

(b) Upon adoption of a resolution by the Dakota county board of commissioners and subject to paragraphs (c) and (d), the duties of the elected treasurer/auditor whose office is made appointive under this subdivision shall be discharged by the board of commissioners acting through a department head appointed for that purpose. The appointed department head shall serve at the pleasure of the board. The board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. A reorganization, consolidation, reallocation, or delegation or other administrative change or transfer shall not impair the discharge of duties required by statute to otherwise by performed by the treasurer/auditor.

(c) The person elected to be county treasurer/auditor at the last county general election preceding action under this subdivision shall serve in that capacity and perform the duties, functions, and responsibilities until the completion of the term of office to which elected, or until a vacancy occurs in the office, whichever occurs earlier.

(d) The county board, before acting as permitted by paragraph (b) and before any appointment permitted by paragraph (a) or (b), but after adopting a resolution permitted by paragraph (a) or (b), shall 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 at least ten percent of the registered voters in the county voting in the last general election, is filed with the county treasurer/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. 2. Minnesota Statutes 1996, section 383D.41, is amended by adding a subdivision to read:

Subd. 6. STATUS OF AUTHORITY EMPLOYEES. Notwithstanding any law to the contrary, employees of the authority shall not be deemed county employees for any purpose, absent a resolution of consent adopted by the county board.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective upon approval by the Dakota county board of commissioners and compliance with Minnesota Statutes, section 645.021.

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:45 a.m.

CHAPTER 309—S.F.No. 2378

An act relating to business organizations; defining the terms "professional" and "professional services" as they relate to professional corporations and professional firms; regulating professional health services; amending Minnesota Statutes 1996, section 319A.02, subdivisions 2, 3, and by ad-

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ding a subdivision; Minnesota Statutes 1997 Supplement, sections 319A.02, subdivision 2a; 319B.02, subdivisions 17, 19, and by adding a subdivision; and 319B.40.

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

Section 1. Minnesota Statutes 1996, section 319A.02, subdivision 2, is amended to read:

Subd. 2. "Professional service" means personal service required or permitted to be rendered by a professional pursuant to a license, registration, or certificate issued by the state of Minnesota to practice medicine and surgery pursuant to sections 147.01 to 147.22, as a physician assistant pursuant to sections 147A.01 to 147A.27, chiropractic pursuant to sections 148.01 to 148.105, registered nursing pursuant to sections 148.171 to 148.285, optometry pursuant to sections 148.52 to 148.62, psychology pursuant to sections 148.88 to 148.98, dentistry pursuant to sections 150A.01 to 150A.12, pharmacy pursuant to sections 151.01 to 151.40, podiatric medicine pursuant to Laws 1987, chapter 108, sections 1 to 16, veterinary medicine pursuant to sections 156.001 to 156.14, architecture, engineering, surveying, landscape architecture, geoscience, and certified interior design pursuant to sections 326.02 to 326.15, accountancy pursuant to sections 326.17 to 326.229, or law pursuant to sections 481.01 to 481.17, or pursuant to a license or certificate issued by another state pursuant to similar laws. Professional service includes personal service rendered by a professional pursuant to a license or other authority to practice law under the laws of a foreign nation.

Sec. 2. Minnesota Statutes 1997 Supplement, section 319A.02, subdivision 2a, is amended to read:

Subd. 2a. **PROFESSIONAL HEALTH SERVICE.** (a) Individuals who furnish professional services pursuant to a license, registration, or certificate issued by the state of Minnesota to practice medicine pursuant to sections 147.01 to 147.22, as a physician assistant pursuant to sections 147A.01 to 147A.27, chiropractic pursuant to sections 148.01 to 148.106, registered nursing pursuant to sections 148.171 to 148.285, optometry pursuant to sections 148.52 to 148.62, psychology pursuant to sections 148.88 to 148.98, dentistry pursuant to sections 150A.01 to 150A.12, pharmacy pursuant to sections 151.01 to 151.40, or podiatric medicine pursuant to sections 153.01 to 153.26 are specifically authorized to practice any of these categories of services in combination if the individuals are organized under this chapter.

(b) This authorization does not authorize an individual to practice any profession, or furnish a professional service, for which the individual is not licensed, registered, or certified, but otherwise applies regardless of any contrary provision of a licensing statute or rules adopted pursuant to that statute, related to practicing and organizing in combination with other health services professionals.

(c) A professional corporation may not adopt, implement, or follow a policy, procedure, or practice that would give a board grounds for disciplinary action against a professional who follows, agrees to, or acquiesces in the policy, procedure, or practice.

(d) This subdivision expires on December 31, 1998.

Sec. 3. Minnesota Statutes 1996, section 319A.02, subdivision 3, is amended to read:

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Subd. 3. "Professional" means a natural person who is licensed by the laws of the state of Minnesota or similar laws of another state to render professional service.

Professional includes a natural person who is licensed or otherwise authorized to practice law under the laws of a foreign nation.

