

counties of the district by apportioning the salary and expenses according to the respective population of the counties as determined by the last United States census.

Sec. 23. Minnesota Statutes 1974, Section 15A.071 is repealed.

Sec. 24. This act is effective the day following final enactment.

Approved June 4, 1975.

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CHAPTER 382—H.F.No.704

[Coded in Part]

*An act relating to the Minnesota zoological garden; enabling the state zoological board to acquire lands; defining the zoological garden site; authorizing the board to add to and promote the operation; establishing the Minnesota zoological garden operating receipts investment account; authorizing the investment of its assets; assigning income to the Minnesota zoological garden general account; defining "matching funds"; amending Minnesota Statutes 1974, Chapter 11, by adding a section; Sections 85A.02, Subdivision 2, and by adding subdivisions; 85A.03, Subdivisions 4 and 4a; 85A.04, Subdivisions 1 and 2, and by adding subdivisions; and 85A.05, Subdivisions 4 and 6.*

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

Section 1. Minnesota Statutes 1974, Chapter 11, is amended by adding a section to read:

**[11.28] STATE ZOOLOGICAL GARDEN; OPERATING RECEIPTS INVESTMENT ACCOUNT.** Subdivision 1. The Minnesota zoological garden operating receipts investment account shall be administered by the state board of investment. The assets of the account shall be invested in those securities authorized in section 11.10, subdivision 1.

Subd. 2. When the Minnesota zoological garden board certifies that any funds so invested are needed for current purposes, the state board of investment shall order the sale or conversion into cash of investments to the amount so certified, and transfer the funds to the Minnesota zoological garden general account.

Subd. 3. All interest and profit accruing from the investments shall be credited to, and be a part of, the Minnesota zoological garden general account, and any loss incurred in the principal of the investment shall be borne by the Minnesota zoological garden general account.

Sec. 2. Minnesota Statutes 1974, Section 85A.02, Subdivision 2, is

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amended to read:

Subd. 2. The board shall acquire, construct, equip, operate and maintain the Minnesota zoological garden at a site to be selected by the board but which must be located within the area comprised of the counties of Anoka, Carver, in Dakota; Hennepin, Ramsey, Scott and Washington county legally described in section 12. Prior to selection of the site the board shall prepare a comprehensive plan for site location and development which shall be submitted to the metropolitan council for consideration under provisions in section 473B.06, subdivision 6. Any of the above named counties may acquire by gift, purchase, or condemnation a site for the Minnesota zoological garden if the site has been designated by the board as the site for the Minnesota zoological garden, after review by the appropriate legislative committee, and shall convey, without consideration any such site to the state of Minnesota for zoological garden purposes. The zoological garden shall consist of adequate facilities and structures for the collection, habitation, preservation, care, exhibition, examination or study of wild and domestic animals, including, but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks. The board may provide such lands, buildings and equipment as it deems necessary for parking, transportation, entertainment, education or instruction of the public in connection with such zoological garden.

Sec. 3. Minnesota Statutes 1974, Section 85A.02, is amended by adding subdivisions to read:

Subd. 13. The board may acquire by gift, purchase, or condemnation any real estate, not previously acquired and conveyed to the state by the county of Dakota, necessary to complete the zoo site as described in section 12 or to meet United States department of agriculture certification requirements. Funds from the Minnesota zoological garden building account may be expended for the acquisitions.

Subd. 14. The board may sell or exchange animals determined by it to be superfluous to zoo operations, subject to all state and federal regulations.

Subd. 15. The board may provide for promotional and advertising programs which may be developed and implemented either by zoological garden personnel or by contract with outside personnel and which shall be paid for out of funds other than bond revenues.

Sec. 4. Minnesota Statutes 1974, Section 85A.03, Subdivision 4, is amended to read:

Subd. 4. As directed by the board, the director may :

(a) Establish a schedule of charges for admission to or the use of the Minnesota zoological garden or any related facility ;

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(b) Provide for the purchase, reproduction, and sale of gifts, souvenirs, publications, informational materials, food and beverages, and grant concessions for the sale of such items. Revenues received from the sale of gifts, souvenirs, publications, informational materials, food and beverages shall be deposited to the credit of the Minnesota zoological garden general account. The purchase of materials and commodities for resale and the granting of any concessions relative to food, beverages, and transit shall not be subject to the competitive bidding procedures of sections 16.06, 16.07, and 16.28 but shall remain subject to all other provisions of chapter 16. In other areas of concessions the commissioner of administration may determine that it is not feasible and not in the public interest to award a contract for the operation of such concession to the highest responsible bidder.

Sec. 5. Minnesota Statutes 1974, Section 85A.03, Subdivision 4a, is amended to read:

Subd. 4a. In the purchasing of such materials and commodities and the granting of such concessions, a contract for such purchases or concessions shall be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the service when possible. At least 30 days before awarding a directly negotiated contract, the zoological board shall, by written published notice, request quotations for the service or materials for resale to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of chapter 16.

