

## Senate Concurrent Resolution No. 1627

By Senators Kelly and Vratil, Abrams, Barnett, Brownlee, Bruce, Brun-  
gardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland,  
Huntington, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, Mc-  
Ginn, Morris, Owens, Petersen, Pilcher-Cook, Reitz, V. Schmidt,  
Schodorf, Steineger, Taddiken, Teichman, Umbarger and Wagle

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13 A PROPOSITION to amend article 11 of the constitution of the state of  
14 Kansas by adding a new section thereto, concerning a budget stabili-  
15 zation fund in the state treasury.

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17 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
18 *members elected (or appointed) and qualified to the Senate and two-*  
19 *thirds of the members elected (or appointed) and qualified to the House*  
20 *of Representatives concurring therein:*

21 Section 1. The following proposition to amend the constitution of the  
22 state of Kansas shall be submitted to the qualified electors of the state  
23 for their approval or rejection: Article 11 of the constitution of the state  
24 of Kansas is amended by adding a new section thereto to read as follows:

25 **“§ 14. Budget Stabilization Fund.**

26 (a) On July 1, 2011, a budget stabilization fund shall be estab-  
27 lished and maintained in the state treasury.

28 (b) When state general fund revenue for a fiscal year increases  
29 by more than three percent over state general fund revenue for the  
30 preceding fiscal year, up to the next one percent of state general  
31 fund revenue collected in excess of three percent shall be deposited  
32 in the budget stabilization fund. Nothing in this subsection shall  
33 require state general fund revenue to be deposited in the budget  
34 stabilization fund when the budget stabilization fund balance ex-  
35 ceeds seven and one-half percent of the current fiscal year’s state  
36 general fund budget as enacted by the legislature and approved by  
37 the governor.

38 (c) The legislature may provide, by law, for additional amounts  
39 of state general fund revenue to be deposited in the budget stabi-  
40 lization fund.

41 (d) (1) Based upon the most recent estimate of state general  
42 fund revenue as provided by law, withdrawals from the budget sta-  
43 bilization fund may occur only to provide for:

1 (A) The current fiscal year's estimated state general fund revenues to be less than the amount of actual state general fund revenue collected or otherwise received in the preceding fiscal year, when the decrease in the current estimated state general fund revenue was not created, in whole or in part, by any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year; or

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8 (B) the ensuing fiscal year's estimated state general fund revenues to be less than the amount of estimated state general fund revenues in the current fiscal year, when the decrease in the ensuing fiscal year's estimated state general fund revenues was not created, in whole or in part, by any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.

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14 (2) The attorney general shall be responsible for certifying whether any kind of tax reduction legislation was enacted by the legislature and approved by the governor. Any withdrawal authorized by this subsection shall be enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and authorize the transfer of a specific amount of money from the budget stabilization fund to the state general fund.

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22 (e) Pursuant to subsection (d), the legislature shall provide by law for the transfer of a specific amount of money from the budget stabilization fund to the state general fund.

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25 (f) Amounts in the budget stabilization fund may be invested as provided by law and the earnings thereon shall be retained in the budget stabilization fund.

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28 (g) The legislature shall define "state general fund revenue" by law and may enact other laws to carry out the purposes of this section."

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32 Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

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34 "*Explanatory statement.* The purpose of this amendment is to establish a budget stabilization fund in the state treasury starting on July 1, 2011.

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37 "A vote for this amendment will:

38 (1) Require that annually, when state general fund revenue for a fiscal year increases by more than three percent over the state general fund revenue for the preceding fiscal year, up to the next one percent of state general fund revenue collected in excess of three percent shall be deposited in the budget stabilization fund. Nothing in this amendment shall require state

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- 1           general fund revenue to be deposited in the budget stabili-  
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3           ceeds seven and one-half percent of the current fiscal year's  
4           state general fund budget as enacted by the legislature and  
5           approved by the governor.
- 6           (2) Allow the legislature, by law, to provide for additional amounts  
7           of state general fund revenue to be deposited in the budget  
8           stabilization fund.
- 9           (3) Allow, by a separate act of the legislature, withdrawals from  
10          the budget stabilization fund to occur only to provide that the:  
11          (A) Current fiscal year's estimated state general fund revenues are  
12          less than the amount of actual state general fund revenues  
13          collected or otherwise received in the preceding fiscal year,  
14          when the decrease in current estimated state general fund  
15          revenue was not created, in whole or in part, by any kind of  
16          tax reduction legislation enacted by the legislature and ap-  
17          proved by the governor in the preceding fiscal year; or  
18          (B) ensuing fiscal year's estimated state general fund revenues are  
19          less than the amount of estimated state general fund revenues  
20          in the current fiscal year, when the decrease in the ensuing  
21          fiscal year's estimated state general fund revenue was not cre-  
22          ated, in whole or in part, by any kind of tax reduction legis-  
23          lation enacted by the legislature and approved by the gover-  
24          nor in the preceding fiscal year. The attorney general is  
25          responsible for determining whether tax reduction legislation  
26          was enacted and approved.
- 27          “A vote against this amendment will make no changes in current  
28          law concerning the State's finances.”
- 29          Sec. 3. This resolution, if approved by two-thirds of the members  
30          elected (or appointed) and qualified to the Senate, and two-thirds of the  
31          members elected (or appointed) and qualified to the House of Repre-  
32          sentatives, shall be entered on the journals, together with the yeas and  
33          nays. The Secretary of State shall cause this resolution to be published as  
34          provided by law and shall cause the proposed amendment to be submitted  
35          to the electors of the State at the general election in the year 2010 unless  
36          a special election is called at a sooner date by concurrent resolution of  
37          the Legislature, in which case it shall be submitted to the electors of the  
38          State at the special election.