

Approved April 10, 1974.

---

**CHAPTER 439—H.F.No.2848**

*An act relating to elections; providing a change in the method by which ballots are counted; amending Minnesota Statutes 1971, Section 204.19, Subdivision 2.*

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

Section 1. Minnesota Statutes 1971, Section 204.19, Subdivision 2, is amended to read:

Subd. 2. **ELECTIONS; BALLOTS, ORDER OF CANVASS.** The ballot boxes shall be opened, the votes counted, and the results declared, one box at a time in the following order: the white box, the pink box, the canary box, the light green box, and other kinds of ballots voted at the election except that if sufficient judges are available to provide counting teams of four or more judges evenly divided between the political parties for each box, an additional box or boxes may be opened and counted. The returns may not be finally prepared until the votes in all the boxes have been counted so as to allow corrections in case any errors have occurred by reason of the deposit of ballots in the wrong boxes.

Sec. 2. **EFFECTIVE DATE.** This act shall take effect the day following final enactment.

Approved April 10, 1974.

---

**CHAPTER 440—H.F.No.2937**  
[Coded in Part]

*An act relating to subdivided lands; application for registration; annual reports; amending Minnesota Statutes, 1973 Supplement, Sections 83.20, Subdivision 5; 83.23, Subdivisions 2, 3 and 4; 83.30, Subdivision 1; and 83.38, by adding a subdivision.*

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

Section 1. Minnesota Statutes, 1973 Supplement, Section 83.20, Subdivision 5, is amended to read:

Subd. 5. **[SUBDIVIDED LANDS; REGISTRATION APPLICATION; ANNUAL REPORTS.]** "Disposition" includes sale, lease, option, assignment, license, award by lottery or as a prize or any offer or so-

Changes or additions indicated by underline deletions by ~~strikeout~~

licitation of an offer to do any of the foregoing concerning a subdivision or any part of a subdivision.

Sec. 2. Minnesota Statutes, 1973 Supplement, Section 83.23, Subdivision 2, is amended to read:

Subd. 2. A filing fee of \$250 shall accompany the application for registration plus an additional \$1 for each lot unit, parcel or interest included in the offering. The maximum filing fee shall in no event be more than \$2,500.

Sec. 3. Minnesota Statutes, 1973 Supplement, Section 83.23, Subdivision 3, is amended to read:

Subd. 3. The application for registration of subdivided lands shall be filed with the commissioner as prescribed by rule. The application shall be signed and sworn to by the subdivider and shall include, but not be limited to the following documents and information:

(1) An irrevocable appointment of the commissioner to receive service of any lawful process in any civil proceeding arising under sections 83.20 to 83.42 against the subdivider, or his personal representative;

(2) A legal description of the subdivided lands offered for registration verified by affidavit of an independent professional land surveyor, a statement of the topography and a topographical map, together with a map showing the division proposed or made, the dimensions of the lots, parcels, units, or interests and the relation of the subdivided lands to existing streets, roads, and other off site improvements;

(3) The states or jurisdictions in which an application for registration or similar document has been filed and any adverse order, judgment, or decree entered in connection with the subdivided lands by any regulatory authority in any jurisdiction or by any court;

(4) The subdivider's name and address, and the form, date of organization and jurisdiction of its organization; and the name and address of each of its offices and agents in this state;

(5) The name, address and principal occupation for the past five years of every director, officer, and partner of the subdivider, every person occupying a similar status or performing similar functions, and each owner of ten percent or more of the subdivider; the extent and nature of his interest in the subdivider or the subdivided lands as of a specified date within 30 days prior to the filing of the application;

(6) A statement in a form acceptable to the commissioner of the condition of the title to the subdivided lands including all encumbrances, deed restrictions and covenants applicable thereto with data as to recording, as of a specified date within 30 days prior to the date

Changes or additions indicated by underline deletions by ~~strikeout~~

of application by a title opinion of a licensed attorney, not a salaried employee, partner, officer, or director of the subdivider or of its agent, or by other evidence of title acceptable to the commissioner;

(7) Copies of instruments which will be delivered to a purchaser to evidence his interest in the subdivided lands and of the contracts or other agreements which a purchaser will be required to agree to or sign, together with the range of selling prices, rates or rentals at which it is proposed to dispose of the lots, units, parcels or interests in the subdivisions, and a list of mandatory fees the purchaser may be required to pay for membership in groups including, but not limited to, homeowners associations, country clubs, golf courses and other community organizations;

(8) Copies of the instruments by which the interest in the subdivided lands was acquired or at the option of the commissioner, proof of marketable title to the subdivided lands;

(9) If there is a lien or encumbrance affecting the subdivision or any portion thereof, a legal description of the lien or encumbrance, a statement by the subdivider of his efforts to remove such lien or encumbrance, and a statement of the consequences and the steps, if any, taken to protect the purchaser in case of failure to discharge the lien or encumbrance;

(10) Copies of instruments creating, altering or removing easements, restrictions or other encumbrances affecting the subdivided lands;

