

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 14, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by guest, Kourtney Pyle, daughter of Senator Pyle.

The Lord's Prayer was sung.

The Pledge of Allegiance was led by President Susan Wagle.
The Star Spangled Banner was sung.

ORIGINAL MOTION

Senator Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 245**, **SB 246**; **HB 2216**.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended that **SB 246** be passed.

HB 2216 be amended by the adoption of the committee amendments, and be further amended by motion of Senator Masterson: on page 8, in line 17, by striking "pension" and inserting "pensions";

On page 56, by striking all in lines 9 through 43;

By striking all on pages 57 through 61;

On page 62, by striking all in lines 1 and 2;

And by renumbering sections accordingly;

On page 66, in line 11, by striking the comma and inserting "and"; also in line 11, by striking "and 75-7435";

On page 1, in the title, in line 8, by striking the last comma and inserting "and"; also in line 8, by striking "and"; in line 9, by striking "75-7435"

The amendment was adopted.

HB 2216 be further amended by motion of Senator Abrams: on page 66, following line 3, by inserting:

"Sec. 37. K.S.A. 71-211 is hereby amended to read as follows: 71-211. The director

of accounts and reports, with the advice of the state board of regents ~~and the legislative educational planning committee, the senate committee on education and the house of representatives committee on education,~~ shall prescribe a standardized and uniform chart of accounts for use by all community colleges. Such chart of accounts shall be compatible with the revenues and expenditures classification system developed by the national association of college and university business officers. The chart of accounts shall be adaptable to manual or automated systems, and use of such chart of accounts is hereby required for all community colleges.

Sec. 38. K.S.A. 2012 Supp. 72-9924 is hereby amended to read as follows: 72-9924. On or before September 1, 2006, the state board of education shall report its progress on the implementation of the Kansas skills for success in school program to the legislative educational planning committee. ~~The state board shall submit other reports as requested by the chairperson of the legislative educational planning committee.~~ On or before ~~September 1, 2007~~ the first day of the legislative session in 2014, and each year thereafter, the state board shall make an annual report on the program to the ~~legislative educational planning committee~~ senate committee on education and the house of representatives committee on education. Annual reports shall include data relating to and supporting evaluations of goals, objectives and outcomes established by the state board. ~~On or before the first day of the legislative session in 2007, and each year thereafter, the legislative educational planning committee shall prepare and submit to the legislature a report on the program and any recommendations relating thereto.~~

Sec. 39. K.S.A. 2012 Supp. 79-32,215 is hereby amended to read as follows: 79-32,215. (a) For taxable years 2005, 2006 and 2007, any business firm which has entered into a partnership agreement pursuant to subsection (f) shall be allowed a credit against the income tax imposed by the Kansas income tax act as follows:

(1) An amount equal to 25% of the amount paid during the taxable year by such business firm to teachers as salary pursuant to the partnership agreement; or

(2) an amount equal to 30% of the amount paid during the taxable year by such business firm to teachers as salary pursuant to the partnership agreement if the teacher is teaching in a school district located in a rural community, underserved area, or underperforming urban area.

(b) In no event shall the total amount of credits allowed under this section exceed \$500,000 for any one fiscal year, and of that amount, except as otherwise provided, no more than \$125,000 of credits shall be allowed for business firms located in any one congressional district per fiscal year. The secretary of revenue shall establish by the adoption of rules and regulations a procedure to allow reallocation of unused tax credits by one congressional district to a congressional district which has or will use all of its allocated tax credits in that fiscal year and has additional tax credit allowance requests pending. The secretary of revenue shall approve all such credits in advance on a first-come, first-serve basis pursuant to subsection (d). No credit shall be allowed pursuant to this section to a business firm that enters into a partnership agreement with a school district in which the teacher employed by the business firm is a household or family member of any owner, director, officer or employee of such business firm.

(c) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income tax liability

for the taxable year in which the expenditures are made by the taxpayer. The taxpayer shall not be allowed to carry over any amount of such credit exceeding the taxpayer's income tax liability. No credit shall be allowed pursuant to this section to a business firm that enters into a partnership agreement with a school district in which the teacher employed by the business firm is a household or family member of any owner, director, officer or employee of such business firm.

(d) Prior to a business firm claiming this tax credit, the secretary of revenue shall require each business firm to submit for approval the following information on forms as prescribed by the secretary: (1) Each partnership agreement; (2) the salary amount paid to each teacher during the taxable year by such business firm pursuant to such partnership agreement and for which the tax credit is sought; and (3) such further information as the secretary may require to administer this provision.