Sec. 6. Minnesota Statutes 1974, Section 85A.04, Subdivision 1, is amended to read:

**85A.04 ZOOLOGICAL GARDEN ACCOUNTS IN THE GENERAL FUND.** Subdivision 1. **MINNESOTA ZOOLOGICAL GARDEN GENERAL ACCOUNT.** A Minnesota zoological garden general account is created in the general fund. All receipts from the operation of the Minnesota zoological garden shall be deposited to the credit of such account and are hereby appropriated annually to the state zoological board to carry out the terms and provisions of this chapter. Money in this account may be expended for operation, capital improvements, and equipment of the Minnesota zoological garden, including lease rentals and for acquisition of wild and domestic animals therefor and for payment of the principal of and interest on Minnesota state zoological garden bonds. From and after the completion of the Minnesota zoological garden and related facilities, the balance, if any, on hand in this account on November 1 in each year, in excess of the amount determined by the board to be needed for the maintenance of an adequate working capital and for compliance with the terms of any gifts of money then in the account, shall be transferred to the state zoological garden bond account in the state bond fund, to the amount required for compliance with section 85A.05, subdivision 4.

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Sec. 7. Minnesota Statutes 1974, Section 85A.04, is amended by adding a subdivision to read:

**Subd. 1a. MINNESOTA ZOOLOGICAL GARDEN OPERATING RECEIPTS INVESTMENT ACCOUNT.** A Minnesota zoological garden operating receipts investment account is created. As determined by the board, funds credited to the Minnesota zoological garden general account over and above those currently needed may be transferred to the operating receipts investment account to be invested by the state board of investment, pursuant to section 1, and are appropriated annually for the investment. When it appears to the board that funds so transferred are needed for current purposes, the board shall so certify to the state board of investment, and the funds will be transferred back into the zoological garden general account.

Sec. 8. Minnesota Statutes 1974, Section 85A.04, is amended by adding a subdivision to read:

**Subd. 1b. TRANSFER OF EXCESS FUNDS TO MINNESOTA ZOOLOGICAL GARDEN BOND ACCOUNT.** After the completion of the Minnesota zoological garden and related facilities, the balance, if any, on hand on November 1 in each year, in both the Minnesota zoological garden general account and operating receipts investment account in excess of the amount determined by the board to be needed for the maintenance of adequate working capital and for compliance with the terms of any gifts of money then in the account, shall be transferred to the state zoological garden bond account in the state bond fund, to the extent that the transfer is necessary to meet the requirements of section 85A.05, subdivision 4. The portion of the funds to be retained in the zoological garden accounts in the general fund and determined by the board not to be needed for current purposes may remain invested in the operating receipts investment account.

Sec. 9. Minnesota Statutes 1974, Section 85A.04, Subdivision 2, is amended to read:

**Subd. 2. MINNESOTA ZOOLOGICAL GARDEN BUILDING ACCOUNT.** A Minnesota zoological garden building account is also created in the general fund, for the purpose of providing money to the state zoological board for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the Minnesota zoological garden; including but not limited to interest to accrue during the period of the construction thereof on money borrowed by the state for such construction. On November 1 in each year prior to the completion of the Minnesota zoological garden and related facilities the balance, if any, on hand in this account in excess of the amount determined by the board to be needed for the payment of claims then due and payable, encumbrances, and projected expenditures for necessary expenses of such completion shall be transferred to the state zoological garden bond account in the state bond fund, to the amount required for compliance with section 85A.05, subdivision 4.

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Proceeds of state bonds and income from investment of that money credited to this fund are appropriated for land acquisition, animal acquisition, construction, and other permanent improvement and shall be available until the purposes for which the appropriation was made have been accomplished or abandoned, and none of such money shall be canceled. Income from investment of such money shall be credited to this account in each fiscal year. When the purpose of any such appropriation has been accomplished or abandoned, the state zoological board shall so certify to the commissioner of finance. Thereupon the unexpended balance of such appropriation, unless transferred under authority of the appropriation act to another purpose therein designated, shall be transferred and credited to the state bond fund. Amounts so transferred and credited are appropriated for the purpose of reducing the amount of tax otherwise required to be levied for the state bond fund by Article IX, Section 6, Subdivision 4 of the Constitution, or for reimbursing the bond fund for amounts previously transferred to the state zoological garden bond account so as to eliminate any prior deficiency covered by the state bond fund, the general fund in the state treasury, or through a tax levy.

