

SESSION OF 2019

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2087**

As Agreed to April 2, 2019

**Brief\***

HB 2087 would amend the definition of “school bus” in the Motor-Fuel Tax Law to remove a requirement the vehicle be designed for carrying more than ten passengers and to remove use for the transportation of school personnel. The bill would retain in the definition that a school bus be any motor vehicle that is used by a school district or nonpublic school to transport pupils or students to or from school or to or from school-related functions or activities; the vehicle may be owned and operated by the school district or privately owned and contracted for, leased, or hired by a school district or nonpublic school.

**Conference Committee Action**

The Conference Committee removed the contents of HB 2087 regarding sun screening devices and replaced them with the contents of HB 2214, as amended by the House Committee on Transportation and passed by the House, regarding the definition of “school bus” for motor-fuel tax purposes. [Note: Provisions regarding sun screening devices are included in the pending Conference Committee Report for SB 63.]

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

## **Background**

The Conference Committee replaced the former contents of HB 2087 with those of HB 2214, as amended by the House Committee on Transportation.

### ***HB 2214 (Definition of “School Bus” for Motor Fuel Tax Purposes)***

HB 2214 was introduced in the House Committee on Transportation at the request of Representative Proehl on February 8, 2019.

In the House Committee hearing, the superintendent of Central Heights USD 288 testified as a proponent. The superintendent testified the school district had previously taken a motor-fuel tax reimbursement on both buses and cars used to transport students, but was recently denied reimbursement by the Kansas Department of Revenue (KDOR) for motor fuel purchased for all vehicles except school buses because other vehicles did not meet the definition provided in the Motor-Fuel Tax Law. He stated the bill would allow school districts to obtain fuel tax reimbursement for all motor vehicle fuel purchased, even for cars used to transport fewer than ten passengers.

The House Committee amended the bill to remove use by school personnel from the definition of “school bus” for this purpose. [*Note:* The Conference Committee retained this amendment.]

According to the fiscal note prepared by the Division of the Budget on HB 2214, as introduced, KDOR indicates the bill would increase the number of vehicles eligible to apply for a motor-fuel tax refund, which would reduce receipts to the State Highway Fund (SHF) and the Special City and County Highway Fund (SCCHF). KDOR could not estimate the number of vehicles that would become eligible for reimbursement if the bill is enacted and could not estimate

the fiscal impact to the SHF or the SCCHF. The Kansas Department of Education estimates the bill would have no fiscal effect on that agency. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

school bus; fuel tax; school; tax

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