19)		690,455,000
New Recommended Revenue Bond Authority		-
Existing Revenue Bond Authority		2,526,700,000
Cumulative Revenue Bond Authority		2,526,700,000

Financial Assumptions

PROJECTS TO BE FUNDED

Wastewater Projects Eligible for 0% of Market Rate	35,700,000
Wastewater Projects Eligible for 33% of Market Rate	119,500,000
Wastewater Projects Eligible for 55% of Market Rate	546,300,000
Wastewater Projects Eligible for Market Rate	35,100,000

Total Project Costs 736,600,000

CAPITALIZATION GRANTS FROM THE US EPA (estimated) 86,784,000

INTEREST RATES (at 5.0% estimated market rate)

Compliance Maint. and New/Changed Limits, Urban Storm
Nonpoint Source, and Unsewered @ 55% of market 2.750%

STATE OF WISCONSIN
 ENVIRONMENTAL IMPROVEMENT FUND
 SUMMARY OF PROGRAM AUTHORITY AND FINANCIAL ASSUMPTIONS
 PAGE 2 of ATTACHMENT A to 2019-2021 BIENNIAL FINANCE PLAN VERSION 2

Safe Drinking Water Loan Program Authority

GENERAL OBLIGATION BONDS

Previously Authorized But Uncommitted General Obligation Authority	\$	469,948
Capitalization Grant Match for 2019-2021 EPA Grants		7,572,400
New General Obligation Authority proposed (rounded)		7,100,000
Cumulative General Obligation authority including proposed	\$	78,500,000

Financial Assumptions

PROJECTS TO BE FUNDED

Projects for communities receiving 55% of market rate	\$	116,600,004
Projects for communities receiving 33% of market rate		29,150,001
Projects receiving principal forgiveness		7,572,400
Total Project Costs	\$	153,322,405

EPA CAP. GRANT + MATCH AVAILABLE FOR PROJECTS \$ 34,061,360

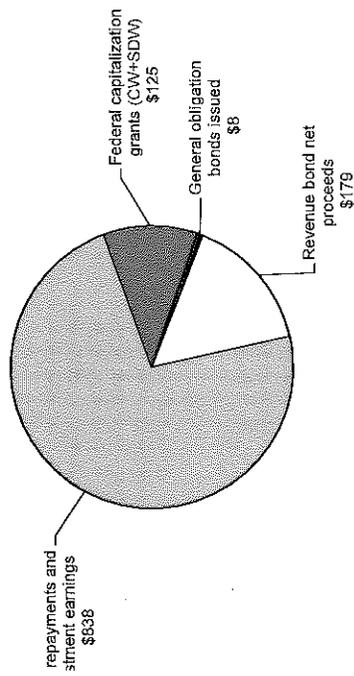
OTHER FUNDS POTENTIALLY AVAILABLE \$ 119,261,045

INTEREST RATES (at 5.0% assumed market rate)

55% of 5% market interest rate (Regular Rate)	2.750%
33% of 5% market rate (Hardship Rate)	1.650%

STATE OF WISCONSIN
 ENVIRONMENTAL IMPROVEMENT FUND
 ESTIMATED SOURCES AND USES FOR 2019-2021 BIENNIUM
 ATTACHMENT B TO 2019-2021 BIENNIAL FINANCE PLAN VERSION 2

Sources of Funds



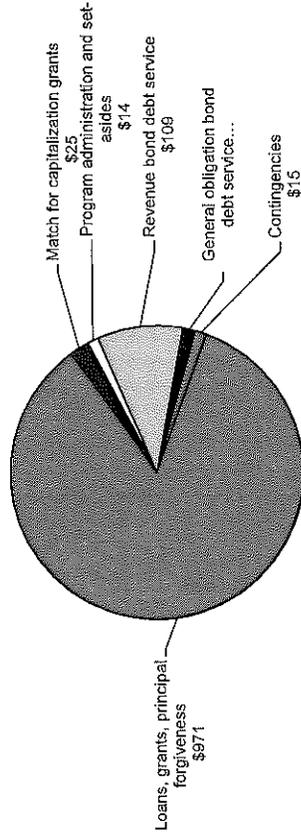
SOURCES OF FUNDS

Federal capitalization grants (CW+SDW)	\$125
General obligation bonds issued	8
Revenue bond net proceeds	179
Loan repayments and investment earnings	838
TOTAL SOURCES	\$1,150