Sec. 10. Minnesota Statutes 1974, Section 85A.05, Subdivision 4, is amended to read:

**Subd. 4. MINNESOTA STATE ZOOLOGICAL GARDEN BOND ACCOUNT IN THE STATE BOND FUND.** The commissioner of finance shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the state zoological garden bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota zoological garden bonds and income from the investment of such money, which income shall be credited to the account in each fiscal year. The amounts directed by section 85A.04, subdivisions ~~1~~**1b** and 2 to be transferred annually to this bond account are appropriated thereto, and the legislature may also appropriate to the bond account any other money in the state treasury not otherwise appropriated. On November 1 of each year there shall be transferred to the bond account all of the money then available under any such appropriation or such lesser sum as will be sufficient, with all money previously transferred to the account and all income from the investment of such money, to pay all principal and interest then and theretofore due and all principal and interest to become due to and including July 1 in the second ensuing year on Minnesota zoological garden bonds. All money so transferred and all income from the investment thereof shall be available for the payment of such bonds and interest thereon, and so much thereof as may be necessary is appropriated for such payments. The state auditor and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Sec. 11. Minnesota Statutes 1974, Section 85A.05, Subdivision 6, is amended to read:

**Subd. 6. BOND AUTHORIZATION AND APPROPRIATIONS.** For Changes or additions indicated by underline deletions by ~~strikeout~~

the purpose of providing money for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the Minnesota zoological garden in accordance with the comprehensive plan of the state zoological board adopted in accordance with section 85A.02, subdivision 2, the commissioner of finance is directed to sell and issue Minnesota zoological garden bonds in the amount of \$23,025,000 in the manner and upon the conditions provided in subdivisions 1 to 5. The commissioner of finance may sell or issue an additional \$2,350,000 of bonds, but no part thereof shall be expended unless equally matched by other than state appropriations. Any gifts, grants, or contributions accepted pursuant to section 85A.02, subdivision 5, other than contribution of lands by governmental entities, for the establishment or operation of the Minnesota zoological garden, whether in cash or in kind, shall be considered as matching funds. Non-cash items shall be tangible real or personal property and shall be attributed as matching funds according to their fair market value at the time of receipt. The bonds may include a sum representing interest to accrue on the bonds from and after its date of issue through the anticipated period of construction and development of the zoological garden, which sum is needed for the payment and security of the interest payments during that period, but in no event shall the bonds exceed the maximum amount stated above. The bonds shall be sold, issued, and secured as provided in subdivisions 1 to 5 and in Article IX, Section 6, Subdivision 4 of the Constitution, except that none of the bonds of any series issued pursuant to this authorization shall mature earlier than one year after the date of completion of the Minnesota zoological garden and related facilities as estimated by the state zoological board at the time of the issuance of such series. The proceeds of the bonds, except premium and accrued interest, are appropriated to the Minnesota zoological garden building account in the general fund, for expenditure by the state zoological board for the purpose for which the bonds are authorized in accordance with the provisions of section 85A.04, subdivision 2. In order to reduce the amount of taxes otherwise required by the Constitution to be levied for the payment of interest and principal on the bonds, there is also appropriated annually to the Minnesota state zoological bond account in the state bond fund from the general fund a sum of money sufficient in amount, when added to the balance on hand on November 1 in each year in the bond account, to pay all principal and interest due and to become due on the bonds to and including July 1 in the second ensuing year. The money received and on hand pursuant to this annual appropriation is available in the state bond fund prior to the levy of the tax in any year required by the Constitution and by subdivision 5 and shall be used to reduce the amount of the tax otherwise required to be levied.

Sec. 12. The site of the Minnesota zoological garden is legally described as follow:

The Northwest Quarter of Section 14, Township 115, Range 20, together with Government Lot 2, Section 11, Township 115, Range 20, together with the north one-half of the Southwest Quarter of Section

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14, Township 115, Range 20, together with that part of Government Lot 1, Section 10, Township 115, Range 20, lying easterly of the centerline of Galaxie Avenue as traveled, together with that part of the Northeast Quarter of Section 15, Township 115, Range 20, lying easterly of the centerline of Galaxie Avenue as traveled, together with that part of the north one-half of the Southeast Quarter of Section 15, Township 115, Range 20, lying easterly of the centerline of Galaxie Avenue as traveled, all in Dakota County, Minnesota and containing 478.5 acres, more or less.

Sec. 13. This act takes effect the day following its final enactment.

Approved June 4, 1975.

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CHAPTER 383—H.F.No.710

[Coded]

*An act relating to state procurement; requiring the commissioner of administration to set aside certain state procurement from normal bidding procedures for first offering to small businesses; requiring the commissioners of administration and economic development to publicize the set-asides and assist small businesses; appropriating money.*

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

Section 1. **[16.081] STATE GOVERNMENT; SMALL BUSINESS PROCUREMENT ACT; APPROPRIATION; CITATION.** Sections 1 to 8 may be cited as the "Minnesota small business procurement act."

Sec. 2. **[16.082] DEFINITIONS.** Subdivision 1. For the purposes of sections 1 to 8 the following words and phrases shall have the meanings set forth in this section, except where the context clearly indicates that a different meaning is intended.

Subd. 2. "Small business" means a business entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative which has its principal place of business in Minnesota and which is not (a) dominant in its field of operation or (b) an affiliate or subsidiary of a business dominant in its field of operation.

Subd. 3. "Dominant in its field of operation" means exercising a controlling or major influence in a business activity in which a number of businesses are engaged. In determining if a business is dominant, the following criteria, among others, shall be considered: number of employees; volume of business; financial resources; competitive status or position; ownership or control of materials, processes, patents, li-

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