

**HOUSE BILL No. 2419**

By Committee on Appropriations

4-4

1 AN ACT concerning state finances; transfers to and expenditures from the  
2 budget stabilization fund; amending K.S.A. 2016 Supp. 75-6706 and  
3 repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) Commencing with the fiscal year ending June 30,  
7 2019, the director of the budget, in consultation with the director of  
8 legislative research, shall certify, at the end of each fiscal year, the amount  
9 of actual estimated tax revenue receipts that is in excess of, or is less than,  
10 the average estimated tax revenue receipts for the preceding three fiscal  
11 years, and shall transmit such certification to the director of accounts and  
12 reports. Subject to the provisions of this section, upon receipt of such  
13 certification, or as soon thereafter as moneys are available, the director of  
14 accounts and reports shall transfer such certified excess amount, if any,  
15 from the state general fund to the budget stabilization fund established by  
16 K.S.A. 2016 Supp. 75-6706, and amendments thereto. If such transfer  
17 would cause total revenues available to the state general fund on July 1 of  
18 the current fiscal year to be less than total revenues on July 1 of the  
19 previous fiscal year, then no transfer to the budget stabilization fund shall  
20 be made. No transfer shall be made under this section if the amount of  
21 actual estimated tax revenue receipts is less than the average estimated tax  
22 revenue receipts for the preceding three fiscal years.

23 (b) When determining the amount of actual estimated tax revenue  
24 receipts for any fiscal year pursuant to this section, the amount shall be  
25 reduced by the amount of the current fiscal year's actual estimated tax  
26 revenue receipts collected or otherwise received as a result of any kind of  
27 tax increase legislation enacted by the legislature and approved by the  
28 governor in the current or preceding fiscal year.

29 (c) Nothing in this section shall require actual estimated tax revenue  
30 receipts to be transferred to the budget stabilization fund when the budget  
31 stabilization fund balance exceeds 8% of the preceding fiscal year's state  
32 tax receipts.

33 (d) As used in this section:

34 (1) "Actual estimated tax revenue receipts" means receipts received  
35 pursuant to K.S.A. 79-32,101(a)(1), and amendments thereto; and

36 (2) "state tax receipts" means receipts from any state income tax,

1 sales tax, compensating use tax or other excise tax or tax in the nature of  
2 an excise tax, or estate or inheritance tax, or tax in the nature of an estate  
3 or inheritance tax, but shall not include receipts from any property tax, or  
4 tax in the nature of property tax, or any tax on motor fuels.

5 Sec. 2. K.S.A. 2016 Supp. 75-6706 is hereby amended to read as  
6 follows: 75-6706. (a) On July 1, 2017, the budget stabilization fund is  
7 hereby established in the state treasury.

8 (b) On or before the 10<sup>th</sup> day of each month commencing July 1,  
9 2017, the director of accounts and reports shall transfer from the state  
10 general fund to the budget stabilization fund interest earnings based on:

11 (1) The average daily balance of moneys in the budget stabilization  
12 fund, for the preceding month; and

13 (2) the net earnings rate of the pooled money investment portfolio for  
14 the preceding month.

15 (c) On and after July 1, 2017, no moneys in the budget stabilization  
16 fund shall be expended pursuant to this subsection unless the expenditure  
17 either has been approved by an appropriation or other act of the legislature  
18 or has been approved by the state finance council acting on this matter  
19 which is hereby characterized as a matter of legislative delegation and  
20 subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments  
21 thereto. *All moneys credited to the budget stabilization fund shall be*  
22 *expended or transferred for only the following purposes:*

23 (1) *If a decrease in state general fund revenue occurs in the current*  
24 *fiscal year compared to the previous fiscal year.*

25 (2) *If a decrease occurs in actual tax receipt revenues receipts to the*  
26 *state general fund compared to the estimated tax receipt revenues receipts*  
27 *on which the budget was based pursuant to the joint estimate of revenue*  
28 *under K.S.A. 75-6701, and amendments thereto.*

29 (3) *To provide relief and assistance from the effects of a disaster*  
30 *emergency declared under K.S.A. 48-924, and amendments thereto.*

31 (d) (1) ~~During the 2016 interim between regular sessions of the~~  
32 ~~legislature,~~ The legislative budget committee shall study and review the  
33 policy concerning the balance of, transfers to and expenditures from the  
34 budget stabilization fund. The legislative budget committee study and  
35 review shall include, but not be limited to, the following:

36 (A) Risk-based budget stabilization fund practices utilized in other  
37 states.

38 (B) The appropriate number of years to review the state general fund:

39 (i) Revenue variances from projections; and

40 (ii) expenditure variances from budgets.

41 (C) The entity to certify the amount necessary in the budget  
42 stabilization fund to maintain the appropriate risk-based balance.

43 (D) Plan to fund the budget stabilization fund.

1 (E) Process and circumstances to reach the appropriate risk-based  
2 balance, including the amount of risk that is acceptable.

3 (F) Circumstances under which expenditures may be made from the  
4 fund.

5 (2) The legislative budget committee may make recommendations  
6 and introduce legislation as it deems necessary to implement such  
7 recommendations.

8 ~~(3) Notwithstanding the provisions of sections 52 and 53 of chapter~~  
9 ~~104 of the 2015 Session Laws of Kansas, section 18 of chapter 12 of the~~  
10 ~~2016 Session Laws of Kansas, this or any other appropriation act of the~~  
11 ~~2016 regular session of the legislature, the legislative budget committee~~  
12 ~~may meet not more than 10 days to study and review such policies as~~  
13 ~~determined by the chairperson of the committee.~~

14 Sec. 3. K.S.A. 2016 Supp. 75-6706 is hereby repealed.

15 Sec. 4. This act shall take effect and be in force from and after its  
16 publication in the statute book.