

the agreement with the administrative services unit and the imposition of disciplinary action by the licensing board that regulates the health care provider.

Subd. 6. BOARD NOTICE OF DISCIPLINARY ACTION. The applicable health-related licensing board shall immediately notify the administrative services unit of the initiation of a contested case against a registered health care provider or the imposition of disciplinary action, including copies of any contested case decision or settlement agreement with the health care provider.

Subd. 7. MEDICAL PROFESSIONAL LIABILITY INSURANCE. (a) The administrative services unit must purchase medical professional liability insurance, if available, for a health care provider who is registered in accordance with subdivision 4 and who is not otherwise covered by a medical professional liability insurance policy or self-insured plan either personally or through another facility or employer.

(b) Coverage purchased under this subdivision must be limited to the provision of health care services performed by the provider for which the provider does not receive direct monetary compensation.

Sec. 4. EFFECTIVE DATE; S.F. NO. 3099.

S.F. No. 3099, article 2, section 15, if enacted, is effective the day following final enactment of this section.

Sec. 5. APPROPRIATION.

(a) \$75,000 is appropriated in fiscal year 2003 from the health care access fund to the board of dentistry to implement the donated dental services program under Minnesota Statutes, section 150A.22. This appropriation shall become part of the base-level funding for the 2004-2005 biennium. Base-level funding in fiscal year 2006 shall be zero.

(b) \$50,000 is appropriated from the state government special revenue fund to the administrative services unit to pay for medical professional liability insurance coverage in accordance with Minnesota Statutes, section 214.40, subdivision 7. This appropriation is available until expended. If this appropriation is expended, the administrative services unit must apportion between the board of medical practice, the board of dentistry, and the board of nursing an amount to be raised through fees by the respective board. The amount apportioned to each board shall be the total amount of the appropriation expended on coverage purchased for the providers regulated by the respective board. The respective board may adjust the fees in which the board is empowered to assess to compensate for the amount apportioned to the board by the administrative services unit.

Presented to the governor May 20, 2002

Signed by the governor May 22, 2002, 1:30 p.m.

CHAPTER 400—S.F.No. 2891

An act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2000,

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sections 125A.21, subdivision 2, as amended; 291.03, subdivision 1, as amended; 317A.021, subdivision 9; Minnesota Statutes 2001 Supplement, sections 216B.1646, as amended; 273.124, subdivision 11, as amended; Laws 2002, chapter 342, section 12; 2002 S.F. No. 1555, section 2, if enacted; 2002 H.F. No. 2498, article 3, section 7, the effective date, if enacted; 2002 H.F. No. 2498, article 4, section 6, the effective date, if enacted; 2002 H.F. No. 3618, section 13, subdivision 7, if enacted; repealing Laws 2002, chapter 291, section 7.

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

Section 1. Minnesota Statutes 2000, section 317A.021, subdivision 9, is amended to read:

Subd. 9. **APPLICABILITY OF OTHER LAWS.** (a) Except as provided in paragraphs (b) and (c), chapters 300, 316, ~~317A~~ 317, and 556 do not apply to corporations.

(b) Sections 300.60, 300.61, and 300.63 apply to corporations.

(c) This subdivision does not affect the applicability of chapter 300 to a corporation that elected to reject Laws 1951, chapter 500, sections 1 to 25.

Sec. 2. **CORR02-1** 2002 S.F. No. 1555, section 2, if enacted, is amended to read:

Sec. 2. **[18C.110] PREEMPTION OF LOCAL LAW.**

(a) Except as specifically provided in this chapter, a local unit of government may not adopt or enforce any ordinance, ~~regulate, or that prohibits or regulates, and may not~~ in any other way ~~restrict~~ prohibit or regulate, the distribution, sale, handling, use, or application of phosphorous fertilizers and phosphorous fertilizer products that are applied or will be applied to land used for growing crops or any other agricultural use.

(b) Except as specifically provided in this chapter, a local unit of government may not adopt or enforce any ordinance that prohibits or regulates the registration, labeling, distribution, sale, handling, use, application, or disposal of turf fertilizer containing phosphorus.

(c) This section does not prohibit a local ordinance that restricts the sale of turf phosphorous fertilizer that was in effect on August 1, 2002.

(d) This section does not preempt local authority or responsibility for zoning, fire codes, or hazardous waste disposal.

(e) Paragraphs (a) and (d) are effective the day following final enactment. Paragraphs (b) and (c) are effective January 1, 2004.

Sec. 3. **CORR02-2** Minnesota Statutes 2000, section 125A.21, subdivision 2, as amended by Laws 2002, chapter 294, section 2, is amended to read:

Subd. 2. **THIRD PARTY REIMBURSEMENT.** (a) Beginning July 1, 2000, districts shall seek reimbursement from insurers and similar third parties for the cost of services provided by the district whenever the services provided by the district are otherwise covered by the child's health coverage. Districts shall request, but may not

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require, the child's family to provide information about the child's health coverage when a child with a disability begins to receive services from the district of a type that may be reimbursable, and shall request, but may not require, updated information after that as needed.

