

independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or United States Code, title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. “Employee of the state” includes a public defender appointed by the state board of public defense or a court-appointed guardian ad litem, whether paid by the state or by a political subdivision.

(3) “Scope of office or employment” means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved April 21, 1988

CHAPTER 603—H.F.No. 1749

An act relating to transportation; increasing the excise tax on gasoline and special fuel to 20 cents per gallon; increasing the fees for alternate fuel permits; providing for the distribution of motor vehicle excise tax revenue; creating a transportation study board; repealing the contingent income tax increase provision; appropriating money; amending Minnesota Statutes 1986, sections 296.02, subdivision 1b; and 296.026, subdivision 2, as amended; Minnesota Statutes 1987 Supplement, sections 296.025, subdivisions 2a and 2b; and 297B.09, subdivision 1; repealing Laws 1987, chapter 268, article 18, section 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 296.02, subdivision 1b, is amended to read:

Subd. 1b. **RATES IMPOSED.** The gasoline excise tax is imposed at the following rate:

(a) ~~For the period beginning on the first day of the month following the month of final enactment of Laws 1983, chapter 17, or on the first day of the second month following the month of final enactment of Laws 1983, chapter 17 if the date of final enactment of Laws 1983, chapter 17 is within 15 days of the end of the month, and ending December 31, 1983, gasoline is taxed at the rate of 16 cents per gallon.~~

(b) For the period on and after January 1, 1984, May 1, 1988, gasoline is taxed at the rate of 17 20 cents per gallon.

Sec. 2. Minnesota Statutes 1987 Supplement, section 296.025, subdivision 2a, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2a. **TAX IMPOSED FOR RAILROAD USE.** There is imposed an excise tax of ¢ at the same rate of 17 cents per gallon as the gasoline excise tax on special fuel used to propel trains in this state and not otherwise taxed as gasoline. The tax shall be computed by using the same method as the gasoline excise tax imposed for railroad use under section 296.02, subdivision 2a, and shall be payable at the times, in the manner, and by the persons specified in this chapter.

Sec. 3. Minnesota Statutes 1987 Supplement, section 296.025, subdivision 2b, is amended to read:

Subd. 2b. **TAX IMPOSED FOR BARGE USE.** There is imposed an excise tax of ¢ at the same rate of 17 cents per gallon as the gasoline excise tax on special fuel used to propel barges in this state and not otherwise taxed as gasoline. The tax shall be computed by using the same method as the gasoline excise tax imposed for barge use under section 296.02, subdivision 2b, and shall be payable at the times, in the manner, and by the persons specified in this chapter.

Sec. 4. Minnesota Statutes 1986, section 296.026, subdivision 2, as amended by Laws 1988, chapter 450, section 4, is amended to read:

Subd. 2. **PERMIT FEES IMPOSED.** The fees for annual alternate fuel permits are based on each vehicle's mileage in the preceding year and are as follows:

Gross Vehicle Weight	Fee
Under 6,000 pounds	\$7.50 <u>\$8.80</u> per 1,000 miles
6,001 - 12,000 pounds	\$9 <u>\$10.60</u> per 1,000 miles
12,001 - 18,000 pounds	\$16 <u>\$18.80</u> per 1,000 miles
18,001 - 26,000 pounds	\$23 <u>\$27.10</u> per 1,000 miles
26,001 - 36,000 pounds	\$27 <u>\$31.80</u> per 1,000 miles
Over 36,000 pounds	\$34 <u>\$40.00</u> per 1,000 miles

A log with validating receipts pertaining to the vehicle's out of state mileage may be supplied to the commissioner of public safety at the time of permit application to be subtracted from the actual mileage for the purpose of calculating the permit fee. If no true cumulative mileage figures are available for the preceding year, the fee charged under this section must be based on 15,000 miles driven within the state.

The fee for a permit required by this section must be calculated based on the number of unexpired months remaining in the registration year of the vehicle as measured from the date of the occurrence of the event requiring the permit.

Sec. 5. Minnesota Statutes 1987 Supplement, section 297B.09, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **GENERAL FUND SHARE.** (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. The amounts collected and received shall be credited to ~~the highway user tax distribution fund and the transit assistance fund~~ as provided in this subdivision, and transferred from the general fund on July 15 and January 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund.

~~Five~~ (b) Thirty percent of the money collected and received under this chapter after June 30, 1988, and before July 1, 1991, must be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment as ~~provided in this section.~~ Of the money deposited under this section, follows: 75 percent must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.

(c) Thirty percent of the money collected and received under this chapter after June 30, 1991, must be deposited in the trunk highway fund and the transit assistance fund for apportionment as follows: 75 percent must be credited to the trunk highway fund and the remaining 25 percent must be credited to the transit assistance fund.

~~(b)~~ (d) The distributions under this subdivision to the highway user tax distribution fund until June 30, 1991, and to the trunk highway fund thereafter, must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, the commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall reduce the estimate for any six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period in those fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period,

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but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the highway user tax distribution fund for that six-month period.

