

(5) a mechanism for the facility to notify the patient of the results of the test.

Subd. 2. RULEMAKING AUTHORITY. The commissioner may adopt rules to carry out sections 1 to 10. The commissioner may by rule add other infectious diseases to section 2, subdivision 2, clause (3).

Sec. 11. EFFECTIVE DATE.

Sections 1 to 10 are effective July 1, 1989.

Presented to the governor May 16, 1989

Signed by the governor May 19, 1989, 4:45 p.m.

CHAPTER 155—S.F.No. 206

An act relating to state government; administrative procedures; regulating exempt rules; making certain technical changes; amending Minnesota Statutes 1988, sections 14.40; and 97A.051, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1988, sections 97A.051, subdivision 3; 144A.10, subdivision 6a; 174.031, subdivision 2; 254B.03, subdivision 6; 254B.04, subdivision 2; 257.357; and 574.262, subdivision 3; Laws 1985, chapter 4, section 8; and Laws 1987, chapter 337, section 128.

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

Section 1. [3.846] PUBLICATION OF NOTICE OF EXEMPT RULES.

Subdivision 1. REQUIREMENT. (a) Except as provided in paragraph (b), no rule, as defined in section 14.02, subdivision 4, that is exempt from the rulemaking provisions of chapter 14, has the force and effect of law unless a notice has been published and filed under subdivision 2 before its effective date.

(b) Rules of the division of game and fish may have the force and effect of law up to seven days before publishing and filing under subdivision 2 if the commissioner of natural resources determines that an emergency exists and for a rule that affects more than three counties publishes the rule once in a legal newspaper in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties publishes the rule once in a legal newspaper in each of the affected counties. A rule of the division of game and fish that is published under this paragraph is not effective until seven days after the rule is published in the legal newspapers as provided in this paragraph or the rule is published and filed under subdivision 2, whichever is earlier.

Subd. 2. NOTICE. The notice must be published in the state register and filed with the secretary of state and the legislative commission to review administrative rules. The notice must contain a citation to the statutory authority for the exempt rule and either: (1) a copy of the rule; or (2) a description of the

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nature and effect of the rule and an announcement that a free copy of the rule is available from the agency on request.

Subd. 3. ALTERNATIVE COMPLIANCE. Notwithstanding subdivisions 1 and 2, a rule subject to this section has the force and effect of law if it has satisfied the requirements of section 14.38, subdivision 7.

Subd. 4. NONAPPLICATION. Except as provided in subdivision 1, paragraph (b), this section does not apply to section 14.02, subdivision 4, clauses (a) to (h).

Sec. 2. Minnesota Statutes 1988, section 14.40, is amended to read:

14.40 REVIEW OF RULES BY COMMISSION.

Subdivision 1. PURPOSE. The commission shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them.

Subd. 2. JURISDICTION. The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has jurisdiction of rules which are filed with the secretary of state in accordance with section 14.38, subdivisions 5, 6, 7, 8, 9, and 11 or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed.

The commission may periodically review statutory exemptions to the rulemaking provisions of chapter 14.

Subd. 3. HEARINGS. ~~¶~~ The commission may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention. If the rules that are the subject of the public hearing were adopted without a rulemaking hearing, it may request the office of administrative hearings to hold the public hearing and prepare a report summarizing the testimony received at the hearing. The office of administrative hearings shall assess the costs of the public hearing to the agency whose rules are the subject of the hearing.

Subd. 4. SUSPENSIONS. The commission may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 14.42 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

Subd. 5. BIENNIAL REPORT. The commission shall make a biennial report to the legislature and governor of its activities and include its recommendations to promote adequate and proper rules and public understanding of the rules.

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

Sec. 3. Minnesota Statutes 1988, section 97A.051, subdivision 4, is amended to read:

Subd. 4. **ORDERS AND RULES HAVE FORCE AND EFFECT OF LAW.** When ~~the~~ an order or rule is ~~executed and published~~ effective, it has the force and effect of law. Violation of an order or rule has the same penalty as a violation of the law.

Sec. 4. **APPLICATION.**

Section 1 applies to exempt rules adopted after the effective date of this act.

Sec. 5. **REPEALER.**

(a) Minnesota Statutes 1988, sections 97A.051, subdivision 3; 144A.10, subdivision 6a; 174.031, subdivision 2; 254B.03, subdivision 6; 254B.04, subdivision 2; 257.357; and 574.262, subdivision 3, are repealed.

(b) Laws 1985, chapter 4, section 8; and Laws 1987, chapter 337, section 128, are repealed.

Sec. 6. **REVISOR'S INSTRUCTION.**

The revisor shall renumber Minnesota Statutes, sections 14.39; 14.40; 14.41; 14.42; and 14.43, as Minnesota Statutes, sections 3.841; 3.842; 3.843; 3.844; and 3.845.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment.

Presented to the governor May 16, 1989

Signed by the governor May 17, 1989, 6:02 p.m.

CHAPTER 156—H.F.No. 502

An act relating to state lands; authorizing private conveyance of tax-forfeited land bordering public water in Washington county.

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

Section 1. TAX-FORFEITED LAND CONVEYANCE; WASHINGTON COUNTY.

Notwithstanding Minnesota Statutes, chapter 282, section 92.45, or other law, the commissioner of revenue may sell certain tax-forfeited land in Washington county described in this section by private sale to Mr. Jeff Barbour of Hugo, Minnesota.

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