

CHAPTER 211—S.F.No. 877

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CHAPTER 212—S.F.No. 627

An act relating to public administration; requiring certification of expert review in civil actions against certain professionals; setting duties of the office of technology; amending Minnesota Statutes 1996, section 136F.59, by adding a subdivision; 1997 S. F. No. 1905, article 3, section 9, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 544; repealing 1997 S. F. No. 1888, article 3, section 35.

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

Section 1. Minnesota Statutes 1996, section 136F.59, is amended by adding a subdivision to read:

Subd. 3. OFFICE OF TECHNOLOGY. The system office and the campuses shall cooperate with the office of technology in its responsibility to coordinate information and communications technology development throughout the state. The system and campuses shall consult with the office of technology throughout any efforts to plan or implement information and communication systems to ensure that the systems are effective, efficient, and, where appropriate, compatible with other state systems.

Sec. 2. [544.42] ACTIONS AGAINST PROFESSIONALS; CERTIFICATION OF EXPERT REVIEW.

Subdivision 1. DEFINITIONS. For purposes of this section:

(1) "professional" means a licensed attorney or an architect, certified public accountant, engineer, land surveyor, or landscape architect licensed or certified under sections 326.02 to 326.229; and

(2) "action" includes an original claim, cross-claim, counterclaim, or third-party claim. An action does not include a claim for damages requiring notice pursuant to section 604.04.

Subd. 2. REQUIREMENT. In an action against a professional alleging negligence or malpractice in rendering a professional service where expert testimony is to be used by a party to establish a prima facie case, the party must:

(1) unless otherwise provided in subdivision 3, paragraph (a), clause (2) or (3), serve upon the opponent with the pleadings an affidavit as provided in subdivision 3; and

(2) serve upon the opponent within 180 days an affidavit as provided in subdivision 4.

Subd. 3. AFFIDAVIT OF EXPERT REVIEW. (a) The affidavit required by subdivision 2, clause (1), must be drafted by the party's attorney and state that:

New language is indicated by underline, deletions by strikeout.