

FINAL BILL REPORT

EHB 1167

PARTIAL VETO C 385 L 09 Synopsis as Enacted

Brief Description: Studying the linked deposit program.

Sponsors: Representatives Hasegawa, Kenney, Simpson, Chase and Santos.

House Committee on Financial Institutions & Insurance
Senate Committee on Financial Institutions, Housing & Insurance
Senate Committee on Ways & Means

Background:

Linked Deposit Program.

The stated purpose of the Linked Deposit Program (Program) is to increase access to business capital for the state's certified minority-owned and women-owned businesses. Under the Program, certified businesses can obtain reduced interest rate loans from participating financial institutions.

The State Treasurer is authorized to use up to \$190 million of short-term state treasury surplus funds for the Program. These funds are deposited in public depositories as certificate of deposits (CDs) on the condition that the public depository make "qualifying loans" under the Program. The state forgoes up to 2 percent in interest on the CDs and passes along the savings to the public depository with the condition that the depository reduces the interest rate for the loan recipients. The State Treasurer must reduce the amount of the preference to ensure that the effective interest rate on the certificate of deposit is not less than 2 percent. If the preference given to a qualified public depository is less than 200 basis points, the qualified public depository may reduce the interest rate on the loans by an amount that corresponds to the reduction in the preference below 200 basis points.

Qualifying loans are loans:

- made to certain minority or women's business enterprises or veteran-owned businesses;
- for a period not to exceed 10 years;
- for up to a maximum amount of \$1 million for each individual loan;
- at an interest rate that is at least 2 percentage points below the market rate that normally would be charged for a loan of that type; and

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- with points or origination fees limited to 1 percent of the loan principal.

Several agencies are involved in the Program. The State Treasurer is authorized to fund the Program. The Office of Minority and Women's Business Enterprises (OMWBE) certifies the eligibility of the minority or women's businesses, monitors the performance of loans, and compiles information on borrowers in the Program. The Department of Veterans Affairs certifies the eligibility of veteran-owned businesses. The Department of Community, Trade, and Economic Development provides technical assistance, loan packaging services and, in consultation with the OMWBE, must develop performance indicators for the Program.

Summary:

By December 1, 2009, the OMWBE must, in consultation with the State Treasurer and within existing resources, submit recommendations to the Legislature that address the following issues:

- the availability of sources of capital for certified borrowers, including the amounts and interest rates for that capital;
- the loans that are not being funded for certified borrowers under the current Program and why those loans are not being funded;
- the availability of other sources of capital in the marketplace for those non-funded loans of certified borrowers, including the amounts and interest rates for that capital;
- whether there are other institutions that may be willing to make those loans that are currently not being made to certified borrowers under the Program;
- whether the Program could be modified to encourage lenders to make those loans that are not currently being made to certified borrowers and whether the cost of those loans would be a barrier;
- a review of how other states seek to increase access to capital for borrowers that traditionally lack access to capital; and
- the role Community Development Financial Institutions could play in mitigating the cost of lending to certified borrowers who are not currently being served by the Program.

The State Treasurer may reduce the effective interest rate the state receives on CDs to zero percent.

These provisions expire on July 1, 2010.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 26, 2009

Partial Veto Summary: The Governor vetoed the sections directing the OMWBE to make recommendations to the Legislature on how to address barriers faced by certified small businesses that are not able to participate in the Linked Deposit.