Sec. 4. Minnesota Statutes 1996, section 319A.02, is amended by adding a subdivision to read:

Subd. 8. **LICENSE.** (a) "License" includes any license, certificate, registration, or other authority referred to in subdivision 2 or 3.

(b) This subdivision expires on December 31, 1998.

Sec. 5. Minnesota Statutes 1997 Supplement, section 319B.02, is amended by adding a subdivision to read:

Subd. 9a. **LICENSE.** "License" includes any license, certificate, registration, or other authority referred to in subdivision 17 or 19.

Sec. 6. Minnesota Statutes 1997 Supplement, section 319B.02, subdivision 17, is amended to read:

Subd. 17. **PROFESSIONAL.** "Professional" means a natural person who is licensed by the laws of the state of Minnesota or similar laws of another state to furnish one or more of the categories of professional services listed in subdivision 19. Professional includes a natural person who is licensed or otherwise authorized to practice law under the laws of a foreign nation.

Sec. 7. Minnesota Statutes 1997 Supplement, section 319B.02, subdivision 19, is amended to read:

Subd. 19. **PROFESSIONAL SERVICES.** "Professional services" means services of the type required or permitted to be furnished by a professional under a license, registration, or certificate issued by the state of Minnesota to practice medicine and surgery under sections 147.01 to 147.22, as a physician assistant pursuant to sections 147A.01 to 147A.27, chiropractic under sections 148.01 to 148.105, registered nursing under sections 148.171 to 148.285, optometry under sections 148.52 to 148.62, psychology under sections 148.88 to 148.98, dentistry and dental hygiene under sections 150A.01 to 150A.12, pharmacy under sections 151.01 to 151.40, podiatric medicine under sections 153.01 to 153.25, veterinary medicine under sections 156.001 to 156.14, architecture, engineering, surveying, landscape architecture, geoscience, and certified interior design under sections 326.02 to 326.15, accountancy under sections 326.17 to 326.229, or law under sections 481.01 to 481.17, or under a license or certificate issued by another state under similar laws. Professional services includes services of the type required to be furnished by a professional pursuant to a license or other authority to practice law under the laws of a foreign nation.

Sec. 8. Minnesota Statutes 1997 Supplement, section 319B.40, is amended to read:

319B.40 PROFESSIONAL HEALTH SERVICES.

(a) Individuals who furnish professional services pursuant to a license, registration, or certificate issued by the state of Minnesota to practice medicine pursuant to sections

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147.01 to 147.22, as a physician assistant pursuant to sections 147A.01 to 147A.27, chiropractic pursuant to sections 148.01 to 148.106, registered nursing pursuant to sections 148.171 to 148.285, optometry pursuant to sections 148.52 to 148.62, psychology pursuant to sections 148.88 to 148.98, dentistry pursuant to sections 150A.01 to 150A.12, pharmacy pursuant to sections 151.01 to 151.40, or podiatric medicine pursuant to sections 153.01 to 153.26 are specifically authorized to practice any of these categories of services in combination if the individuals are organized under this chapter.

(b) This authorization does not authorize an individual to practice any profession, or furnish a professional service, for which the individual is not licensed, registered, or certified, but otherwise applies regardless of any contrary provision of a licensing statute or rules adopted pursuant to that statute, related to practicing and organizing in combination with other health services professionals.

Sec. 9. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:45 a.m.

CHAPTER 310—S.F.No. 2316

An act relating to transportation; continuing the uniform program for registration and permitting of intrastate carriers of hazardous materials; eliminating requirement of criminal background check; imposing a fee; amending Minnesota Statutes 1996, section 221.0355, subdivision 4; Minnesota Statutes 1997 Supplement, section 221.0355, subdivision 5; Laws 1994, chapter 589, section 8, as amended; repealing Minnesota Statutes 1996, sections 221.0335 and 221.035; Minnesota Statutes 1997 Supplement, section 221.0355, subdivision 15; Laws 1997, chapter 230, section 24; Minnesota Rules, parts 8870.0100; 8870.0200; 8870.0300; 8870.0400; 8870.0500; 8870.0600; 8870.0700; 8870.0800; 8870.0900; 8870.1000; and 8870.1100.

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

Section 1. Minnesota Statutes 1996, section 221.0355, subdivision 4, is amended to read:

Subd. 4. **HAZARDOUS MATERIAL REGISTRATION AND PERMIT.** (a) A carrier with its principal place of business in Minnesota or that designates Minnesota as its base state, shall register its hazardous material transportation with and obtain a permit from the commissioner before transporting a hazardous material or hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall register its hazardous material transportation with and obtain a permit from that state before transporting a hazardous material or hazardous waste in Minnesota.

(b) A carrier who engages in the interstate transportation of a hazardous material and who is required to register its hazardous material transportation in Minnesota shall file parts I and II of the uniform application with the commissioner and pay an administrative processing fee of \$50 and an apportioned vehicle registration fee. The amount of the ap-

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