(b) For children enrolled in medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health coverage, a district shall provide an initial written notice to the enrolled child's parent or legal representative of its intent to seek reimbursement from medical assistance or MinnesotaCare for the individual education plan health-related services provided by the district.

(c) The district shall give the parent or legal representative annual written notice of:

(1) the district's intent to seek reimbursement from medical assistance or MinnesotaCare for individual education plan health-related services provided by the district;

(2) the right of the parent or legal representative to request a copy of all records concerning individual education plan health-related services disclosed by the district to any third party; and

(3) the right of the parent or legal representative to withdraw consent for disclosure of a child's records at any time without consequence.

The written notice shall be provided as part of the written notice required by Code of Federal Regulations, title 34, section 300.503.

(d) In order to access the private health care coverage of a child who is covered by private health care coverage in whole or in part, a district must:

(1) obtain annual written informed consent from the parent or legal representative, in compliance with subdivision 5; and

(2) inform the parent or legal representative that a refusal to permit the district or state Medicaid agency to access their private health care coverage does not relieve the district of its responsibility to provide all services necessary to provide free and appropriate public education at no cost to the parent or legal representative.

(e) If the commissioner of human services obtains federal approval to exempt covered individual education plan health-related services from the requirement that private health care coverage refuse payment before medical assistance may be billed, paragraphs (b), (c), and (d), shall also apply to students with a combination of private health care coverage and health care coverage through medical assistance or MinnesotaCare.

(f) In the event that Congress or any federal agency or the Minnesota legislature or any state agency establishes lifetime limits, limits for any health care services, cost-sharing provisions, or otherwise provides that individual education plan health-related services impact benefits for persons enrolled in medical assistance or MinnesotaCare, the amendments to this subdivision adopted in 2002 are repealed on the effective date of any federal or state law or regulation that imposes the limits. In

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that event, districts must obtain informed consent consistent with this subdivision as it existed prior to the 2002 amendments and subdivision 5, before seeking reimbursement for children enrolled in medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health care coverage.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. CORR02-3 EFFECTIVE DATE.

Laws 2002, chapter 333, is effective the day following final enactment.

Sec. 5. CORR02-4 REPEALER.

Laws 2002, chapter 291, section 7, is repealed retroactively from March 26, 2002.

Sec. 6. CORR02-5 Laws 2002, chapter 342, section 12, is amended to read:

Sec. 12. EFFECTIVE DATE.

Section Sections 1 and 8 is are effective January 1, 2003.

Sec. 7. CORR02-6 EFFECTIVE DATES.

Laws 2002, chapter 220, article 8, sections 12, 13, and 14, are effective March 1, 2002.

Sec. 8. CORR02-8A 2002 H.F. No. 2498, article 3, section 7, the effective date, if enacted, is amended to read:

EFFECTIVE DATE. This section is effective for sales and purchases made after June 30, 2002. However, for vending machine contracts entered into by a school, as defined in section 120A.05, prior to May 30, 2002, food sales from vending machines continue to be exempt under this subdivision for one year after the effective date of the contract until July 1, 2003.

Sec. 9. CORR02-8B 2002 H.F. No. 2498, article 4, section 6, the effective date, if enacted, is amended to read:

EFFECTIVE DATE. This section is effective for taxes payable in 2003 2004 and thereafter.

Sec. 10. CORR02-8C Minnesota Statutes 2001 Supplement, section 273.124, subdivision 11, as amended by 2002 H.F. No. 2498, article 4, section 14, if enacted, is amended to read:

Subd. 11. LIMITATION ON HOMESTEAD TREATMENT. (a) For taxes payable in 2003 through 2005 only, if the assessor has classified a property as both homestead and nonhomestead, the greater of:

- (1) the value attributable to the portion of the property used as a homestead; or
- (2) the homestead value amount determined under paragraph (b), is entitled to assessment as a homestead under section 273.13, subdivision 22 or 23.

(b) For taxes payable in 2003 only, the homestead value amount is \$60,000. For taxes payable in 2004 only, the homestead value amount is \$45,000. For taxes payable

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in 2005 only, the homestead value amount is \$30,000.

The homestead value amount must not exceed the property's taxable market value.

(c) If the assessor has classified a property as both homestead and nonhomestead, the reductions in tax provided under sections 273.135 and 273.1391 apply to the value of both the homestead and the nonhomestead portions of the property.

Sec. 11. **CORR02-8D** Minnesota Statutes 2000, section 291.03, subdivision 1, as amended by 2002 H.F. No. 2498, article 12, section 12, if enacted, is amended to read:

Subdivision 1. **TAX AMOUNT.** The tax imposed shall be an amount equal to the proportion of the maximum credit computed under section 2011 of the Internal Revenue Code for state death taxes as the Minnesota gross estate bears to the value of the federal gross estate. For a resident decedent, the tax shall be the maximum credit computed under section 2011 of the Internal Revenue Code reduced by the amount of the death tax paid the other state and credited against the federal estate tax if this results in a larger amount of tax than the proportionate amount of the credit. The tax determined under this paragraph shall not be greater than the federal estate tax computed under section 2001 of the Internal Revenue Code after the allowance of the federal credits allowed under sections section 2010, 2012, 2013, and 2015 of the Internal Revenue Code of 1986, as amended through December 31, 2000.

