

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 5, 2010—8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with twenty-two senators present.
Senators Abrams, Barnett, Brungardt, Colyer, Emler, Faust-Goudeau, Kelsey, Kultala, Lynn, Masterson, McGinn, Morris, Petersen, Pyle, Schodorf, Steineger, Teichman and Wagle were excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

When Solomon became king, You told him to “ask for whatever you want me to give you.” Solomon wisely asked for wisdom, which You gave him plus much more.

The evidence of Solomon’s wisdom are the 370 proverbs we find in Chapters 10 through 22 in the book of Proverbs.

I have chosen seven to share with the Senators:

For lack of guidance a nation falls, but many advisors make victory sure. 11:14

Righteousness exalts a nation, but sin is a disgrace to any people. 14:34

The Lord is far from the wicked but he hears the prayer of the righteous. 15:29

Commit to the Lord whatever you do, and your plans will succeed. 16:3

In his heart a man plans his course, but the Lord determines his steps. 16:9

Pride goes before destruction, a haughty spirit before a fall. 16:18

Better a patient man than a warrior, a man who controls his temper than one who takes a city. 16:32

I thank You, Lord, for these examples of wisdom in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were introduced and read by title:

SB 537, An act concerning liens and claims against real or personal property; amending K.S.A. 58-4301 and repealing the existing section, by Committee on Judiciary.

SENATE CONCURRENT RESOLUTION No. 1627—

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

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning a budget stabilization fund in the state treasury.

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

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

“§ 14. Budget Stabilization Fund.

(a) On July 1, 2011, a budget stabilization fund shall be established and maintained in the state treasury.

(b) When state general fund revenue for a fiscal year increases by more than three percent over 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 subsection shall require state general fund revenue to be deposited in the budget stabilization fund when the budget stabilization fund balance exceeds seven and one-half percent of the current fiscal year's state general fund budget as enacted by the legislature and approved by the governor.

(c) The legislature may provide, by law, for additional amounts of state general fund revenue to be deposited in the budget stabilization fund.

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

(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

(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.

(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.

(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.

(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.

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

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

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

“A vote for this amendment will:

- (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 general fund revenue to be deposited in the budget stabilization fund when the budget stabilization fund balance exceeds seven and one-half percent of the current fiscal year’s state general fund budget as enacted by the legislature and approved by the governor.
- (2) Allow the legislature, by law, to provide for additional amounts of state general fund revenue to be deposited in the budget stabilization fund.
- (3) Allow, by a separate act of the legislature, withdrawals from the budget stabilization fund to occur only to provide that the:
 - (A) Current fiscal year’s estimated state general fund revenues are less than the amount of actual state general fund revenues collected or otherwise received in the preceding fiscal year, when the decrease in 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 preceding fiscal year; or
 - (B) ensuing fiscal year’s estimated state general fund revenues are 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 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 preceding fiscal year. The attorney general is responsible for determining whether tax reduction legislation was enacted and approved.

“A vote against this amendment will make no changes in current law concerning the State’s finances.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The Secretary of State shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the State at the general election in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the Legislature, in which case it shall be submitted to the electors of the State at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 530**.

Federal and State Affairs: **SB 531, SB 532**.

Financial Institutions & Insurance: **HB 2160**.

Judiciary: **SB 533, SB 534, SB 535; HB 2082, HB 2412, HB 2440, HB 2476**.

Transportation: **SB 536**.

REPORT ON ENROLLED BILLS

SR 1810, SR 1811, SR 1813, SR 1814 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 5, 2010.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, February 8, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

