

The provisions of chapter 297A relating to the commissioner's authority to audit, assess, and collect the tax are applicable to the motor vehicle excise tax. The commissioner may impose civil penalties as provided in chapter 297A, and the additional tax and penalties are subject to interest at the rate provided in section 270.75.

Sec. 6. **REPEALER.**

Minnesota Statutes 1984, section 297A.35, subdivision 3, is repealed.

Sec. 7. **EFFECTIVE DATES.**

Sections 1 to 3 are effective the day following final enactment. Sections 4 and 5 are effective July 1, 1985. Section 6 is effective for sales tax paid on electricity billed on or after January 1, 1987.

Approved May 8, 1985

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**CHAPTER 84 — H.F.No. 266**

*An act relating to arrest; providing indemnification for off-duty peace officers who make arrests outside their jurisdiction; specifying the circumstances under which peace officers, constables, and part-time peace officers may make on- or off-duty arrests outside their jurisdictions; amending Minnesota Statutes 1984, sections 3.736, subdivision 1, and by adding a subdivision; 97.50, subdivision 1; 629.34, subdivision 1; and 629.40.*

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

Section 1. Minnesota Statutes 1984, section 3.736, subdivision 1, is amended to read:

Subdivision 1. **GENERAL RULE.** The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment or peace officer who is not acting on behalf of a private employer and who is acting in good faith pursuant to section 629.40, subdivision 3, under circumstances where the state, if a private person, would be liable to the claimant.

Sec. 2. Minnesota Statutes 1984, section 3.736, is amended by adding a subdivision to read:

Subd. 9a. PEACE OFFICER INDEMNIFICATION. The state of Minnesota shall defend, save harmless, and indemnify a peace officer who is not acting on behalf of a private employer and who is acting in good faith pursuant to section 629.40, subdivision 3, the same as if the officer were an employee of the state.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1984, section 97.50, subdivision 1, is amended to read:

Subdivision 1. **POWERS.** The commissioner, director, game refuge patrolmen, and conservation officers are authorized to:

(1) execute and serve all warrants and processes issued by any court having jurisdiction under any law relating to wild animals, wild rice, use of water, conservation, protection or control of public waters, state-owned dams or other works affecting public waters or water pollution, in the same manner as a constable or sheriff;

(2) arrest, without a warrant, any person detected in the actual violation of any provisions of chapters 84, 97 to 102, 105 and 106, 84A, 85, 86A, 88 to 106, 361, and sections 18.341 to 18.436; 609.66, subdivision 1, clauses (1), (2), (5), and (7); and section 609.68; and

(3) take the person before any court in the county in which the offense was committed and make proper complaint.

When a person who is arrested for any violation of the provisions of law listed in clause (2), which is punishable as a misdemeanor, is not taken into custody and immediately taken before a court, the arresting officer shall prepare, in quadruplicate, written notice to appear before a court. The notice shall be in the form and has the effect of a summons and complaint. It shall contain the name and address of the person arrested, the offense charged, and the time and the place he is to appear before the court. This place must be before a court which has jurisdiction within the county in which the offense is alleged to have been committed.

In order to secure release, without being taken into custody and immediately taken before the court, the arrested person must give his written promise to appear before the court by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy marked "SUMMONS" to the person arrested. The officer shall then release the person from custody.

On or before the return day, the officer shall return the notice or summons to the court before whom it is returnable. If the person summoned fails to appear on the return day, the court shall issue a warrant for his arrest. Upon his or her arrest, proceedings shall be had as in other cases.

Sec. 4. Minnesota Statutes 1984, section 629.34, subdivision 1, is amended to read:

Subdivision 1. **PEACE OFFICER OFFICERS AND CONSTABLES.**  
(a) A peace officer, as defined in section 626.84, subdivision 1, clause (c), or a constable, as defined in section 367.40, subdivision 3, who is on or off duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of

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the appointing authority pursuant to section 629.40, may arrest a person without a warrant as provided under paragraph (c).

(b) A part-time peace officer, as defined in section 626.84, subdivision 1, clause (f), who is on duty within the jurisdiction of the appointing authority, or on duty outside the jurisdiction of the appointing authority pursuant to section 629.40 may without warrant, arrest a person without a warrant as provided under paragraph (c).

(c) A peace officer, constable, or part-time peace officer who is authorized under paragraph (a) or (b) to make an arrest without a warrant may do so under the following circumstances:

(1) For When a public offense has been committed or attempted in his the officer's or constable's presence;

(2) When the person arrested has committed a felony, although not in his the officer's or constable's presence;

(3) When a felony has in fact been committed, and he the officer or constable has reasonable cause for believing the person arrested to have committed it; or

(4) Upon a charge made upon reasonable cause of the commission of a felony by the person arrested.

(d) To make such an arrest authorized under this subdivision, the officer or constable may break open an outer or inner door or window of a dwelling house if, after notice of his office and purpose, he shall be the officer or constable is refused admittance.

Sec. 5. Minnesota Statutes 1984, section 629.40, is amended to read:

**629.40 ARRESTS, ANYWHERE IN STATE.**

Subdivision 1. **FRESH PURSUIT ARREST.** In any case wherein ~~any sheriff, deputy sheriff, police officer, marshal, constable, or peace officer~~ a person licensed under section 626.84, subdivision 1, may by law, either with or without a warrant, arrest any person for or upon a charge of any criminal offense committed within his jurisdiction, and the person to be arrested escapes from or is out of the county, city or town, the officer may pursue and apprehend the person to be arrested anywhere in this state.

Subd. 2. **DUTY OUTSIDE JURISDICTION.** When ~~any sheriff, deputy sheriff, police officer, marshal, constable, or peace officer~~ shall a person licensed under section 626.84, subdivision 1, in obedience to the order of a court, or ~~proper police authority in the course and scope of employment,~~ or in fresh pursuit as provided in subdivision 1, he is outside of his the person's jurisdiction he, the person is serving in his the regular line of duty as fully as though he the service was within his the person's jurisdiction.

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**Subd. 3. OFF-DUTY ARRESTS OUTSIDE JURISDICTION.** A peace officer, as defined in section 626.84, subdivision 1, clause (c), who is off duty and outside of the jurisdiction of the appointing authority but within this state may act pursuant to section 629.34 when and only when confronted with circumstances that would permit the use of deadly force under section 609.066. Nothing in this subdivision limits an officer's authority to arrest as a private person. Nothing in this subdivision shall be construed to restrict the authority of a political subdivision to limit the exercise of the power and authority conferred on its peace officers by this subdivision.

Approved May 8, 1985

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**CHAPTER 85 — H.F.No. 267**

*An act relating to local government; authorizing certain political subdivisions to enter into certain joint insurance agreements.*

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

**Section 1. CERTAIN COUNTIES; JOINT AGREEMENTS FOR INSURANCE COVERAGE.**

The counties of Aitkin, Itasca, Koochiching and St. Louis, and political subdivisions located in those counties, except the city of Duluth, when two or more of them are acting jointly under Minnesota Statutes, section 471.61, subdivision 1, or section 471.59 for purposes of section 471.61, may act jointly for the same purposes with any nonprofit organization organized under the laws of Minnesota and which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code 1954, as amended through December 31, 1984.

**Sec. 2. EFFECTIVE DATE.**

Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), local approval of this act is not required. This act is effective the day following final enactment.

Approved May 8, 1985

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**CHAPTER 86 — H.F.No. 428**

*An act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.*

Changes or additions are indicated by underline, deletions by ~~strikeout~~.