

ment of cancer on the ground that the drug has not been approved by the federal Food and Drug Administration for the treatment of cancer if the drug is recognized for treatment of cancer in one of the standard reference compendia or in one article in the medical literature, as defined in subdivision 2.

(b) Coverage of a drug required by this subdivision includes coverage of medically necessary services directly related to and required for appropriate administration of the drug.

(c) Coverage required by this subdivision does not include coverage of a drug not listed on the formulary of the coverage included in subdivision 1.

(d) Coverage of a drug required under this subdivision must not be subject to any copayment, coinsurance, deductible, or other enrollee cost-sharing greater than the coverage included in subdivision 1 applies to other drugs.

(e) The commissioner of commerce or health, as appropriate, may direct a person that issues coverage included in subdivision 1 to make payments required by this section.

Subd. 4. CONSTRUCTION. This section must not be construed to:

(1) alter existing law limiting the coverage of drugs that have not been approved by the federal Food and Drug Administration;

(2) require coverage for any drug when the federal Food and Drug Administration has determined its use to be contraindicated;

(3) require coverage for experimental drugs not otherwise approved for any indication by the federal Food and Drug Administration; or

(4) reduce or limit coverage for off-label use of drugs otherwise required by law or contract.

#### **Sec. 2. EFFECTIVE DATE; APPLICATION.**

Section 1 is effective January 1, 1999, and applies to coverage issued or renewed on or after that date.

Presented to the governor March 17, 1998

Signed by the governor March 18, 1998, 4:25 p.m.

### **CHAPTER 302—S.F.No. 2384**

*An act relating to Chisago county; permitting the appointment of the county recorder and the granting of certain easements to Rush City.*

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

#### **Section 1. RECORDER MAY BE APPOINTED.**

Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Chisago county board of commissioners, the office of county recorder in the

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county is not elective but must be filled by appointment by the county board as provided in the resolution. Before the county board may adopt a resolution under this section, the board must hold a public hearing on the proposal to appoint the county recorder.

**Sec. 2. BOARD CONTROLS, MAY CHANGE AS LONG AS DUTIES DONE.**

Upon adoption of a resolution by the Chisago county board of commissioners and subject to sections 3 and 4, the duties of the elected official required by statute whose office is made appointive as authorized by this act must be discharged by the board of commissioners of Chisago county acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

**Sec. 3. INCUMBENT TO COMPLETE TERM.**

A person elected at the November 1994 general election to the position of county recorder shall serve in that capacity and perform the duties, functions, and responsibilities required by statute, until the completion of the term of office to which that person was elected, or until a vacancy occurs in the office, whichever occurs earlier.

**Sec. 4. PUBLISHING RESOLUTION, PETITION, REFERENDUM.**

The county board, before acting as permitted by section 2 and before making an appointment as permitted by section 1 or 2, but after adopting a resolution permitted by section 1 or 2, must publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution, a petition requesting a referendum, signed by a number of voters equal to at least ten percent of those who voted in the county at the last general election, is filed with the county auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

**Sec. 5. EASEMENTS TO RUSH CITY.**

(a) Notwithstanding Minnesota Statutes, section 16B.26, or any other law to the contrary, the commissioner of administration may grant to the city of Rush City an easement for airport building restriction and glide slope purposes over, under and across that part of the Southeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter of Section 10, Township 37 North, Range 21 West located in Chisago county, Minnesota, which lies within the following legally described area:

Beginning at the southwest corner of the South Half of the Southeast Quarter of Section 10, Township 37 North, Range 21 West; thence on an assumed bearing of South 87 degrees 36 minutes 18 seconds East along the south line of said South Half of the Southeast Quarter a distance of 249.38 feet; thence North 71 degrees 58 minutes 12 seconds East a distance of 2522.23 feet to the east line of said South Half of the Southeast Quarter; thence North 0 degrees 02 minutes 58 seconds West along said east line of the South Half of the Southeast Quarter a distance of 107.97 feet; thence South 71 degrees 58 minutes 12 seconds West a distance of 2837.39 feet to the south line of the South-

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east Quarter of the Southwest Quarter of said Section 10; thence on a bearing of East a distance of 50.62 feet along the south line of said Southeast Quarter of the Southwest Quarter to the point of beginning.

Containing 274,945 square feet (6.312 acres) more or less.

(b) Notwithstanding Minnesota Statutes, section 16B.26, or any other law to the contrary, the commissioner of administration may grant to the city of Rush City an easement for drainage, utility, and elevated storage tank purposes over, under and across that part of the Southwest Quarter of the Southeast Quarter of Section 10, Township 37 North, Range 21 West, located in Chisago county, Minnesota, which lies within the following legally described area:

Commencing at the southwest corner of the Southwest Quarter of the Southeast Quarter of Section 10, Township 37 North, Range 21 West; thence on an assumed bearing of South 87 degrees 36 minutes 18 seconds East along the south line of said Southwest Quarter of the Southeast Quarter of Section 10, a distance of 747.64 feet; thence North 0 degrees 02 minutes 58 seconds West a distance of 1058.78 feet to the point of beginning; thence South 89 degrees 57 minutes 02 seconds West a distance of 55 feet; thence North 0 degrees 02 minutes 58 seconds West a distance of 90.00 feet; thence North 89 degrees 57 minutes 02 seconds East a distance of 110.00 feet; thence South 0 degrees 02 minutes 58 seconds East a distance of 90.00 feet; thence South 89 degrees 57 minutes 02 seconds West a distance of 55.00 feet to the point of beginning.

Containing 9,900 square feet (0.227 acres) more or less.

(c) Notwithstanding Minnesota Statutes, section 16B.26, or any other law to the contrary, the commissioner of administration may grant to the city of Rush City an easement for drainage and utility purposes over, under and across that part of the Southeast Quarter of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 10, Township 37 North, Range 21 West located in Chisago county, Minnesota, which lies within the following legally described area:

The East 70.00 feet of the South 100.00 feet of the Southeast Quarter of the Southwest Quarter of Section 10, Township 37 North, Range 21 West, and the West 45.00 feet of the South 100.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 37 North, Range 21 West.

Containing 11,500 square feet (0.264 acres) more or less.

#### **Sec. 6. EFFECTIVE DATE.**

Sections 1 to 4 take effect the day after the filing of a certificate of local approval by the Chisago county board in compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 5 is effective the day following final enactment.

Presented to the governor March 17, 1998

Signed by the governor March 18, 1998, 4:24 p.m.

**New language is indicated by underline, deletions by strikeout.**