Sec. 12. **CORR02-8E** Minnesota Statutes 2001 Supplement, section 216B.1646, as amended by 2002 H.F. No. 2498, article 4, section 3, if enacted, is amended to read:

216B.1646 RATE REDUCTION; PROPERTY TAX REDUCTION.

(a) The commission shall, by any method the commission finds appropriate, reduce the rates each electric utility subject to rate regulation by the commission charges its customers to reflect, on an ongoing basis, the amount by which each utility's property tax on the personal property of its electric system from taxes payable in 2001 to taxes payable in 2002 is reduced. The commission must ensure that, to the extent feasible, each dollar of personal property tax reduction allocated to Minnesota consumers retroactive to January 1, 2002, results in a dollar of savings to the utility's customers. A utility may voluntarily pass on any additional property tax savings allocated in the same manner as approved by the commission under this paragraph.

(b) By April 10, 2002, each utility shall submit a filing to the commission containing:

(1) certified information regarding the utility's property tax savings allocated to Minnesota retail customers; and

(2) a proposed method of passing these savings on to Minnesota retail customers.

The utility shall provide the information in clause (1) to the commissioner of revenue at the same time. The commissioner shall notify the commission within 30 days as to the accuracy of the property tax data submitted by the utility.

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(c) For purposes of this section, "personal property" means tools, implements, and machinery of the generating plant. It does not apply to transformers, transmission lines, distribution lines, or any other tools, implements, and machinery that are part of an electric substation, wherever located.

Sec. 13. **CORR 02-9** 2002 H.F.No. 3618, section 13, subdivision 7, if enacted, is amended to read:

**Subd. 7. Health, Agriculture, and
Human Services Office and Parking
Facilities**

The commissioner of administration may enter into one or more long-term lease-purchase agreements with the St. Paul port authority or any other governmental entity, for terms of up to 25 years, for the development of office and parking facilities in St. Paul for the departments of health, agriculture, and human services. The commissioner must submit each agreement to the legislative commission on planning and fiscal policy for its recommendation. If the commission does not provide the commissioner with a recommendation within 30 days of receiving the agreement, the recommendation is considered to be positive. A recommendation is advisory only. The lease-purchase agreements are exempt from Minnesota Statutes, sections 15.50, subdivision 2, paragraph (e); and 16B.24, subdivisions 6 and 6a. The lease-purchase agreements must not be terminated except for nonappropriation of money. The lease-purchase agreements must provide the state with a unilateral right to purchase the leased premises at specified times for specified amounts. The office facility for the department of human services must not have more gross square feet of space than the department occupies as of the effective date of this section for offices that will be moved to the new facility.

Sec. 14. EFFECTIVE DATE.

Unless provided otherwise, each section of this act takes effect at the time the provision being corrected takes effect.

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Presented to the governor May 20, 2002

Signed by the governor May 22, 2002, 1:31 p.m.

CHAPTER 401—H.F.No. 2515

An act relating to terrorism; data practices; enacting the Minnesota Anti-Terrorism Act of 2002; establishing crimes and setting penalties for crimes involving weapons of mass destruction, explosives, and hoaxes; extending the public safety radio communication system and requiring recommendations on its governance; authorizing sale of metropolitan council revenue bonds; establishing a homeland security advisory council; prohibiting trespass on critical public service facilities; prohibiting damage to property of critical public service facilities; prohibiting placing explosive or simulated explosive devices near utilities and transportation centers; prohibiting real and simulated weapons of mass destruction; enhancing penalties and creating new crimes designed to deter and punish terroristic activities; providing for additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents; increasing the emergency telephone fee; appropriating money; amending Minnesota Statutes 2000, sections 473.891, subdivision 3, by adding a subdivision; 473.898, subdivisions 1, 3; 473.902, subdivisions 1, 3, 5; 609.106, subdivision 2; 609.185; 609.595, subdivision 1; Minnesota Statutes 2001 Supplement, sections 403.11, subdivision 1; 473.901, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 373; 473; 609.

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

ARTICLE 1

POLICY

Section 1. **HOMELAND SECURITY ADVISORY COUNCIL.**

Subdivision 1. CREATION; DUTY. A homeland security advisory council is established to advise the department of public safety on issues relating to homeland security, to review and recommend changes to all terrorism preparedness and antiterrorism policies and procedures, and to ensure coordination of and accountability for all state and federal antiterrorism and terrorism preparedness related funding.

Subd. 2. MEMBERSHIP. The homeland security advisory council shall consist of the following members:

- (1) the commissioner of health;
- (2) the commissioner of public safety;
- (3) the commissioner of transportation or the commissioner's designee;
- (4) the commissioner of agriculture or the commissioner's designee;

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