(11) A statement of, and evidence showing compliance with, the zoning and other governmental laws, ordinances and regulations affecting the use of these subdivided lands and adjacent properties, together with dates of the most recent zoning changes stating the nature of such changes, and any proposed changes now pending, and also of any existing tax and existing or proposed special taxes or assessments which affect the subdivided lands;

(12) A statement of the existing provisions of access to the subdivision, the availability of sewage disposal facilities and other public utilities, including but not limited to water, electricity, gas and telephone facilities in the subdivision, the proximity in miles of the subdivision to nearby municipalities, the availability and scope of community fire and police protection, and the location of primary and secondary schools; a statement of the improvements to be installed, including off site and on site community and recreational facilities, by whom they are to be installed, maintained, and paid and an estimated schedule for completion; assurance that the planned improvements will be completed by filing of a ~~performance or completion bond covering~~, irrevocable letter of credit, depositing funds in an escrow, or such other provision as the commissioner may by order require, to cover all lots or parcels of a subdivision on which money is paid or advanced by

Changes or additions indicated by underline deletions by ~~strikeout~~

a purchaser, as required by the regulations of the commissioner;

(13) A narrative description of the promotional plan for the disposition of the subdivided lands together with copies of all advertising material which has been prepared for public distribution. Such advertising shall be considered as approved by the commissioner if no action has been taken after 30 days from the date received by the commissioner. ~~The subject matter of~~ Advertising material pictorial in nature shall be limited to a depiction of the actual on site condition of the subdivided lands as of the date of the effectiveness of the registration or other areas that are material to the offer or sale of subdivided land pursuant to this registration ;

(14) The proposed public offering statement;

(15) A financial statement of the subdivider as of the end of the subdivider's most recent fiscal year, audited by an independent certified public accountant; and, if the fiscal year end of the subdivider is in excess of 90 days prior to the date of filing the application, a financial statement, which may be unaudited, as of a date within 90 days of the date of application . The commissioner may by rule prescribe the form and content of financial statements required under this clause and the circumstances under which consolidated financial statements may or shall be filed ;

(16) A description of the land as it existed in its natural state, prior to development, and any changes that have occurred due to the subdivider's actions, current to the date of registration;

(17) A statement asserting that the subdivision is in compliance with federal, state and local environmental quality standards. If the subdivision is not in compliance, a listing of the steps to be taken, if any, to insure compliance;

(18) A statement of the permits required to be obtained from various federal, state and local agencies, stating which have been obtained, and which have been applied for. If any permit has been refused, the reasons for the refusal and the effect such refusal will have on subsequent development of the subdivision;

(19) A statement indicating whether or not the subdivider or any of its officers, directors, partners, principals or agents has been convicted of a crime involving land dispositions or any aspect of the land sales business in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any injunction or administrative order entered within the past ten years enjoining or restraining any promotional plan involving land dispositions. If either of the above has occurred, the name of the person involved, jurisdiction, offense and date of the offense shall be listed;

(20) A statement that the subdivider can convey or cause to be  
Changes or additions indicated by underline deletions by ~~strikeout~~

conveyed the interest in subdivided lands offered for disposition if the purchaser complies with the terms of the offer and when appropriate, that release clauses, conveyances in trust or other safeguards have been provided;

(21) Any additional information which the commissioner may by rule require for the protection of purchasers.

Sec. 4. Minnesota Statutes, 1973 Supplement, Section 83.23, Subdivision 4, is amended to read:

Subd. 4. If additional subdivided lands of the same subdivider are subsequently to be offered for disposition, the registration thereof may be consolidated with any earlier registration offering subdivided lands for disposition under the same promotional plan, if the additional subdivided lands are adjacent to those previously registered. An application for consolidation shall be accompanied by an amendment fee of \$50. The filing fee requirements of subdivision 2 of this section shall apply unless the maximum filing fee has been previously paid.

Sec. 5. Minnesota Statutes, 1973 Supplement, Section 83.30, Subdivision 1, is amended to read:

**[83.30] ANNUAL REPORT.** Subdivision 1. Within 30 days after each annual anniversary date of an order registering subdivided lands, the subdivider shall file a report in the form prescribed by rule of the commissioner. Every annual report shall be accompanied by a fee of \$100.

Sec. 6. Minnesota Statutes, 1973 Supplement, Section 83.38, is amended by adding a subdivision to read:

Subd. 3. For the purpose of rules and forms, the commissioner may by rule classify subdivisions, persons and matters within his jurisdiction, and prescribe different requirements for different classes.

Sec. 7. This bill is effective the day following final enactment.

Approved April 10, 1974.

---

**CHAPTER 441—H.F.No.2950**  
**[Coded in Part]**

*An act relating to the Minnesota housing finance agency; revising limitations upon agency bonds and notes; providing for rehabilitation loans and grants; appropriating money; amending Minnesota Statutes 1971, Sections 462A.02, Subdivisions 3, 6, and by adding a subdivision; 462A.03, by adding a subdivision; 462A.04, Subdivision 1; 462A.05, by adding subdivisions; 462A.07, Subdivisions 2, 3, 10, and by*

Changes or additions indicated by underline deletions by ~~strikeout~~