(e) As used in this section:

(1) "Business firm" means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act and any individual subject to the state income tax imposed by the provisions of the Kansas income tax act.

(2) "Underserved area" shall have the meaning ascribed thereto by K.S.A. 74-32,101, and amendments thereto.

(3) "Teacher" means a person who holds a certificate to teach in Kansas with an endorsement in the areas of mathematics, science, physics, chemistry or biology and has entered into a partnership agreement.

(4) "Partnership agreement" means an agreement entered into pursuant to subsection (f). Such agreement shall contain a description of the duties of the position the teacher shall be performing, sufficient to establish that such position satisfies the criteria set forth in subsection (f).

(5) "Rural community" shall have the meaning ascribed thereto by K.S.A. 79-32,195, and amendments thereto.

(6) "Underperforming urban area" means an area of the state in which low academic performance by pupils in school districts in such area as determined and specified by the state board of education.

(f) The board of education of any school district, teacher and business firm may enter a partnership agreement under which such business firm agrees to employ such teacher in a position that requires mathematics or science skills commensurate with the classes that the teacher regularly teaches during the times in which school is not regularly in session. If a teacher entering into a partnership agreement voluntarily leaves the employ of the school district to be employed by the business firm during the term of the agreement or within one year after the agreement is completed or terminated, the business firm shall repay to the state all credits claimed pursuant to this section. Such payment shall be due as part of the tax liability of the business entity for the tax year in which the teacher is no longer employed by the school district.

~~(g) The secretary of revenue shall submit an annual report to the chairperson of the legislative educational planning committee regarding utilization of the credits claimed pursuant to this act, for purposes of evaluation of the program by such committee. Such report shall be due on or before the first day of the legislative session, commencing with the 2007 legislative session and ending with the 2009 legislative session."~~

And by renumbering sections accordingly;

Also on page 66, in line 4, following "46-912," by inserting "46-1208b, 46-1208c,;" in line 5, following "46-2201," by inserting "71-211,;" also in line 5, after "71-212" by inserting ", 74-3202e"; in line 6, following "45-229," by inserting "46-1208a, 46-1208e,;" in line 7, following "72-5395," by inserting "72-9924,;" in line 11, by striking "and" and inserting a comma; also in line 11, after "75-7435" by inserting ", 76-3402 and 79-32,215";

On page 1, in the title, in line 3, following "46-912," by inserting "71-211,;" in line 5, following "72-5395," by inserting "72-9924,;" in line 8, by striking "and" and inserting a comma; in line 9, following "75-7435" by inserting "and 79-32,215"; also in line 9, following "K.S.A." by inserting "46-1208b, 46-1208c,;" in line 10, by striking the first "and" and inserting a comma; also in line 10, after "46-2201" by inserting "and 74-3202e"; also in line 10, before "46-1801" by inserting "46-1208a, 46-1208e,;" in line 11, by striking "and" inserting a comma; also in line 11, after "75-7425" by inserting "and 76-3402"

The amendment was adopted.

HB 2216 be further amended by motion of Senator Kelly: on page 7, by striking all in lines 33 through 43;

By striking all on pages 8 through 32;

On page 33, by striking all in lines 1 through 16;

And by renumbering sections accordingly;

On page 66, in line 4, by striking the last comma and inserting "and"; in line 5, by striking ", 46-2201, 71-212 and 74-4907"; in line 7, by striking all after "65-1,251,;" in line 8, by striking "4937, 74-49,129,;"

On page 1, in the title, in line 3, by striking the third comma and inserting "and"; also in line 3, by striking ", 71-212"; in line 4, by striking "and 74-4907"; in line 5, by striking all after "1,251,;" in line 6, by striking "4937, 74-49,129,;" in line 10, by striking "and 46-2201"

The amendment was adopted, and **HB 2216** be passed as further amended.

SB 245 be amended by the adoption of the committee amendments, and be further amended by motion of Senator Masterson: on page 1, in line 33, by striking "May 8" and inserting "July 1";

On page 2, in line 13, after "bonds," by inserting "except for any bonds that the state finance council has already approved prior to July 1, 2013,"

The amendment was adopted, and **SB 245** be passed as further amended.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2115**.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Wednesday, May 15, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks*.

DIANE MINEAR, *Secretary of the Senate*.

