

unicipal general election, is filed with the city clerk. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of the voters voting on the question at a general or special election. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

Sec. 3. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; HENNEPIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin county may convey to the United States of America, acting through the United States Fish and Wildlife Service, Department of the Interior, the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general.

(c) The land to be conveyed is located in Hennepin county and is described as:

(1) Lot 13, Auditors Subdivision 278, Hennepin county, Minnesota (parcel number 23 027 24 14 0001); and

(2) that part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 27, Range 24, lying easterly of Lot 59, Auditors Subdivision Number 205, and lying southwesterly of Parcel 13 as shown on Minnesota department of transportation right-of-way plat numbered 27-4 (parcel number 12 027 24 34 0001).

(d) The county has determined that the county's land management interests would best be served if the parcels were conveyed to the United States Fish and Wildlife Service.

Sec. 4. LOCAL APPROVAL.

Section 1 is effective the day after the chief clerical officer of the Minneapolis park and recreation board complies with Minnesota Statutes, section 645.021, subdivision 3. Section 2 is effective without local approval on the day following final enactment.

Presented to the governor May 14, 1999

Signed by the governor May 18, 1999, 4:15 p.m.

CHAPTER 175—H.F.No. 1607

An act relating to peace officers; authorizing federally recognized tribes to exercise concurrent criminal jurisdictional authority with the local sheriff within the geographical boundaries of the tribe's reservation; establishing requirements for the exercise of such authority; amending Minnesota Statutes 1998, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

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

Section 1. Minnesota Statutes 1998, section 626.84, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For purposes of sections 626.84 to 626.863, the following terms have the meanings given them:

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

(a) "Board" means the board of peace officer standards and training.

(b) "Director" means the executive director of the board.

(c) "Peace officer" means:

(1) an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol, agents of the division of alcohol and gambling enforcement, state conservation officers, and metropolitan transit police officers; and

(2) a peace officer who is employed by a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e), and who is licensed by the board.

(d) "Constable" has the meaning assigned to it in section 367.40.

(e) "Deputy constable" has the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of the part-time peace officer's intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g), and 626.845, subdivision 1, clause (g).

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

(h) "Law enforcement agency" means:

(1) a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state; and

(2) subject to the limitations in section 626.93, a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e).

(i) "Professional peace officer education" means a post-secondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.

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

Sec. 2. [626.93] LAW ENFORCEMENT AUTHORITY; TRIBAL PEACE OFFICERS.

Subdivision 1. DEFINITION. As used in this section, "tribe" means a federally recognized Indian tribe, as defined in United States Code, title 25, section 450b(e), located within the state of Minnesota, but does not include a tribe, band, or community described in section 626.90, 626.91, or 626.92.

Subd. 2. TRIBAL LAW ENFORCEMENT AGENCY REQUIREMENTS. A tribe may exercise authority under subdivision 3 only if it satisfies the following requirements:

(1) the tribe agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of a law enforcement agency function conferred by section 626.84, subdivision 1, paragraph (h), to the same extent as a municipality under chapter 466, and the tribe further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity with respect to claims arising from this liability;

(2) the tribe files with the board of peace officer standards and training a bond or certificate of insurance for liability coverage for the maximum amounts set forth in section 466.04;

(3) the tribe files with the board of peace officer standards and training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and

(4) if the tribe's governing body has authorized its peace officers to enforce criminal laws within the boundaries of the tribe's reservation, the tribe agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies.

Subd. 3. CONCURRENT JURISDICTION. If the requirements of subdivision 2 are met and the tribe enters into a cooperative agreement pursuant to subdivision 4, the tribe shall have concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the tribe's reservation to enforce state criminal law.

Subd. 4. COOPERATIVE AGREEMENTS. In order to coordinate, define, and regulate the provision of law enforcement services and to provide for mutual aid and cooperation, governmental units and the tribe shall enter into agreements under section 471.59. For the purposes of entering into these agreements, the tribe shall be considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Subd. 5. EFFECT ON FEDERAL LAW. Nothing in this section shall be construed to restrict a tribe's authority under federal law.

Subd. 6. CONSTRUCTION. This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving a tribe or current reservation boundaries.

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

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor May 14, 1999

Signed by the governor May 18, 1999, 4:18 p.m.

CHAPTER 176—H.F.No. 621

An act relating to public safety; adding various arson definitions relating to flammability; imposing penalties on students who use ignition devices inside educational buildings; amending Minnesota Statutes 1998, sections 609.561, subdivision 3; and 609.5631, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. Minnesota Statutes 1998, section 609.561, subdivision 3, is amended to read:

Subd. 3. (a) Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not included in subdivision 1, whether the property of the actor or another, commits arson in the first degree if a combustible or flammable liquid flammable material is used to start or accelerate the fire and. A person who violates this paragraph may be sentenced to imprisonment for not more than 20 years or a fine of not more than \$20,000, or both.

(b) As used in this subdivision:

(1) "combustible liquid" means a liquid having a flash point at or above 100 degrees Fahrenheit;

(2) "flammable gas" means any material which is a gas at 68 degrees Fahrenheit or less and 14.7 psi of pressure and which: (i) is ignitable when in a mixture of 13 percent or less by volume with air at atmospheric pressure; or (ii) has a flammable range with air at atmospheric pressure of at least 12 percent, regardless of the lower flammable limit;

(3) "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit, but does not include intoxicating liquor as defined in section 340A.101. As used in this subdivision, "combustible liquid" means a liquid having a flash point at or above 100 degrees Fahrenheit;

(4) "flammable material" means a flammable or combustible liquid, a flammable gas, or a flammable solid; and

(5) "flammable solid" means any of the following three types of materials: (i) wetted explosives; (ii) self-reactive materials that are liable to undergo heat-producing decomposition; or (iii) readily combustible solids that may cause a fire through friction or that have a rapid burning rate as determined by specific flammability tests.

Sec. 2. Minnesota Statutes 1998, section 609.5631, subdivision 2, is amended to read:

Subd. 2. **CRIME DESCRIBED.** Whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any real or personal property in a multiple

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