

Subd. 3. **DEFENSE.** If proven by a preponderance of the evidence, it shall be an affirmative defense to liability under this section subdivision 1 or 2 that the victim provoked the dog to cause the victim's bodily harm.

Sec. 2. Minnesota Statutes 2002, section 609.226, is amended by adding a subdivision to read:

Subd. 4. **HARM TO SERVICE ANIMAL CAUSED BY DOG; CRIME, MANDATORY RESTITUTION.** (a) As used in this subdivision, "service animal" means an animal individually trained or being trained to do work or perform tasks for the benefit of an individual with a disability.

(b) A person who negligently or intentionally (1) permits the person's dog to run uncontrolled off the person's premises, or (2) fails to keep the person's dog properly confined or controlled; and as a result the dog causes bodily harm to a service animal or otherwise renders a service animal unable to perform its duties, is guilty of a misdemeanor.

(c) The court shall order a person convicted of violating this subdivision to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the service animal user's loss of income, veterinary expenses, transportation costs, and other expenses of temporary replacement assistance services, and service animal replacement or retraining costs incurred by a school, agency, or individual. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments.

(d) This subdivision does not preclude a person from seeking any available civil remedies for an act that violates this subdivision.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective August 1, 2004, and apply to crimes committed on or after that date.

Presented to the governor April 15, 2004

Signed by the governor April 19, 2004, 1:35 p.m.

**CHAPTER 160—S.F.No. 2626**

*An act relating to veterans homes; extending certain leasing authority.*

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

Section 1. **EXTENDED LEASING AUTHORITY; HASTINGS.**

Subdivision 1. LEASE; TERM. Notwithstanding any contrary limitations contained in Minnesota Statutes, section 16B.24, subdivision 5, paragraph (a), the

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commissioner of administration may, upon the request of the Minnesota Veterans Homes Board, enter into a ground lease of state-owned property on the campus of the Minnesota Veterans Home-Hastings for a lease term not to exceed 60 years at an amount of \$1 per year. The ground lease must limit the use of the leased property for the purpose of establishing permanent supportive housing for the joint benefit of veterans meeting the criteria enumerated in Minnesota Statutes, section 197.447, and residents of Dakota County, and may contain an option for the state to purchase any building or other structures constructed upon the leased property at a price to be agreed to by the state and the entity that owns the buildings or other structures.

Subd. 2. UTILITY AND SUPPORT SERVICES. The Minnesota Veterans Homes Board may contract to provide utility and other support services to those buildings and additional structures that are constructed on the leased property referred to in subdivision 1 and program services to the occupants of those buildings and additional structures at a rate to be established by the board.

Presented to the governor April 20, 2004

Signed by the governor April 22, 2004, 4:30 p.m.

#### CHAPTER 161—S.F.No. 2903

*An act relating to local government; increasing the threshold amount for towns required to have annual audits; amending Minnesota Statutes 2002, section 471.697, subdivision 1.*

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

Section 1. Minnesota Statutes 2002, section 471.697, subdivision 1, is amended to read:

Subdivision 1. **ALL OPERATIONS EXCEPT SOME HOSPITALS, NURSING HOMES.** In any city with a population of more than 2,500 according to the latest federal census, or town with a population of more than 2,500 according to the latest federal census with an annual revenue of \$500,000 (1) \$670,500 or more in 2004, or (2) \$670,500 adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce in 2005 and after, the city clerk, chief financial officer, town clerk, or town clerk-treasurer shall:

(a) Prepare a financial report covering the city's or town's operations including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions during the preceding fiscal year after the close of the fiscal year. Cities shall publish the report or a summary of the report, in a form as prescribed by the state auditor, in a qualified newspaper of general circulation in the city or, if there is none, post copies in three of the most public places in the city, no later than 30 days after the report is due in the office of the state auditor. The report shall contain financial

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