Notes:

All numbers estimated and expressed in millions of dollars
 Loans and grants include projects originated during period indicated to end of funding cycle
 Assumptions regarding future interest rates for tax exempt bonds affect projections
 Does not include accruals or unapplied fund balances

Uses of Funds



USES OF FUNDS

Loans, grants, principal forgiveness	\$971
Match for capitalization grants	25
Program administration and set-asides	14
Revenue bond debt service	109
General obligation bond debt service	16
Contingencies	15
TOTAL USES	\$1,150

STATE OF WISCONSIN
 ENVIRONMENTAL IMPROVEMENT FUND
 CAPITAL AVAILABLE AND PROJECTED FUND BALANCES
 ATTACHMENT C TO THE 2019-2021 BIENNIAL FINANCE PLAN VERSION 1

Fiscal Year	Beginning Balance	Bond & Federal Grant Revenue (adjusted)		Loan Payments	Disbursements		Ending Balance	Loan & Grant Commitments	Net Balance
		Bond	Federal Grant		& Bond Payments				
FY16*	540.8	123.5		232.3	(243.1)		653.5	(229.9)	423.6
FY17*	653.5	334.8		308.8	(1,010.6)		286.5	(144.1)	142.4
FY18*	286.5	59.6		238.1	(289.1)		295.2	(166.7)	128.5
FY19	295.2	120.0		238.1	(289.1)		364.2	(166.7)	197.5
FY20	364.2	160.0		238.1	(289.1)		473.3	(166.7)	306.6
FY21	473.3	120.0		238.1	(289.1)		542.3	(166.7)	375.7
FY22	542.3	160.0		238.1	(289.1)		651.4	(166.7)	484.7
FY23	651.4	120.0		238.1	(289.1)		720.5	(166.7)	553.8
FY24	720.5	160.0		238.1	(289.1)		829.5	(166.7)	662.8
FY25	829.5	120.0		238.1	(289.1)		898.6	(166.7)	731.9
FY26	898.6	160.0		238.1	(289.1)		1,007.6	(166.7)	841.0
FY27	1,007.6	120.0		238.1	(289.1)		1,076.7	(166.7)	910.0
FY28	1,076.7	160.0		238.1	(289.1)		1,185.7	(166.7)	1,019.1
FY29	1,185.7	120.0		238.1	(289.1)		1,254.8	(166.7)	1,088.1
FY30	1,254.8	160.0		238.1	(289.1)		1,363.9	(166.7)	1,197.2
FY31	1,363.9	120.0		238.1	(289.1)		1,432.9	(166.7)	1,266.3
FY32	1,432.9	170.0		238.1	(289.1)		1,552.0	(166.7)	1,385.3
FY33	1,552.0	120.0		238.1	(289.1)		1,621.0	(166.7)	1,454.4
FY34	1,621.0	170.0		238.1	(289.1)		1,740.1	(166.7)	1,573.4
FY35	1,740.1	120.0		238.1	(289.1)		1,809.2	(166.7)	1,642.5
FY36	1,809.2	170.0		238.1	(289.1)		1,928.2	(166.7)	1,761.6
FY37	1,928.2	120.0		238.1	(289.1)		1,997.3	(166.7)	1,830.6
FY38	1,997.3	170.0		238.1	(289.1)		2,116.3	(166.7)	1,949.7
FY39	2,116.3	120.0		238.1	(289.1)		2,185.4	(166.7)	2,018.7
FY40	2,185.4	170.0		238.1	(289.1)		2,304.5	(166.7)	2,137.8

Notes: All numbers in millions
 Beginning and net balances will vary significantly depending on timing of grant receipts and bond issuance
 Report shows estimated capital available and fund balances; not assets and equity
 For additional information refer to audited financial statements
 * indicates actuals

OTHER RECIPIENTS OF ENVIRONMENTAL IMPROVEMENT FUND
BIENNIAL FINANCE PLAN FOR MARCH 2019

The Honorable Alberta Darling
Co-Chair Joint Committee on Finance
Room 317 East
State Capitol

The Honorable John Nygren
Co-Chair Joint Committee on Finance
Room 309 East
State Capitol

Ms. Naomi De Mers
Division of Facilities Development, DOA
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Mr. Jeff Renk
Senate Chief Clerk
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Assembly Chief Clerk
17 W. Main St., Room 401
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Updated March 2019