Sec. 6. **TRANSPORTATION STUDY BOARD.**

Subdivision 1. BOARD CREATED; MEMBERSHIP. A transportation study board is created to consist of the following members:

(1) four members of the senate, with not more than three of the same political party, appointed by the senate committee on committees;

(2) four members of the house of representatives, with not more than three of the same political party, appointed by the speaker of the house;

(3) thirteen members appointed by the governor, with at least one member but not more than two members from each congressional district. The governor shall appoint members so that at least one member represents each of the following:

(i) business, commerce and industry;

(ii) labor;

(iii) agriculture;

(iv) tourism;

(v) natural resources industries; and

(vi) local government.

Vacancies on the board shall be filled by the appointing authority. The board shall elect from among its members a chair, who must be a member of the legislature, and other officers as it deems necessary.

Subd. 2. STUDIES. (a) The board shall conduct a study of Minnesota's surface transportation needs into the 21st century and recommend a program for making transportation improvements to meet those needs.

(b) The board shall consider state policy toward highways, transit and rail service, including:

(1) state transportation goals and objectives;

(2) the present level of transportation service in Minnesota and the feasibility and desirability of alternative levels of service;

(3) how statewide and regional transportation planning is done and investment priorities determined, and whether changes are needed in these processes; and

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(4) the extent to which the state should contribute financially to local and regional transportation activities.

(c) The board shall consider methods of providing more cost-effective transportation service, including:

(1) increased use of public-private partnerships;

(2) present and alternative methods of relating transportation expenditures to benefits;

(3) potential cost-saving measures in the department of transportation, including changes in department staffing levels; and

(4) departmental procedures for bid-letting and establishment of design standards.

(d) The board shall consider whether additional funding is required to accomplish transportation goals and objectives, and if so, desirable and feasible sources of revenue, including non-traditional sources.

Subd. 3. COMPENSATION. The compensation of nonlegislator members and their removal from office are as provided in Minnesota Statutes, section 15.059. Members who are legislators must be compensated in the same manner as for other legislative meetings. Compensation for legislators and nonlegislators must be paid from the appropriation in section 7, paragraph (a).

Subd. 4. REPORTS. The board shall make a preliminary report to the chairs of the senate and house committees on transportation, the senate committee on finance and the house committee on appropriations not later than March 15, 1989. The board shall make a final report to the legislature and governor on its findings and recommendations not later than January 15, 1991.

Subd. 5. STAFF ASSISTANCE. The commission may by contract obtain the services of consultants as it deems necessary, and all consultant contracts must be approved by the legislative coordinating commission. The board may obtain the assistance of the legislative auditor in carrying out its duties. The commissioners of transportation, administration, public safety and planning shall cooperate with the board in conducting its studies and provide assistance and information as the board requires.

Sec. 7. APPROPRIATION.

(a) \$300,000 is appropriated from the highway user tax distribution fund to the transportation study board for the purposes of section 6. This appropriation is available until January 15, 1991.

(b) \$11,933,000 is appropriated from the general fund for fiscal year 1989 for the purposes indicated. One-half of the amounts in clauses (1) and (2) must be transferred to the funds indicated on July 15, 1988, and one-half on January 15, 1989.

<u>(1) To the highway user tax distribution fund</u>	<u>\$ 8,950,000</u>
<u>(2) To the transit assistance fund</u>	<u>2,983,000</u>

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(c) \$117,000,000 is appropriated to the commissioner of transportation for fiscal year 1989 for highway development. Of this amount:

\$71,900,000 is from the trunk highway fund;

\$34,600,000 is from the county state-aid highway fund; and

\$10,500,000 is from the municipal state-aid street fund.

In spending this appropriation, the commissioner shall give priority to highway projects that were programmed for 1988-1989 highway development but were deferred.

(d) \$4,800,000 is appropriated to the commissioner of transportation for fiscal year 1989 from the trunk highway fund for construction support.

(e) \$10,500,000 is appropriated to the commissioner of transportation for fiscal year 1989 from the trunk highway fund for program delivery.

Sec. 8. REPEALER.

Laws 1987, chapter 268, article 18, section 5, is repealed.

Sec. 9. EFFECTIVE DATE.

Sections 1, 2, and 3 are effective May 1, 1988, and apply to gasoline and special fuel in distributor storage on that date. Section 4 is effective May 1, 1988. Section 6 is effective the day following final enactment. Sections 5, 7, and 8 are effective July 1, 1988, except that the appropriation in section 7, paragraph (a), is effective the day following final enactment.

Approved April 23, 1988

CHAPTER 604—H.F.No. 10

An act relating to crimes; clarifying that the crying of a child does not constitute provocation under first degree manslaughter; amending Minnesota Statutes 1987 Supplement, section 609.20.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1987 Supplement, section 609.20, is amended to read:

609.20 MANSLAUGHTER IN THE FIRST DEGREE.

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

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