

(4) By negligently or intentionally permitting any animal, known by him the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to go at large run uncontrolled off the owner's premises, or negligently failing to keep it properly confined, and the victim was not at fault.

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death.

**Sec. 7. [609.226] HARM CAUSED BY A DOG.**

A person who causes great or substantial bodily harm to another by negligently or intentionally permitting any dog to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined is guilty of a petty misdemeanor. A person who is convicted of a second or subsequent violation of this section involving the same dog is guilty of a gross misdemeanor.

If proven by a preponderance of the evidence, it shall be an affirmative defense to liability under this section that the victim provoked the dog to cause the victim's bodily harm.

**Sec. 8. [609.227] DANGEROUS ANIMALS DESTROYED.**

When a person has been convicted of a crime under section 609.205, clause (4), or of a gross misdemeanor violation of section 7, the court may order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and killed in a proper and humane manner. The owner of the animal shall pay the cost of killing the animal. This section shall not preempt local ordinances with more restrictive provisions.

**Sec. 9. EFFECTIVE DATE.**

Sections 1 to 5 are effective August 1, 1985. Sections 6 to 8 are effective August 1, 1985, and apply to crimes committed on or after that date.

Approved June 4, 1985

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**CHAPTER 295 — H.F.No. 558**

*An act relating to metropolitan government; permitting the city of Bloomington and the transportation department to contract for a highway improvement; providing conditions for the disposal of certain sports facilities property; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.*

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

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

Section 1. **BLOOMINGTON HIGHWAY IMPROVEMENT.**

Subdivision 1. CONTRACT AUTHORIZED. To expedite and facilitate the construction of a highway improvement project on Trunk Highway No. 77 from the intersection of I-494 to the intersection of east 86th street within the city of Bloomington, the city and the commissioner of transportation on behalf of the state may enter into a contract under which the city agrees to advance to the commissioner, in consideration of the undertaking of the project by the state at a time specified in the contract, all or part of the cost of the engineering services, construction, or other costs attributable to the project. The project shall be fully described in the contract, and the advance by the city shall not exceed the total amount of the actual contract prices for performing the work on the project and may be made in installments during the performance of the project, or otherwise, as specified in the contract. The contract may provide for repayment by the state to the city of the principal amount or value of the advance, without interest, in not more than ten annual installments, out of the trunk highway fund. Repayment may commence at the time the state would otherwise have undertaken the project. The cash agreed to be advanced by the city shall not affect the amount otherwise agreed to be paid by the city as its share of the cost of the project. The contract may include all other terms necessary to comply with laws relating to cooperative agreements between the commissioner of transportation and municipalities.

Subd. 2. BONDS AUTHORIZED. At any time after a contract has been executed by the commissioner and the city of Bloomington by which the city agrees to advance to the commissioner cash for the purpose stated in subdivision 1, the city council may by resolution issue and sell general obligation bonds of the city in an aggregate amount not exceeding the advance to the commissioner provided for in the contract and the cost of issuing the bonds. The bonds shall be issued and sold in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required to authorize their issuance, and the bonds shall not be included in net debt within the meaning of Minnesota Statutes, section 475.51. Money repaid to the city by the commissioner under the contract may be pledged for payment of principal of and interest on the bonds and shall be credited by the city to a separate fund and used solely to pay principal of and interest on any bonds issued pursuant to this section. With the consent of the commissioner of transportation, the city may use money allotted to it out of municipal state-aid street funds to repay interest on the bonds. The money allotted to the city out of the municipal state-aid street funds may be pledged for payment of interest on the bonds.

Sec. 2. Minnesota Statutes 1984, section 473.556, subdivision 6, is amended to read:

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Subd. 6. **DISPOSITION OF PROPERTY.** (a) The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 473.551 to 473.595.

(b) Real property at the metropolitan sports area (not including the indoor public assembly facility and adjacent parking facilities) which is no longer needed for sports facilities ~~shall~~ may be sold or leased for residential, commercial, or industrial development in accordance with the procedures in section 458.196 within two years to a private, for-profit entity, and thereafter the property shall be subject to all applicable taxes and assessments and all government laws, regulations and ordinances bearing on use and development as if the property were privately owned.

(c) Any real property right, title, or interest within the provisions of paragraph (b) owned by the commission may be sold or leased in whole or in part to the port authority of the city of Bloomington to further the general plan of port improvement or industrial development or for any other purpose which the authority considers to be in the best interests of the district and its people. The property shall be sold or leased to the authority in accordance with section 458.196, subdivisions 1 to 4. Section 458.196, subdivisions 5 to 7 shall not apply to a sale under this paragraph.

(d) Real property disposed of under clause (c) shall be subject to leases, agreements, or other written interests in force on June 1, 1983.

(e) The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service or retirement.

Sec. 3. Minnesota Statutes 1984, section 473.704, is amended by adding a subdivision to read:

Subd. 18. The commission may establish a research program to evaluate the effects of mosquito and blackfly control on other fauna. The purpose of the program is to identify the types and magnitude of the adverse effects of the control program on fish and wildlife and associated food chain invertebrates. The commission may conduct research through contracts with qualified outside researchers. The commission may finance the research program each year at a level up to 2.5 percent of its annual budget.

#### Sec. 4. APPLICATION.

Sections 2 and 3 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

#### Sec. 5. LOCAL APPROVAL.

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Section 1 takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Bloomington.

Approved June 4, 1985

## CHAPTER 296 — H.F.No. 1109

*An act relating to state government; concerning the state procurement of goods and services from small businesses; modifying geographical distribution requirements and preference program limitations; providing for a warranty for certain purchases; amending Minnesota Statutes 1984, sections 16B.06, by adding a subdivision; 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.*

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

Section 1. Minnesota Statutes 1984, section 16B.06, is amended by adding a subdivision to read:

Subd. 3a. WARRANTIES. A contract for the purchase of a product covered by a manufacturer's warranty must provide for servicing of the product under the warranty by the vendor or a designated agent of the vendor.

Sec. 2. Minnesota Statutes 1984, section 16B.19, subdivision 5, is amended to read:

**Subd. 5. CERTAIN SMALL BUSINESS PREFERENCES AND SET-ASIDES.** At least six nine percent of the value of all procurements shall be set aside awarded, if possible, for award to businesses owned and operated by socially or economically disadvantaged persons as defined in section 645.445 with their principal place of business in Minnesota. In addition, three percent of the value of all procurements shall be designated for award under the preference program provided for below. The commissioner shall designate set-aside procurements in a manner that will encourage proportional distribution of set-aside awards among the geographical regions of the state. To promote the geographical distribution of set-aside awards, the commissioner may designate a portion of the set-aside for small businesses owned and operated by socially or economically disadvantaged persons for award to bidders from a specified congressional district or other geographical region specified by the commissioner. The commissioner may allow small businesses owned and operated by socially or economically disadvantaged persons a five percent preference in the bid amount on selected state procurements. The commissioner may promulgate rules relative to the set-aside and preference programs provided for in this subdivision To reach a goal of nine percent, the commissioner must set aside at least three percent of all procurements for bidding only by small businesses owned and operated by socially or economically disadvantaged persons, may award a five percent preference in the

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