

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor April 14, 1989

Signed by the governor April 17, 1989, 5:00 p.m.

CHAPTER 36—S.F.No. 699

An act relating to alcoholic beverages; authorizing Cook county to issue an off-sale liquor license.

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

Section 1. COOK COUNTY; OFF-SALE LIQUOR LICENSE.

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, paragraph (b), the Cook county board may issue an off-sale intoxicating liquor license to an exclusive liquor store located in Lutsen township with the approval of the commissioner of public safety. All other requirements of Minnesota Statutes, chapter 340A, apply to a license issued under this section.

Sec. 2. LOCAL APPROVAL.

Section 1 is effective upon approval by the Cook county board and the town board of Lutsen and compliance with Minnesota Statutes, section 645.021.

Presented to the governor April 14, 1989

Signed by the governor April 17, 1989, 5:01 p.m.

CHAPTER 37—S.F.No. 382

An act relating to animals; clarifying regulations pertaining to dangerous dogs; granting certain powers to animal control officers; prohibiting local ordinances that define specific breeds of dogs as dangerous; amending Minnesota Statutes 1988, sections 343.20, by adding a subdivision; 343.29, subdivision 1; 347.50, subdivisions 4, 5, and by adding a subdivision; 347.51, subdivisions 5 and 6, and by adding subdivisions; 347.53; 347.54; and 609.226, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 343.20, is amended by adding a subdivision to read:

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Subd. 5. ANIMAL CONTROL OFFICER. “Animal control officer” means an officer employed by or under contract with an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Sec. 2. Minnesota Statutes 1988, section 343.29, subdivision 1, is amended to read:

Subdivision 1. **DELIVERY TO SHELTER.** Any peace officer, animal control officer, or ~~any~~ agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified, and the person having possession of the animal, shall have a lien thereon for its care and keeping, the reasonable value of the food and drink furnished, and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within five days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be treated as an estray.

Sec. 3. Minnesota Statutes 1988, section 347.50, subdivision 4, is amended to read:

Subd. 4. **PROPER ENCLOSURE.** “Proper enclosure” means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Sec. 4. Minnesota Statutes 1988, section 347.50, subdivision 5, is amended to read:

Subd. 5. **OWNER.** “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

Sec. 5. Minnesota Statutes 1988, section 347.50, is amended by adding a subdivision to read:

Subd. 7. ANIMAL CONTROL AUTHORITY. “Animal control authority” means an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

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Sec. 6. Minnesota Statutes 1988, section 347.51, subdivision 5, is amended to read:

Subd. 5. **EXEMPTION.** Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) who was provoking, tormenting, abusing, or assaulting the dog or ~~has who can be shown to have repeatedly,~~ in the past, ~~been observed or reported to have provoked, tormented, abused, or assaulted the dog;~~ or

(3) who was committing or attempting to commit a crime.

Sec. 7. Minnesota Statutes 1988, section 347.51, subdivision 6, is amended to read:

Subd. 6. **COUNTIES WITHOUT LICENSING SYSTEMS.** If an owner of a dangerous dog resides in a county that does not license dogs under sections 347.08 to 347.21, the owner shall obtain a certificate as required under this section from the county auditor or other person designated by the county board in the county where the owner resides.

Sec. 8. Minnesota Statutes 1988, section 347.51, is amended by adding a subdivision to read:

Subd. 7. TAG. A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous affixed to the dog's collar at all times.

Sec. 9. Minnesota Statutes 1988, section 347.51, is amended by adding a subdivision to read:

Subd. 8. LOCAL ORDINANCES. A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

Sec. 10. Minnesota Statutes 1988, section 347.51, is amended by adding a subdivision to read:

Subd. 9. CONTRACTED SERVICES. A county may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.54.

Sec. 11. Minnesota Statutes 1988, section 347.53, is amended to read:

347.53 POTENTIALLY DANGEROUS DOGS.

Any statutory or home rule charter city, or any county, may regulate poten-

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tially dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.54 limits any restrictions the local jurisdictions may place on owners of potentially dangerous dogs.

Sec. 12. Minnesota Statutes 1988, section 347.54, is amended to read:

347.54 CONFISCATION.

Subdivision 1. **DANGEROUS DOGS SEIZURE.** (a) The county animal control authority having jurisdiction shall immediately confiscate and seize any dangerous dog if:

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;

(2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;

(3) the dog is not maintained in the proper enclosure; or

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52.

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2. RECLAIMED. A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subd. 3. SUBSEQUENT OFFENSES; SEIZURE. If a person has been convicted of a misdemeanor for violating a provision of section 347.51 or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the animal control authority of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for the costs incurred in confining, impounding, and disposing of the dog.

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Sec. 13. Minnesota Statutes 1988, section 609.226, subdivision 1, is amended to read:

Subdivision 1. **GREAT OR SUBSTANTIAL BODILY HARM.** 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.

Sec. 14. **EFFECTIVE DATE.**

Sections 1 to 12 are effective the day following final enactment. Section 13 is effective August 1, 1989, and applies to crimes committed on or after that date.

Presented to the governor April 14, 1989

Signed by the governor April 17, 1989, 5:01 p.m.

CHAPTER 38—S.F.No. 390

An act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Todd county.

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

Section 1. **SALE OF TAX-FORFEITED LAND; TODD COUNTY.**

Notwithstanding Minnesota Statutes, section 282.018, Todd county may sell certain tax-forfeited land bordering public water, located in Todd county and described in this section, in the manner provided in this section and the appropriate appraisal, sale, and conveyance provisions for tax-forfeited land under Minnesota Statutes, chapter 282.

The land described in this section may be sold to the state for the use of the commissioner of natural resources or to the public for a consideration not less than its appraised value. The commissioner of natural resources may exercise the option to purchase the land for the state until October 1, 1989. After October 1, 1989, the land may be offered for public sale under Minnesota Statutes, chapter 282. The conveyance must be in a form approved by the attorney general.

The land that may be sold consists of 34,000 square feet, more or less, borders Big Sauk Lake in Todd county, and is located in Section 23, Township 127 North, Range 33 West, and is described as: Lot 4, Block 1, of Scenic Valley, Big Sauk Lake Addition.

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